

419

ORDINANCE NO. ~~3~~-2002  
TOWNSHIP OF FAWN, YORK COUNTY, PENNSYLVANIA

**AN ORDINANCE AMENDING THE FAWN TOWNSHIP  
WELL ORDINANCE, ORDINANCE NO. 1-2001 BY  
REQUIRING THAT WELLS BE DRILLED PRIOR TO  
ANY CONSTRUCTION ON THE SITE**

**WHEREAS**, Fawn Township, York County, Pennsylvania (Township) is a municipal corporation and a political subdivision, being a second class township; and

**WHEREAS**, the Township has adopted Ordinance No. 1-2001, known as the Fawn Township Well Ordinance; and

**WHEREAS**, the Township desires to amend that Ordinance:

**NOW THEREFORE, BE IT ORDAINED AND ENACTED** by the Board of Supervisors of Fawn Township, York County, Pennsylvania, and it is hereby ordained and enacted as follows:

**SECTION 1:** Section 4.C. of the Fawn Township Well Ordinance shall be amended by adding at the end of that section the following:

"Notwithstanding the provisions of this subsection and this Ordinance, at the time the well is drilled as evidenced in the well report required in Section 4.D., the well shall have a measurable and identifiable yield. Nothing in this subsection is intended or shall be interpreted to constitute a warranty or guarantee of yield or flow, but is merely intended to assure that at the time the well is drilled, there is a measurable and identifiable yield."

**SECTION 2:** Section 4.D. of the Fawn Township Well Ordinance shall be amended by deleting in the title to that subsection the phrase "Well Certification" and replacing it with the phrase "Well Report".

**SECTION 3:** Section 6 of the Fawn Township Well Ordinance shall be amended by changing the title from "INSPECTION" to "INSPECTION; TIMING OF CONSTRUCTION.", by

deleting in its entirety subsection A., by relettering subsections B. and C. to A. and B., respectively, and by adding a new subparagraph C. as follows:

"C. Every well for which a permit is required and issued pursuant to this Ordinance shall be constructed prior to the issuance of a building permit for any buildings on the lot. Also, prior to construction of any well, a sewage permit must be secured by the applicant; provided, however, that, upon written request by the applicant, the Inspecting Officer in his sole discretion may waive the requirement of the issuance of a sewer permit, so long as the applicant fully stakes out the location of the on-site sewage system to allow the Inspecting Officer to determine compliance with this Ordinance and any other state, county, or local requirements."

**SECTION 4:** Section 7 of the Fawn Township Well Ordinance shall be amended by adding at the end of the first sentence, after the phrase "there has been compliance with the permit issue" and before the "." the phrase "and Sections 4.C. and D.", and in subsection (b) of the second sentence of that subsection, after the phrase "do to non-compliance with the permit issued" and before the "," the phrase "or Sections 4.C. or D.", and at the end of Section 7 the following:

"Nothing in this Section or in this Ordinance is intended to, or shall, constitute a warranty or guarantee of any kind as to continuing quantity or yield of any well permitted or approved by this Ordinance. This Ordinance, and each of the relevant Sections of this Ordinance, including but not limited to this Section, Section 4.C. or 4.D., are intended only to assure that, at the time of drilling, the well driller reports that there was an identifiable and measurable yield to the well. Neither the Township nor the Township's Inspecting Officer shall make any independent tests or determinations of yield, but will rely in both their inspections and their Approval of Operation on such well report as issued by the well driller pursuant to Section 4.D. of this Ordinance."

**SECTION 5:** This Ordinance shall be effective five (5) days after its enactment.

**ORDAINED AND ENACTED** this 13th day of May, 2002.

ATTEST:

FAWN TOWNSHIP  
BOARD OF SUPERVISORS

*Kulinn Masteller*  
Secretary

*Kim T. Dahl*  
Chairman

*Robert E. Lloyd*  
Supervisor

*Henry M. Sommer*  
Supervisor

**FAWN TOWNSHIP  
YORK COUNTY, PENNSYLVANIA**

**ORDINANCE No. 1-2001**

**AN ORDINANCE PROVIDING FOR THE APPLICATION, REGULATION AND CONTROL OF ALL WELLS AND WATER SOURCES WHICH MAY BE CONSTRUCTED FOR OBTAINING WATER FOR DOMESTIC PURPOSES IN FAWN TOWNSHIP, YORK COUNTY, PENNSYLVANIA.**

**WHEREAS**, Fawn Township, York County, Pennsylvania (Township) is a municipal corporation and a political subdivision being a second class township; and

**WHEREAS**, the Pennsylvania Department of Environmental Protection (DEP) has recommended to the Township that it adopt a well ordinance; and

**WHEREAS**, the Township desires to create standards for the drilling, casing, and isolation of new wells and water sources in the Township:

**NOW THEREFORE, BE IT ORDAINED AND ENACTED**, by the Board of Supervisors of Fawn Township, York County, Pennsylvania, and it is hereby ordained and enacted as follows:

SECTION 1: **TITLE**. This Ordinance shall be known and may be cited as the "Fawn Township Well Ordinance".

SECTION 2: **PURPOSE**: The intention of this ordinance is to ensure 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 or water sources which have not been completed, or which are not in operation or are in an inoperable 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 or water sources, 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**: The following standards shall apply for water supplies:

A. Drilled and Driven Wells

Location. Drilled and driven wells shall be located at a point free from flooding and at the following minimum distances to existing or possible future sources of pollution:

<u>Source of Pollution</u>	<u>Minimum Distance</u>
Storm Drains, Stormwater Pits	25 feet
Drains carrying domestic sewage or Industrial wastes	50 feet
Septic or Holding Tanks	50 feet
Surface/subsurface sewage disposal fields	100 feet
Sewage seepage pits, cesspools	100 feet
Privies	50 feet
Fuel Tanks	as approved
Other (ditches, streams, barnyards, etc.)	as approved

Additional Location Restrictions

Driveways	10 feet
Principal structure /dwelling	20 feet
Property Lines and Right-of-Way /Easement Lines	10 feet

B. Construction

1. Source. The source of supply shall be from a water bearing formation drawn not less than fifty (50) feet from the ground surface.

2. Casing.

(a) The well shall have a water-tight and durable wrought iron, steel, or other type of approved casing with a nominal thickness of 3/16 (.1875) inches and six and five-eighths (6 5/8) inches, outside diameter. The sections shall be joined together by threaded couplings, joints, by welding or any other water-tight approved joint or coupling. Plastic well casing shall be polyvinylchloride (PVC) minimum schedule 40.

(b) Casing shall be installed forty (40) feet from the finished grade or in any case shall be extended ten (10) feet into bedrock or other impervious strata. Driven wells shall be provided with a drive shoe or other effective casing seal.

(c) An annular space shall be provided between the well casing and the earth formation of a radius at least one and one half (1 ½) inches greater than the casing radius, excluding coupling for internal pressure grouting, or one and one half ( 1 ½) inches greater than the casing radius, excluding coupling for

external grouting. The annular space shall be completely filled with impervious cement grout or equivalent sealing material from bottom of the casing to the ground surface. External grouting shall be accomplished utilizing a tremie pipe and grout pump to force out any standing water on the outside of the well casing.

(d) The top of the well casing shall extend a minimum to twelve (12) inches above the finished grade of the lot so that contaminated water or other substances cannot enter the well through the annular opening at the top of the well casing, wall or pipe sleeve.

3. Well Covers. Every potable water well shall be equipped with an overlapping cover at the top of the well casing or pipe sleeve. Covers shall extend downward at least two (2) inches over the outside of the well casing or wall. All well caps shall indicate well driller's name, depth of well and depth of casing.

4. Drainage. All potable water wells or water sources shall be constructed so that surface drainage will be diverted away from the well or water source.

C. Flow Requirements. This Ordinance places no restrictions on the quantity or content of water. The acceptability of water quantity or content is the sole responsibility of the property owner, subject to any state or federal limits or restrictions.

D. Well Certification. A report for each well shall be prepared by the driller and shall be submitted to Fawn Township for evaluation and approval. The well report shall contain the following pertinent information:

Owner of property	Subdivision & Lot Number
	Uniform Parcel Identifier Number
Date of Completion	Depth of Casing
Depth of Well	Static Water Level
Well Driller	Yield in Gals/Min.
Type & Size of Casing	Type & Depth of Grouting

E. Dug Wells and Surface Water Springs. No new hand dug wells or surface water springs will be permitted in the Township due to the great danger of pollution and unreliability of water supply for new parcels of lands being developed.

F. Abandoned Water Supplies. Abandoned wells shall be completely filled with cement or equal impervious material.

**SECTION 5: PERMITS:**

- A. No construction, drilling, digging, reconstruction, major repair, placing in service a previously drilled well, or other change of or for any well/water supply for the production of water for domestic purposes shall commence unless the property owner, or his/her duly authorized agent, shall apply for and receive a permit for such construction activity from the Township.
- B. Application for a well permit shall be made upon a form supplied by the Township and shall be submitted to the Township secretary or Inspection Officer for review and approval.
- C. The application shall set forth the following:
  - 1. Name(s) of property owners
  - 2. Address or location of property
  - 3. Scale/sketch of premises showing proposed location of well, buildings, septic tanks, drain fields, existing or proposed stormwater pits, and boundary lines.
  - 4. Name, address and telephone number of well driller.

**SECTION 6: INSPECTION:**

- A. Prior to issuance of a well permit a sewage permit must be secured by the applicant. Alternatively, if the well is placed on the property prior to substantial completion of all improvements, including structures, driveways and septic systems, including drain fields, then any permits subsequently issued for such improvements shall require those improvements to meet the minimum distances from the well as set forth in Section 4 of this Ordinance.
- B. Upon receipt of an application for a well permit, the Township, through its duly authorized Inspection Officer, shall within seven (7) 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.
- C. Upon completion of the inspection, the Inspecting Officer shall either:
  - 1. issue a permit to the applicant indicating the approved location for the well and special instructions for construction, if any or
  - 2. refuse to issue the permit, and, in such event, shall provide the applicant with written reasons for such refusal.

**SECTION 7: WATER SUPPLY INSPECTION:** Upon completion of construction, or at such other time as the Township Inspecting Officer may deem appropriate, the Inspecting Officer shall perform a final inspection of the well/water supply to determine

whether there has been compliance with the permit issued. Upon completion of the 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 event, written reasons for such denial shall be noted on the original permit.

SECTION 8: **FEES:** All applications for a well permit shall be accompanied by a fee established by resolution payable to the Township in accordance with a schedule of fees established/revised from time to time.

SECTION 9: **EFFECTIVE DATE OF PERMIT:** 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 water supply 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 10: **NOTICE:**

A. Upon discovery of a violation, the Township through its appointed representative, including but not limited to the Codes Enforcement Officer, Zoning Officer, Sewage Enforcement Officer, Solicitor, Township Secretary, Township Manager (if any) or any other person so designated by the Township shall notify in writing the landowner, and if different and if known to the Township, the occupant of the property, as well as anyone who has created or assisted in creating the violation, if known to the Township, of the alleged violation, and shall give the landowner no less than ten (10) nor more than thirty (30) days from the date of the notice to comply with the terms of this Ordinance.

1. Notwithstanding any other provisions of this Section, if the Codes Enforcement Officer in consultation with the Township Engineer determines that a violation of this Ordinance constitutes imminent danger or harm to the general public or a portion of the public, then the designated Township officer can in his or her sole discretion shorten the notice period, and the Township can pursue all legal remedies available to it without notice to the landowner as provided in subsection A.

SECTION 11: **VIOLATIONS:**

A. Any person who violates any provision of this Ordinance shall commit a summary violation, and upon conviction before a District Justice of competent jurisdiction, shall be subject to a fine of not more than Five Hundred Dollars (\$500.00) for each offense. For purposes of this Ordinance, each day of a violation shall be considered a separate violation of this Ordinance.

B. Notwithstanding any other provisions of this Section, nothing in this Section or elsewhere in this Ordinance shall prohibit the Township from pursuing any and all other courses of action legally available to the Township to remedy



the violations of this Ordinance, or to abate any nuisances created by violation of this Ordinance, or any condition which in the sole discretion of the Township creates a danger to the health, safety and welfare of the public or any portion of the public, including but not limited to civil actions, actions in equity, or injunctive relief before courts of competent jurisdiction.

SECTION 12: **LIABILITY:** No responsibility, or liability for the construction of any well/water supply shall be deemed to be placed upon Fawn Township, or its officers, agents, or employees by virtue of the terms of this Ordinance or otherwise.

SECTION 13: **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 14: **REPEALER:** All other Ordinances or parts of Ordinances inconsistent with this Ordinance herewith are hereby repealed.

SECTION 15: **EFFECTIVE DATE:** This Ordinance shall be effective five (5) days after its enactment.

ORDAINED AND ENACTED by the Board of Supervisors of Fawn Township, York County, Pennsylvania the 8<sup>th</sup> day of October, 2001.

FAWN TOWNSHIP BOARD  
OF SUPERVISORS

Kim F. Clark  
Chairman

Robert E. Lloyd  
Supervisor

Henry M. ...  
Supervisor

ATTEST:

LuAnn Marsteller  
LuAnn Marsteller, Secretary  
Board of Supervisors