

well

ORDINANCE NO. 53

AN ORDINANCE PROVIDING FOR THE REGISTRATION, REGULATION AND CONTROL OF ALL WELLS WHICH MAY BE CONSTRUCTED FOR OBTAINING WATER FOR DOMESTIC PURPOSES IN POCONO TOWNSHIP, MONROE COUNTY, PENNSYLVANIA.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of Pocono Township, Monroe County, Pennsylvania, and it is hereby ordained and enacted by the authority of the same:

SECTION 1: Short Title

This Ordinance shall be known and may be cited as the "Pocono Township Well Ordinance".

SECTION 2: Purpose

The intention of this Ordinance is to insure and protect the quality and suitability of domestic water supply, and to secure and maintain the minimum required isolation distances between water supplies and sewage disposal systems or other sources of contamination.

SECTION 3: Application

(a) This Ordinance shall apply to all wells which have not been completed, or which are not in operation or in operable condition at the time of passage of this Ordinance.

(b) This Ordinance shall further apply to the reconstruction, major repair, and other changes to existing wells, when, in the opinion of the Sewage Enforcement Officer, such reconstruction, major repair, and other changes may affect the quality and suitability of the water supply on the property upon which the well is constructed or on surrounding properties.

SECTION 4: Design Standards

(a) No such well shall be located closer than one hundred (100') feet to the nearest part of any existing or proposed on-site sewage disposal drain field, or closer than fifty (50') feet to the nearest part of any existing or proposed septic tank, whether on land of the applicant or adjoining lands.

(b) No well permit shall be issued for a particular property until a sewage permit has been issued for said property.

(c) All wells shall be constructed a minimum distance of fifteen (15') feet from all lot lines. In the case of a road right-of-way, the distance shall be measured from the edge of the legal right-of-way line or any established future roadway widening easement, whichever is greater.

(d) Well permits may be denied because of unfeasibility of drilling a well at a proposed location.

SECTION 5: Registration

(a) No person or corporation, including contractors, shall construct, drill, dig, or reconstruct any well for the production of water for domestic purposes, without the property owner, or his duly authorized agent, first obtaining a permit for such construction activity from the Sewage Enforcement Officer of the Township of Pocono.

(b) Application for such a well permit shall be made upon a form supplied by the Township, and shall be submitted to the Sewage Enforcement Officer of the Township.

(c) The said application shall set forth the name or names and address of the owners of the property, the address or location of the property, an accurate scale map of the premises showing the proposed location of the well, setback lines for wells, the exact location or proposed location of all buildings and on-site sewage disposal systems, including sewage disposal drain fields and septic tanks, the boundary lines of the premises upon which the well is proposed to be located, and such other information as may be required thereon.

(d) The well driller shall submit to the Township a copy of Pennsylvania Department of Environmental Resources Form WW-1 within thirty (30) days after any well is completed.

SECTION 6: Inspection

Upon receipt of any application for a well permit, the Township, through its duly authorized Sewage Enforcement Officer, shall within fifteen (15) days perform an inspection of the premises on which the well is to be constructed. The inspection shall be conducted in accordance with the provisions of this Ordinance and the provisions of the Township Sewage Ordinance. Upon completion of the inspection, the Sewage Enforcement Officer shall either (a) issue a permit to the applicant indicating the approved location for the well and special instructions for construction, if any; or (b) refuse to issue the said permit, and, in such event, shall provide the applicant with written reasons for such refusal.

SECTION 7: Permits

All permits shall be issued on a form provided by the Township, which shall be executed by the Sewage Enforcement Officer. permits shall be prepared in triplicate, and distribution of copies shall be made as follows:

- (a) Original copy to be retained by the Township;
- (b) First copy to be tendered to the applicant upon written acknowledgment of receipt thereof upon the original copy; and
- (c) Second copy to be tendered to the applicant for the use of a well drilling contractor.

SECTION 8: Construction

Upon the completion of construction, or at such other time as the Sewage Enforcement Officer may deem appropriate, the Township, through its Sewage 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 Sewage Enforcement Officer shall (a) issue an approval of well operation upon the original permit, or (b) 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 9: Fees

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

SECTION 10: Effective Date of Permits

(a) The Township, through its Sewage Enforcement Officer, shall act upon each such application for permit within fifteen (15) days after said application has been filed, and in the event of failure on the part of the said Officer to render and communicate a decision to the applicant within said time period, the applicant shall have the right to request a hearing before the Township Board of Supervisors.

(b) 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 expire and the validity of the permit shall cease and terminate.

SECTION 11: Waiver

If an applicant has shown that any mandatory provisions of this Ordinance are unreasonable or cause undue hardships as they may apply to the subject property, the Board of Supervisors shall schedule a public hearing, upon written request of the applicant, and upon payment of the required fee, and may in their discretion grant a variance or waiver to such applicant from the mandatory provisions of this Ordinance so that substantial justice may be done and the public interest secured. The granting of any such variance or waiver shall not have the effect of nullifying the intent and purpose of this Ordinance. In granting variances, waivers, or modifications, the Supervisors may impose such conditions as will, in their judgment, substantially secure the objectives of the standards or requirements so modified. Any such hearing shall be held in accordance with the provisions of the Local Agency Law.

SECTION 12: Violations

(a) It shall be illegal to commence construction of a well without first obtaining such a permit. Any person who violates any of the provisions of this Ordinance shall be subject to the penalties and procedure for enforcement of zoning violations provided under Pennsylvania's Municipalities' Planning Code, §10617.2 as it currently exists or may hereafter be amended.

(b) For the purpose of this Ordinance, each day of a continuing violation shall be considered a new and separate violation of this Ordinance.

(c) Any such fines collected hereunder shall be used for general Township purposes.

SECTION 13: Severability Clause

The provisions of this Ordinance shall be severable, and if any of its provision shall be held to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect the validity of any of the remaining provisions of the Ordinance.

SECTION 14: Liability

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

SECTION 15: Repealer

All other Ordinances or parts of Ordinances inconsistent herewith be and the same are hereby repealed.

ORDAINED AND ENACTED into an Ordinance this 26th day of June, 1991.

TOWNSHIP OF POCONO

By: *[Signature]*
John Wolfe

By: *[Signature]*
John Smiley, Jr.

Attest: *[Signature]*
Jane Cilurso, Secretary

(Township Seal)