

MAIN TOWNSHIP
ORDINANCE NO. 3 OF 2014
WELL REGULATION ORDINANCE

IT IS HEREBY ENACTED AND ORDAINED by the Board of Supervisors of Main Township, Columbia County, Pennsylvania, as follows:

SECTION 1. TITLE

This Ordinance shall be known as the "Main Township Well Ordinance."

SECTION 2. PURPOSE

The intention of this Ordinance is to insure and protect the quality and suitability of domestic water supply to those properties in the Township which are subject to this Ordinance, and to secure and maintain the minimum required isolation distance as set forth in the Ordinance.

SECTION 3. APPLICATION

From the effective date hereof, this Ordinance shall apply to all wells that are to be installed, drilled and/or constructed on lots and/or plots of land which are two (2) acres or less and which are not in operation or operable at the effective date of this Ordinance. This Ordinance shall further apply to the reconstruction, major repair, and other changes to existing wells, when, in the opinion of the Township Zoning Officer/Code Enforcement Officer, such reconstruction, major repair, and other changes may affect the quality and suitability of the water supply of the property upon which the well is constructed or surrounding properties.

SECTION 4. DEFINITIONS

All words and phrases not otherwise defined herein shall have the meaning provided in Webster's Unabridged Dictionary.

SECTION 5. PERMITS AND INSPECTION

- (a) All permits shall be issued on a form provided by the Township, which shall be executed by the Township Zoning Officer/Code Enforcement Officer.
- (b) No well permit shall be issued for a particular property, which is subject to this Ordinance, until a sewage permit has been issued for said property.
- (c) Upon receipt of any application for a well permit, the Township, through its' duly authorized Township Zoning Officer/Code Enforcement Officer, shall within thirty (30) days perform an inspection of the premises on which the well is proposed to be constructed. The inspection shall be conducted in accordance with the provisions of this Ordinance. Upon completion of the inspection, the Township Zoning Officer/Code Enforcement Officer shall either:

- (1) Issue a permit to the applicant indicating the approved location for the well and the special instructions for construction, if any; or,
 - (2) Refuse to issue the said permit, and, in such event, shall provide the applicant with written reasons for such refusal
- (d) Upon the completion of construction, or at such other time as the Township Zoning Officer/Code Enforcement Officer may deem appropriate, the Township, through its' Township Zoning Officer/Code Enforcement Officer shall perform a final inspection of the well to determine whether there has been compliance with the permit issued. Upon completion of the said inspection, the Township Zoning Officer/Code Enforcement Officer shall:
- (1) Issue an approval of well operation upon the original permit, or
 - (2) Deny such approval due to non-compliance with the permit issued, in which latter event written reasons for such denial shall be noted on the original permit.

SECTION 6. FEES

All applications for a well permit shall be accompanied by a fee payable to Main Township in accordance with a schedule of fees established by resolution of the Board of Supervisors of Main Township.

SECTION 7. EFFECTIVE DATE OF PERMITS

All permits shall be in effect as of the date of issuance, and shall remain in effect for a period of two (2) years thereafter. In the event that construction under the permit has not been completed at the expiration of two (2) years from the date of issuance, the permit shall cease and terminate.

SECTION 8. WELL LOCATION, SETBACKS AND SEALING

- (a) All wells which are subject to this Ordinance shall, if reasonably possible, be located at least one hundred (100) feet from any property utilized for agricultural purposes. If the one hundred (100) foot isolation distance cannot reasonably be achieved, the well shall be kept as far as reasonably possible from the property being utilized for agricultural purposes, after review and approval of said location by the Township Zoning Officer/Building Code Officer.
- (b) The applicant shall present an accurate scale plan showing the location of all existing or proposed wells, setback lines for wells, and existing or proposed sewage disposal drain field and septic tanks on the lands of the applicant, and on any immediately adjoining lands, that may be affected by this Ordinance. The plan shall be the same scale plan as submitted for the sewage permit for the subject property, if a sewage permit has been issued for said property.

- (c) Well permits may be denied if drilling a well at a proposed location is not possible due to the setback requirement.
- (d) The setback provisions set forth in this Ordinance shall be in addition to all other horizontal isolation distances contained in 25 Pa. Code, Chapter 73, as the same may be amended from time to time. Each applicant is required to comply with all other minimum horizontal isolation distances.
- (e) All wells which are subject to this Ordinance shall be grouted utilizing materials acceptable to the Code Enforcement Officer in the space between the drilled hole and the casing (the annular space) from the bottom of the casing until the grout appears at the surface of the ground. Such grout material may consist of neat cement or bentonite

SECTION 9. VIOLATIONS

Any person violating any of the terms or provisions in this Ordinance shall, upon conviction thereof before a District Justice, be subject to a penalty in the amount not less than \$300.00 nor more than \$1,000 for each offense. Each day that a violation of any provision of this Ordinance continues shall constitute a separate and distinct offense. In addition to the foregoing, in the event there is a violation or notice of violation of this Ordinance, The Township Zoning Officer/Code Enforcement Officer is authorized to deny issuance of any building permit and certificate of occupancy for property which is subject to this Ordinance until such time as the terms and conditions of this Ordinance are complied with. In addition to any other remedy provided herein or at law, the Township may enforce this Ordinance in equity to enjoin any violation thereof.

SECTION 10. LIABILITY

No responsibility or liability for the construction of any well/water supply shall be deemed to be placed upon Main Township or its' officers, agents or employees by virtue of the terms of this Ordinance or otherwise.

SECTION 11. EFFECTIVE DATE

This Ordinance shall take effect ten (10) days after adoption by the Board of Supervisors.

SECTION 12. SEVERABILITY

The provisions of this Ordinance shall be severable, and if any provision hereof shall be declared unconstitutional, illegal or invalid, such decision shall not affect the validity of any of the remaining provisions of this Ordinance. It is hereby declared as the legislative intent of the Township that this Ordinance would have been amended as if such unconstitutional, illegal or invalid provision or provisions had not been included herein.

SECTION 13. REPEALER


All Ordinances or parts of Ordinances conflicting or inconsistent with the provisions of this Ordinance hereby adopted are hereby repealed.

ENACTED AND ORDAINED this 2nd day of June, 2014.


MAIN TOWNSHIP SUPERVISORS



ROBERT FREY, SUPERVISOR



THOMAS SHUMAN, SUPERVISOR



LARRY RHOADS, SUPERVISOR