

MUNICIPAL PLANNING

Article 1. Generally

§11-101 MUNICIPAL LIMITS; DEFINED. All additions, lots, lands, subdivisions, and parcels of ground included within the official Municipal Map, and plat on file at the office of the County Register of Deeds, having been by act or ordinance of the Governing Body or by law duly annexed to or made a part of this Municipality, or having been by the act, authority, acquiescence, consent, platting, and dedication of their respective owners, created either as the original townsite or as additions to the Municipality are hereby declared to be within the corporate limits of the Municipality. Lawfully constituted additions or changes in said Municipal Limits shall be indicated upon said maps and plat by the Municipal Engineer after such addition or change has been completed in accordance with the ordinances of this Municipality and the laws of the State of Nebraska. (Ref. 17-405 through 17-426, 17-1002, 17-1003 RS Neb.)

§11-102 ORIGINAL PLATS. Each and all plats, lots, blocks, additions, subdivisions, outlots, and parcels of ground included within the corporate limits of the Municipality, and not vacated of record prior to the enactment of this Chapter, including the Original Plat of the Municipality, are hereby accepted, approved, and confirmed as valid, and each and all of said lots, blocks, additions, subdivisions, and outlots as heretofore platted and recorded in the office of the County Register of Deeds, and not heretofore vacated, and all other parcels of ground, included within said corporate limits, are hereby declared to be within said Municipality and an integral part thereof. (Ref. 17-405 through 17-426, 17-1002, 17-1003 RS Neb.)

§11-103 SUBDIVISIONS AND ADDITIONS. (1) Any person who wishes to subdivide lots within the corporate limits of the City may make an application to subdivide said lots on forms provided by the Office of the City Clerk. Said forms shall be submitted in duplicate and shall include, but not be limited to, the name of the landowner; a legal description of the lots to be subdivided; the name of the purchaser of said lots or subdivided lots, if any; a specific explanation of the subdivision being requested; the reasons for requesting the subdivision; and the date the application is submitted to the Office of the City Clerk.

§11-105 **SURVEYOR'S CERTIFICATE.** The map or plat shall be accompanied by a certificate from the surveyor making said survey and plat, that he accurately surveyed the said tract and that the lots, blocks, streets, avenues and alleys are accurately shown upon the said map or plat. (Ref. 17-405, 17-1003, 19-902 RS Neb.)

§11-106 **DEDICATION.** Said map or plat shall have written thereon, or attached hereto, a dedication to this Municipality for the use of the public, of all streets, avenues, alleys, parks, squares, and commons, and all land set apart for public use or dedicated to charitable, religious, and educational purposes as therein mentioned and described. Such dedication shall be signed by the owner of the tract of land, and shall be duly acknowledged as required by law. (Ref. 17-405, 17-417, 17-1003 RS Neb.)

§11-107 **STREETS AND ALLEYS.** Streets and alleys laid out in any addition to or in any suburban development of the Municipality shall be continuous with and correspond in direction and width to the streets and alleys of the Municipality to which they are an addition. (Ref. 17-405, 17-418, 17-1003 RS Neb.)

§11-108 **APPROVAL OF PLAT.** Before any such map or plat shall have any validity, it must first be submitted to and be approved and accepted by the Governing Body of the Municipality. Where the County has both adopted a comprehensive development plan and is enforcing subdivision regulations, and the proposed subdivision plat both contemplates public streets or improvements, and lies partially or totally within the extraterritorial subdivision jurisdiction being exercised by the County, then the County Planning Commission shall be given six (6) weeks to officially comment on the appropriateness of the design and improvements proposed in the plat. The review period for the Commission shall run concurrently with subdivision review activities of the Municipality after the Commission receives all available material for a proposed subdivision plat. The map or plat must have such acceptance and such acceptance and approval endorsed thereon; provided, that before any such map, or plat shall be considered, approved, or accepted, the owner, or proprietor shall pay, or cause to be paid, all taxes, special taxes, and special assessments due thereon, and shall produce a certificate showing that all such taxes and assessments have been paid or cancelled. (Ref. 17-405, 17-1002, 19-902 RS Neb.)

§11-109 RECORDING PLAT. If a majority of all members of the Governing Body shall vote in favor of such suburban development or annexation, an ordinance shall be prepared and passed by the Governing Body granting such approval or declaring the annexation of such territory to the corporate limits of this Municipality, and extending the limits thereof accordingly, whichever is appropriate. An accurate map, or plat of such territory and said dedication as hereinbefore described, certified by the engineer or surveyor, and acknowledged and approved as provided by law in such cases, shall at once be filed and recorded by the owner or proprietor of such land in the office of the Register of Deeds of the County, together with a certified copy of the ordinance granting approval or declaring such annexation, under the seal of said Municipality. (Ref. 17-405, 17-416, 17-417, 17-1002, 19-902 RS Neb.)

§11-110 ADDITIONS. All additions to this Municipality which have heretofore been approved and accepted, or which may hereafter be laid out in accordance with the provisions herein and accepted and approved, shall be and become incorporated in this Municipality for all purposes whatsoever, and inhabitants of such additions shall be entitled to all the rights and privileges and be subject to all the laws and regulations of said Municipality. (Ref. 17-405, 17-405.04, 17-416, 17-417, 17-1002, 19-902 RS Neb.)

§11-111 VIOLATION; PENALTY. Any person, whether as owner, proprietor, or as the agent, attorney, or representative of any owner or proprietor of land who shall plat, or subdivide any tract of land within the corporate limits of the Municipality, or adjoining, and contiguous to the same, except as herein authorized, or who shall sell, transfer, deed or convey, contract, or agree to sell, transfer, or offer for sale any lot, or piece of ground in any addition, or subdivision of three (3), or more parts within said corporate limits, or adjoining, and contiguous thereto, without having first obtained the acceptance, and approval of the plat, or map thereof by the Governing Body, and any person who shall violate, or who shall fail, neglect, or refuse to comply with any of the provisions hereinbefore, as now existing, or as hereafter amended, shall, upon conviction, be fined in any sum not exceeding fifty (\$50.00) dollars for each lot or part of lot sold, disposed of, leased, or offered for sale. (*Ref. 17-426 RS Neb.*)

Wakefield Code

Article 2. Flood Plain

§11-201 FLOOD PLAIN REGULATIONS; ADOPTED. For the purpose of setting minimum standards to promote the public health, safety, morals, convenience, order, prosperity, and general welfare of the community, the Flood Plain Regulations for the City of Wakefield, Nebraska, have been amended into the Wakefield Zoning Regulations as District F-1 Flood Plain Overlay District, by ordinance adopted February 10, 2016. *(Amended by Ord. No. 6-2016, 2/10/16)*

Wakefield Code

Article 3. Mobile Homes and Mobile Home Parks

§11-301 MOBILE HOMES AND MOBILE HOME PARKS; DEFINITIONS. The following definitions shall be applied throughout this Article. When no definition is specified, the normal dictionary usage of the word shall apply.

BOARD OF HEALTH. Board of Health as created in Chapter 2, Article 2 of this Code.

FIRE PREVENTION AUTHORITY. The Wakefield Volunteer Fire Department.

LICENSE. A written license issued by the Governing Body permitting the trailer house court to operate under this Code and any regulations promulgated thereunder. Licenses issued under the terms of this Article convey no right to erect any building and are not transferable.

MOBILE HOME. A movable or portable dwelling constructed to be towed on its own chassis, connected to utilities, and designed with or without a permanent foundation for year-round living. It may consist of one (1) or more units that can be telescoped when towed and expanded later for additional capacity, or of two (2) or more units, separately towable but designed to be joined into one (1) integral unit.

MOBILE HOME LOT. A designated portion of a mobile home park designed for the accommodation of one mobile home and its accessory buildings or structures for the exclusive use of the occupants.

MOBILE HOME PARK. A parcel or contiguous parcels of land which have been so designated and improved that it contains two (2) or more mobile home lots available to the general public for the placement thereon of mobile homes for occupancy. **MOBILE HOME PARK** shall not be construed to include mobile homes, buildings, tents, or other structures temporarily maintained by any individual, corporation, limited liability company, company, or other entity on its own premises and used exclusively to house its own labor force.

STREET. Any public street, avenue, road, alley, or highway, located in the Municipality and established for the use of vehicles, the boundaries of which are hereby determined to be the outer boundaries of said street, avenue, road, or alley, as platted and dedicated as shown

by the official records of the Municipality and the County as shown on the official records in the office of the County Clerk as official streets, avenues, roads, or alleys within the corporate limits.

TRAVEL TRAILER, CAMPER, AND CONVERTED BUS. Any portable structure or vehicle supported upon its own axle or axles used upon the public streets or highways and duly licensable as such and constructed in such a manner as will permit occupancy thereof as a dwelling or sleeping place for one (1) or more persons for a limited or temporary time or basically designed for travel or camping purposes, propelled or drawn by its own or other motive power. (*Ord. No. 1-2011, 2/9/11*)

§11-302 MOBILE HOMES AND MOBILE HOME PARKS; LICENSE REQUIRED. (1) It shall be unlawful for any person to construct, maintain, operate, or alter any mobile home park within the corporate limits unless he shall hold a valid license, from the Governing Body, in the name of such person for the specific mobile home park. All applications for a license shall be made to the Governing Body which shall issue a license upon a showing of compliance by the applicant with provisions of this Code relative to mobile home parks. No license shall be transferable. All licenses shall be issued for the calendar year applied for and shall expire at midnight on December 31 of such year, but may be renewed under the provisions of this Article for additional periods of one (1) year. A license fee as set by resolution of the Governing Body shall accompany each application for a license or the renewal of an existing license.

(2) Every person holding such a license shall give notice in writing to the Municipal Clerk within seventy-two (72) hours after having sold, transferred, given away, or otherwise disposed of any interest in or control of any mobile home park. Such notice shall include the name and address of the person succeeding to the ownership or control of such mobile home park. Applications for a license shall be in writing, signed by the applicant, and accompanied by an Affidavit of the applicant as to the truth of the application, and shall contain the following:

- (a) The name and address of the applicant;
- (b) The location and legal description of the mobile home park;
- (c) A complete plan of the mobile home park, showing compliance with all applicable provisions of this Code and regulations promulgated thereunder;
- (d) Such further information as may be requested by the Board of Health to enable it to determine that the proposed mobile home park will comply with legal requirements.

(3) Mobile home parks in existence at the time of adoption of this Article may be granted an annual provisional license allowing them to continue operation for a maximum period of six (6) months, after which time they shall meet and be in compliance with the mobile home park requirements of this Article. Individual mobile homes shall be given a maximum of one (1) month from the effective date of this Article with which to reach compliance; otherwise the operation of the mobile home park shall be declared invalid and a report thereof shall be filed by the Building Inspector with the Governing Body which shall take appropriate action in accordance with section 11-306 of this Code. All new mobile home parks or additions to existing mobile home parks must comply with all restrictions and requirements imposed by this Article or any amendment of the same.

(4) In no case shall any mobile home be moved into any mobile home park that does not hold a valid permit from the City or onto an existing mobile home lot which does not comply with the area and yard requirements of this Article.

(5) Annual inspections of the mobile home park shall be made or caused to be made by the Building Inspector to ensure compliance with the provisions of this Article and a copy thereof filed with the appropriate State regulatory authority, if any. Those mobile home parks having deficiencies shall be notified of the deficiencies and allowed thirty (30) days in which to correct them. At the end of the thirty (30)-day period, the Building Inspector shall determine if the deficiencies have been corrected; and if they remain uncorrected, he shall file a report of same with the Governing Body who shall act thereon in accordance with section 11-306 of this Code.

(6) The Building Inspector or his duly authorized representatives shall have the right, and are hereby empowered, to enter any premises on which any mobile homes or travel trailers are located, or are about to be located, and to inspect the same and all accommodations connected therewith at any reasonable time. (*Ord. No. 1-2011, 2/9/11*)

§11-303 MOBILE HOMES AND MOBILE HOME PARKS; MAINTENANCE. All mobile home parks shall be maintained under the management and supervision of the owner or person in control of the premises on which the same is located, or of a duly authorized representative of such owner, who shall be personally responsible for the maintenance of such mobile home park in accordance with all sanitary and fire protection rules and regulations of the Municipality and the State of Nebraska. (*Ord. No. 1-2011, 2/9/11*)

§11-304 MOBILE HOMES AND MOBILE HOME PARKS; SUPERVISION/INSPECTION. (1) All mobile home parks shall be under the supervision of the Board of Health which shall recommend to the Governing Body such additional rules and regulations as may be deemed advisable or necessary for the sanitation, safety, and proper maintenance of said mobile home parks.

(2) The Building Inspector shall have the right and is hereby empowered to enter upon any premises on which any mobile homes, travel trailers, converted bus, or campers are or are about to be located and inspect the same and all accommodations connected therewith at any reasonable time. (*Ord. No. 1-2011, 2/9/11*)

§11-305 MOBILE HOMES AND MOBILE HOME PARKS; MANAGEMENT. (1) In every mobile home park there shall be a designated office in which shall be located the office of the person in charge of said mobile home park. A copy of the mobile home park license issued by the Governing Body shall be posted therein at all times.

(2) It is hereby made the duty of the owner, together with the licensee, to:

(a) Keep at all times a register of the tenant of each mobile home and of the owner of each mobile home occupying a mobile home lot within the mobile home park which register shall be open at all times to inspection by officers of the Municipality showing for all such persons:

1. Names and addresses;
2. Commencement and termination dates of the lease for each mobile home lot;
3. Title number and/or identification number of all mobile homes;
4. Maximum occupant capacity of each mobile home;

(b) Maintain the mobile home park in a clean, orderly and sanitary condition at all times;

(c) Report to the Board of Health all cases of persons or animals infected or suspected of being infected with any communicable disease;

(d) Prohibit the use of any mobile home by a greater number of occupants than that which it is designated to accommodate. *(Ord. No. 1-2011, 2/9/11)*

§11-306 MOBILE HOMES AND MOBILE HOME PARKS; REVOCATION OF LICENSE.

A license to establish and maintain a mobile home park may be revoked by the Governing Body for cause, at any time, for a violation of the provisions of this Code or of the rules and regulations relating to mobile homes and/or mobile home parks or for any other cause or conduct, reasonably deemed by the Governing Body as sufficient cause for revocation of such license. Before the revocation of such license, the Governing Body shall cause to be served on the owner of such mobile home park a notice to appear and show cause on a specified day and at a specified time, why the license for his mobile home park should not be revoked. Such notice to show cause may be served by mailing the same in the United States mails to the address of the owner given in his application for the mobile home park license with sufficient postage affixed thereto. The owner of the mobile home park involved shall be given reasonable opportunity to be heard at the time fixed for his appearance

to show cause, and no license for such mobile home park shall be revoked until the owner has been heard at the designated time if he desires to be heard. In the event that the license of a mobile home park is revoked and at a later date the necessary corrections are made to bring the mobile home park into compliance with the provisions of this Article, the owner must reapply for a license and pay the license application fee. (*Ord. No. 1-2011, 2/9/11*)

§11-307 MOBILE HOMES AND MOBILE HOME PARKS; PROHIBITED LOCATION. After the effective date hereof, except as otherwise provided herein, it shall be unlawful for any person to park a mobile home within the corporate limits of the City for purposes of using said mobile home as a dwelling or sleeping place for one (1) or more persons, except in a designated and approved mobile home park for which a permit has been issued and is currently valid. (*Ord. No. 1-2011, 2/9/11*)

§11-308 MOBILE HOMES AND MOBILE HOME PARKS; PROHIBITED PARKING. It shall be unlawful for any person to park any mobile home, travel trailer, camper or converted bus on any official street, road, avenue, alley, or highway within the corporate limits between the hours of ten o'clock (10:00) p.m. and six o'clock (6:00) a.m. and/or at such other times and places as set forth in section 5-402.02 of the Wakefield Municipal Code and any other and further prohibitions, regulations, or limitations imposed by the traffic and parking regulations of the City of Wakefield. (*Ord. No. 1-2011, 2/9/11*)

§11-309 MOBILE HOME PARKS; AUTHORIZED LOCATION; NUMBER OF MOBILE HOMES ALLOWED. (1) Mobile home parks shall be located on well-drained sites, and shall be so located that drainage will not endanger any water supply. All such mobile home parks shall be in areas free from marshes, swamps, or other potential breeding places for insects or rodents. The area of the mobile home park shall be large enough to accommodate the following:

(a) The designated number of mobile home lots;
(b) Necessary streets and roadways;
(c) Parking areas for motor vehicles;
(d) Service areas and playgrounds for mobile home parks in which independent mobile homes only are parked.

(2) Mobile home parks shall have a maximum density of seven (7) mobile homes per gross acre and a minimum area of four thousand (4,000) square feet shall be provided for each mobile home space.

(3) Each mobile home lot shall be clearly defined and each mobile home space shall be at least forty (40) feet wide at the front setback line.

(4) All mobile homes shall be so located to maintain a clearance of not less than twenty (20) feet from another mobile home and as to maintain a clearance of not less than fifteen (15) feet between any mobile home and any appurtenance to a mobile home.

(5) Each mobile home lot shall abut on a driveway with unobstructed access to a public street and shall be numerically designated for address and mail purposes and have its own mailbox.

(6) It shall be illegal to park a mobile home less than two (2) feet from any street or highway right-of-way, or so that any part of such mobile home will obstruct any roadway or walkway.

(7) It shall be illegal to allow any mobile home to remain while being occupied for dwelling or sleeping purposes in a mobile home park unless a mobile home lot is available.

(8) All mobile home lots shall front upon a private roadway of not less than twenty-four (24) feet in width; provided, however, that no on-street parking is permitted. If parallel parking is permitted on one side of the street, the width shall be increased to thirty-two (32) feet. All roadways shall have unobstructed access to a public street.

(9) Areas shall be provided for the parking of motor vehicles. Such areas shall have motor vehicle parking spaces in a number equal to or in excess of two (2) spaces per dwelling unit.

(10) Playground areas, when required, shall be provided, and shall be restricted to such use. These areas shall be protected from the main highway and from parking areas. A minimum of two hundred (200) square feet per mobile home lot shall be made available in one (1) or more places for such playground areas. (*Ord. No. 1-2011, 2/9/11*) (*Amended by Ord. No. 5-2016, 2/10/16*)

§11-310 MOBILE HOMES AND MOBILE HOME PARKS; ALTERATIONS OR ADDITIONS.

(1) No permanent enclosed additions of any kind shall be built unto, nor become a part of, any mobile home. Skirting on mobile homes with materials approved by the Building Inspector is required. Such skirting shall not attach the mobile home permanently to the ground, provide a harborage for rodents, or create a fire hazard.

(2) The wheels of the mobile home shall not be removed, except temporarily when necessary for repairs. Jacks or stabilizers may be placed under the frame of the mobile home to prevent movement on the springs while the mobile home is parked and occupied. Each mobile home shall be anchored or secured to the ground in conformance with the manufacturer's directions and in such a manner so as not to void the manufacturer's warranty. In the absence of any such manufacturer's directions, four (4) anchors for each mobile home approved by the Building Inspector shall be provided and installed by the owner of each mobile home or by the owner of the mobile home park. Each mobile home shall be anchored as soon as possible after being placed on the mobile home lot. Failure to anchor all mobile homes shall be cause for loss of the mobile home park license. (*Ord. No. 1-2011, 2/9/11*)

§11-311 MOBILE HOMES AND MOBILE HOME PARKS; WATER SUPPLY AND SANITARY SEWER.

(1) All mobile homes within a mobile home park shall be individually served by an adequate supply of pure water, furnished through a pipe distribution system connected directly with a Municipal water main, with supply outlets located at every mobile home lot.

(2) All mobile homes within a mobile home park shall be equipped with flush-type toilets and be connected to the City sewer system. (*Ord. No. 1-2011, 2/9/11*)

§11-312 MOBILE HOMES AND MOBILE HOME PARKS; APPLICABILITY OF PLUMBING, ELECTRICAL AND BUILDING CODES.

All plumbing, electrical, building, and other work on any mobile home or in any mobile home park shall be done in accordance with the laws of the Municipality regulating such work.

The mobile home park owner or operator shall not allow unqualified personnel to perform any maintenance or hook-up of utilities to any mobile home in the park. *(Ord. No. 1-2011, 2/9/11)*

§11-313 MOBILE HOMES AND MOBILE HOME PARKS; LIABILITY FOR UTILITY BILLS. The occupant(s) of each mobile home shall be primarily liable for all utility service bills charged against each mobile home and shall make monthly remittances to the Municipality for such bills. *(Ord. No. 1-2011, 2/9/11)*

§11-314 MOBILE HOMES AND MOBILE HOME PARKS; PERMITTED EXCEPTIONS. (1) Mobile homes commonly referred to as "double wide" or any other mobile home or mobile homes having a minimum outside width of twenty (20) feet and containing eight hundred (800) square feet or more of living space, when placed upon a permanent foundation or support, with axle, wheels and towing apparatus removed, on premises owned or leased by the owner of said mobile home, when used as a residence or for a trade or business shall be exempt and excepted from the provisions of this Article.

(2) Any mobile home which qualifies under the exceptions herein shall be so located and placed in such a manner that the same shall comply with the Municipal Building Code, and further shall comply and be so placed in such a manner as to safeguard the health and safety of the occupants of the mobile home and of the general public. *(Ord. No. 1-2011, 2/9/11)*

§11-315 MOBILE HOMES AND MOBILE HOME PARKS; PARKING/TEMPORARY STORAGE. No person shall park or occupy any mobile home, travel trailer, camper or converted bus on the premises of any occupied dwelling, or on any other type of lot situated outside of a licensed mobile home park or travel trailer campground. Provided, however, that the parking of one (1) unoccupied travel trailer in an accessory private garage building or in a rear yard in any district is permitted provided that no living quarters shall be maintained or any business practiced in the travel trailer while

so parked or stored. Temporary parking of an occupied or unoccupied travel trailer for a period not to exceed seven (7) consecutive days is permitted on private property. (*Ord. No. 1-2011, 2/9/11*)

§11-316 MOBILE HOMES AND MOBILE HOME PARKS; MINIMUM STANDARDS. Mobile homes placed within the corporate limits of the City shall be well maintained and have no unsightly appearances. Each mobile home shall have a minimum of two (2) exits in working condition and approved smoke detector(s) placed in each sleeping room and at a point centrally located in the corridor or area giving access to each sleeping area. Whenever a mobile home, used or intended to be used for dwelling purposes, is determined by the Building Inspector not to meet minimum health, safety, and appearance standards because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities or otherwise, such mobile home shall be repaired to City specifications before occupancy or removed from the City. (*Ord. No. 1-2011, 2/9/11*)

§11-317 MOBILE HOMES AND MOBILE HOME PARKS; PLACEMENT PERMIT. The mobile home park owner shall submit a permit application to the Building Inspector before a mobile home is allowed to be placed in a new or vacated mobile home lot in the owner's park. Such permit application shall include the mobile home owner's name, the make/model/size of the mobile home, the date and time of the anticipated arrival, and the lot location assigned. (*Ord. No. 1-2011, 2/9/11*)

§11-318 MOBILE HOMES AND MOBILE HOME PARKS; INSPECTION AND FEE. Upon receipt of the placement permit application, the Building Inspector shall inspect the subject mobile home prior to utility hook-up and occupancy of the mobile home to insure compliance with the provisions of this Article. A non-refundable inspection fee set by resolution of the Governing Body shall be paid by the mobile home owner to the City Clerk. (*Ord. No. 1-2011, 2/9/11*)

§11-319 MOBILE HOMES AND MOBILE HOME PARKS; UNLAWFUL OCCUPANCY. It shall be unlawful and a violation of this Article for any person to occupy for residential purposes or for the purpose of a home occupation any mobile home which is not so located, maintained or equipped as to fully comply with the provisions and requirements of this Article. *(Ord. No. 1-2011, 2/9/11)*

Wakefield Code

Article 4. Designation of Wellhead Protection Area;
Drilling and Operation and Other Underground Facilities

§11-401 ADOPTION AND DESIGNATION OF WELLHEAD PROTECTION AREA. The City of Wakefield, Nebraska, hereby adopts and declares the Wellhead Protection Area for the City of Wakefield to include the entire area as shown on the map approved by the Nebraska Department of Environmental Quality dated August, 2012; the same is attached hereto and incorporated herein by reference as if fully set forth. (*Ord. No. 15-2005, 11/9/05*) (*Amended by Ord. No. 12-2012, 11/14/12*)

§11-402 DRILLING AND OPERATION OF WELLS, AND OTHER UNDERGROUND FACILITIES OR CONTAMINATING FACILITIES WITHOUT PERMIT UNLAWFUL.

(1) From and after the effective date of this Article, it shall be unlawful for any person, corporation or other legal entity to drill and/or operate any of the following facilities within:

- (a) The corporate limits of the City of Wakefield, and
- (b) The one-mile zoning jurisdiction beyond the City limits of the City of Wakefield, and

(c) The Wellhead Protection Area of the City of Wakefield, without first having obtained the proper permit from the Governing Body of the City of Wakefield, to wit: Water well, potable water well; any other well; sewage lagoon; absorption or disposal field for water; cesspool; dumping grounds; feedlot; livestock pasture or corral; chemical product storage facility; petroleum product storage facility; pit toilet; sanitary landfill; septic tank; sewage treatment plan, and sewage wet well.

(2) The term WATER WELL shall mean any excavation that is drilled, corralled, bored, washed, dug, driven, jetted or otherwise constructed for the purpose of exploring for ground water, monitoring ground water, utilizing the geothermal property of the ground or extracting water from or injecting water into the underground water. WATER WELL shall not include any excavation made for obtaining or prospecting for oils, natural gas, minerals or products mined or

quarried or inserting media to repressure oil or natural gas bearing formation. (*Ord. No. 361, 12/2/92*) (*Amended by Ord. No. 15-2005,11/9/05*)

§11-403 PROCEDURE TO OBTAIN PERMIT. (1) In order to obtain a permit to drill and/or operate any of the facilities listed in section 11-402, the owner of property on which the proposed facility is to be located, must make application on the proper form provided by the Governing Body of the City of Wakefield. Such application shall include supporting information indicating why approval would not adversely impact the municipal water supply and ground water. The application shall be presented to the City Council for approval or denial at any regular or special meeting. Prior to acting upon the application, the City Council may seek an engineering report, recommendations of the Natural Resources District, the Nebraska Department of Environmental Quality, or any other party or agency in evaluating the impact of the proposed facility or activity on the municipal water supply. A permit shall be issued only after the City Council determines that the facility or activity is unlikely to contaminate or pollute the municipal water supply and ground water. Drilling or construction of any of the facilities listed in section 11-402 shall not be started unless a permit is first obtained and approved by the City Council.

(2) Replacement or repair of existing properly registered agricultural irrigation wells, when done in an expedited or emergency status process by the Natural Resources District, shall be exempt from the City Council permit process but must meet all requirements of the Natural Resources District and the setback distance requirements of section 11-404. (*Ord. No. 361, 12/2/92*) (*Amended by Ord. No. 15-2005,11/9/05*)

§11-404 DRILLING OR INSTALLATION OF OTHER FACILITIES WITHIN DESIGNATED DISTANCE FROM MUNICIPAL WATER SOURCES PROHIBITED. (1) It shall be unlawful to place, maintain, construct, or replace any of the following structures or conduct any of the following activities within

the distance specified below from any existing Municipal water well, water storage tank, lift station, sewer main or existing underground water main. Under no circumstances shall the City Council approve any permit to drill or operate any of the below described facilities within the indicated number of feet from specified City utilities.

Facility	Distance Limitation
City water main	500 feet
Open storm sewer runoff ditch	50 feet
Potable water well	1,000 feet
Sewage lagoon	1,000 feet
Absorption or disposal field for water	500 feet
Cesspool	500 feet
Dumping ground	500 feet
Feedlot or feedlot runoff	500 feet
Livestock pasture or corral	500 feet
Chemical product storage facility	500 feet
Petroleum product storage facility	500 feet
Pit toilet	500 feet
Sanitary landfill	500 feet
Septic tank	500 feet
Sewage wet well	500 feet
Sanitary sewer connection	100 feet
Sanitary sewer manhole	100 feet
Sanitary sewer line	50 feet
Sanitary sewer line (permanently water tight)	10 feet

(2) No open frontage road past well sites shall be allowed.

(Ord. No. 361, 12/2/92) (Amended by Ord. No. 15-2005, 11/9/05)

§11-405 WATER WELLS, FACILITIES OR ACTIVITIES IN EXISTENCE AND USE. Water wells, facilities or activities regulated pursuant to section 11-402 which are in existence and use as of the effective date of this Article shall continue to be permitted

unless such continued existence or use, in the opinion of the City Council, presents a hazard to the municipal water supply or ground water. If the City Council determines that an existing water well, facility or activity presents a hazard, the City Council shall authorize the City Administrator to notify the owner of the water well, facility or activity to cease and desist the use or maintenance of said water well, facility or activity. If said owner desires to continue operation of said water well, facility or activity, the owner may make application for a permit pursuant to this Article. If the owner does not cease or desist pursuant to this Article, the City Administrator may proceed pursuant to section 11-406 against said owner of the water well, facility or activity. (*Ord. No. 15-2005, 11/9/05*)

§11-406 PENALTIES AND ABATEMENT PROCEDURES.

In the event any of the above described water wells, facilities or activities are installed or operated without first having obtained a permit from the City of Wakefield and/or within a designated number of feet from the municipal water supply, then such facilities shall be deemed a public nuisance and the Governing Board may proceed to abate such nuisance pursuant to Chapter 4, section 4-303 of the Wakefield Municipal Code. In addition thereto, any person who shall violate or refuse to comply with the enforcement of any of the provisions of this Article shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than five hundred dollars (\$500.00) for each offense. A new violation shall be deemed to have been committed every twenty-four (24) hours that such person is in violation of the provisions of this Article. (*Ord. No. 361, 12/2/92*) (*Amended by Ord. No. 15-2005, 11/9/05*)

Article 5. Zoning and Subdivision Regulations

§11-501 COMPREHENSIVE PLAN, ZONING REGULATIONS, OFFICIAL ZONING MAP ADOPTED.

(1) *Comprehensive Plan.* That a certain document, one (1) copy of which is on file in the office of the City Clerk, being marked and designated as the City of Wakefield, Nebraska, Comprehensive Plan 2025, be and hereby is adopted to properly guide the development of the City by appropriate and specific planning goals and policies, including goals and policies for land use and development, housing, public services and utilities, circulation and transportation, commercial and industrial development, and capital improvements to the City.

(2) *Zoning Regulations.* For the purpose of setting minimum standards to promote the public health, safety, morals, convenience, order, prosperity, and general welfare of the community of Wakefield, 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 Wakefield, 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 section as if set out in full. One (1) copy of the zoning regulations shall be maintained by the City Clerk at the City office and shall be available for public inspection during regular office hours.

(3) *Zoning Map.* The City of Wakefield, Nebraska and certain properties within and up to one (1) mile 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 Wakefield. The

official zoning map shall be identified by the signature of the Mayor, attested to by the City 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 the Chapter 11, Article 5, Section 11-501 of the Wakefield, Nebraska zoning regulations adopted by Ordinance 4-2016 on February 10, 2016, and supersedes all previous zoning maps"

(Ord. No. 364, 6/2/93) (Amended by Ord. Nos. 4-2005, 6/1/05; 6-2012, 7/11/12; 7-2012, 7/11/12; 4-2016, 2/10/16)

§11-502 SUBDIVISION REGULATIONS; INCORPORATED BY REFERENCE. To provide for harmonious development of the Municipality and its environs; for the integration of new subdivision streets with other existing or planned streets or with other features of the Comprehensive Plan; for adequate open spaces for traffic, recreation, light, air; for the distribution of population and traffic in a manner which will tend to create conditions favorable to health, safety, convenience, or prosperity; to insure conformance of subdivision plans with capital improvement programs of the Municipality; and to secure equitable handling of all subdivision plans by providing uniform procedures and standards for observance by subdividers and the Planning Commission and the Governing Body, the Subdivision Regulations of the City of Wakefield, as prepared by the City of Wakefield, and adopted by Ordinance 5-2005, June 1, 2005, including any amendments thereto as may be made therein from time to time, are hereby incorporated by reference herein as if set out in full. One (1) copy of the Subdivision Regulations shall be kept on file with the City Clerk and available for public inspection during regular office hours. *(Ord. No. 5-2005, 6/1/05)*

Article 6: Economic Development Program

§11-601 ESTABLISHMENT OF THE ECONOMIC DEVELOPMENT PROGRAM. As approved by the voters of the city at a special election held on March 13, 2007 and set out in Ord. No. 1-2009, an Economic Development Program is hereby established and adopted as if set out in its entirety. (*Ord. No. 1-2009, 1/14/09*)

Wakefield Code

Article 7. Penal Provision

§11-701 VIOLATION; PENALTY. Any person who shall violate or refuse to comply with the enforcement of any of the provisions of this Chapter, set forth at full length herein or incorporated by reference shall be deemed guilty of a misdemeanor and upon conviction, thereof, shall be fined not more than five hundred (\$500.00) dollars for each offense, recoverable with costs. A new violation shall be deemed to have been committed every twenty-four (24) hours of such failure to comply. *(Ref 17-505 RS Neb) (Amended by Ord. No. 7-2009, 11/11/09)*

Wakefield Code

Wakefield Code