

APPENDIX G

Lykens Township Well Ordinance

ORDINANCE NO. 1 - 1995

AN ORDINANCE PROVIDING FOR THE REGISTRATION, REGULATION AND CONTROL OF ALL WELLS WHICH MAY BE CONSTRUCTED FOR OBTAINING WATER FOR DOMESTIC PURPOSES.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the *Board of Supervisors of Lykens Township*, Dauphin 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 LYKENS 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 inspecting 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. All wells shall be constructed at a minimum distance of one hundred feet (100') from any existing subsurface sewage disposal drain field, or from any location where such a drain field is proposed to be located on adjacent premises.

Section 5. Registration.

A. No construction, drilling, digging, reconstruction, repair or other change of or for any well, for any purpose, shall commence unless the well driller or the contractor who is to actually perform the work, or his duly authorized agent, shall apply for and receive a permit for such construction activity from the *Township of Lykens*. The property owner shall be issued

the permit only in an emergency situation and when the well driller or contractor, or his authorized agent, is unavailable.

B. Application for such a well permit shall be made upon a form supplied by the Township, and shall be submitted to the Township Secretary or duly authorized inspecting officer of the Township.

C. The said application shall set forth the name or names of owners of the property, the address or location of the property, a scale or sketch of the premises showing the proposed location of all buildings and septic tanks and drain fields, the boundary lines of the premises upon which the well is proposed to be located, the boundary line of all adjacent premises, and such other information as may be required thereon.

Section 6. Inspection. Upon receipt of an application for a well permit, the Township, through its duly authorized inspecting officer, shall within thirty (30) 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. Upon completion of the inspection, the inspecting 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 duly authorized inspecting officer. Permits shall be prepared in triplicate, and distribution of copies shall be made as follows:

1. Original copy to be retained by the Township;
2. First copy to be tendered to the applicant upon written acknowledgement of receipt thereof upon the original copy; and
3. Second copy to be tendered to the applicant for the use of a well contractor.

Section 8. Construction and Testing of Water Required. Upon the completion of construction, or at such other time as the inspecting officer may deem appropriate, *Lykens Township*, through its duly authorized inspecting officer, shall perform a final inspection of the well to determine whether there has been compliance with the permit issued. At the time of said final inspection, the applicant shall produce a written statement from a reputable water testing company or laboratory indicating that a sample of water from the well has been tested and is free of any harmful contamination and is potable. Upon completion of the said inspection, the inspecting officer shall (a) issue an approval of 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 payment to *Lykens Township* in accordance with a schedule of fees established from time to time by resolution of the *Lykens Township Board of Supervisors*.

Section 10. 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 one (1) year. In the event that construction under the permit has not been completed at the expiration of one (1) year from the date of issuance, the permit shall expire and the validity of the permit shall cease and terminate.

Section 11. Violations.

A. Any person who violates any of the provisions of this Ordinance shall be subject to prosecution by *Lykens Township*, and upon conviction before a District Justice shall be subject to a fine of no more than Three Hundred Dollars (\$300.00).

B. Upon discovery of any violation of this Ordinance, the Township may, at its option, forego any prosecution hereunder, and may grant to the owner a period of thirty (30) days to comply with the provisions of this Ordinance. Upon failure of the owner to effect such compliance, *Lykens Township* may initiate prosecution as herein-above set forth.

C. For the purpose of this Ordinance, each day of a continuing violation shall be considered a new and additional violation of this Ordinance.

Section 12. Severability Clause. The provisions of this Ordinance shall be severable, and if any of its provisions 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 this Ordinance.

Section 13. Liability. No responsibility or liability for the construction of any well shall be deemed to be placed upon *Lykens Township*, or its officers, agents, or employees, by virtue of the terms of this Ordinance or otherwise.

Section 14. Repealer. All other Ordinances or parts of Ordinances inconsistent herewith be and the same are hereby repealed.

ORDAINED AND ENACTED into an Ordinance this 25th day of January,
~~1994~~ 1995.

ATTEST:

LYKENS TOWNSHIP BOARD OF SUPERVISORS

Jean M. Deppen

By:

Ray J. Deppen Jr (SEAL)

Clayton Sittlinger (SEAL)

Albert N Morgan (SEAL)