

**MT. PLEASANT TOWNSHIP
COLUMBIA COUNTY, PENNSYLVANIA
ORDINANCE NO. 44 - 05**

**AN ORDINANCE OF MT. PLEASANT TOWNSHIP REQUIRING THE
GROUTING AND SEALING OF WATER WELLS**

BE IT ORDAINED by the Board of Supervisors of Mt. Pleasant Township and it is hereby ordained by the authority of the same as follows:

1. **INTRODUCTION:** Inasmuch as it is vital to the health, safety and welfare of the residents of Mt. Pleasant Township that the groundwater resources of Mt. Pleasant Township be protected, it is necessary for any homeowner, contractor, or other person digging or constructing a water well(s) to take all precautions necessary, or as may be required, to safeguard against contaminated water or water having undesirable physical or chemical characteristics from entering, through the opening made by the landowner, contractor, well driller, or other person in construction of the well(s) in the stratum from which the well(s) is to draw its supply. The landowner, contractor, or other party digging or constructing the well(s), shall also take all necessary precautions during the construction period to prevent contaminated water, gasoline, or any other contaminant from entering the well(s), either through the opening or by seepage through the ground surface.

2. **DEFINITIONS:**

(a). **Well:** Well, as the term is used in this Ordinance, shall refer to water wells, test holes for water wells, uncompleted wells and monitoring wells.

3. **Grouting: Required:** All wells hereafter dug or constructed through any ground surface point within the boundaries of Mt. Pleasant Township shall be grouted and sealed. Grouting consists of sealing by filling the annular space between the casing and bore hole with a substance that hardens. The well(s) shall be sealed to prevent the entrance of any water from any source other than from the aquifers selected. All well(s) shall be grouted and sealed to a minimum depth of thirty five (35') feet from the surface in conformance with the standards, specifications, and requirements contained in the American Water Workers Association (AWWA) Standard for Water Wells, Section 7 "Grouting and Sealing," June 10, 1984 edition, a copy of which is attached to this Ordinance and incorporated herein, or such subsequent revised editions and the pertinent sections there under pertaining to grouting and sealing approved by the AWWA Board of Directors as of the date of enactment of this Ordinance.

4. **SEALING REQUIRED:** All abandoned test hole(s), including test well(s), uncompleted well(s), and completed well(s) hereafter abandoned which extend through any ground surface point within the boundaries of Mt. Pleasant Township shall hereafter be sealed. The standards, specifications, requirements, and procedures for such sealing shall be in conformance with the AWWA Standard for Water Wells, Section 13 "Abandonment of Test Holes, Partially Completed Wells, and Completed Wells," June 10, 1984 edition, a copy of which is attached to this Ordinance and incorporated herein, or such subsequent revised editions approved by the AWWA Board of Directors as of the date of enactment of this Ordinance and the pertinent sections there under pertaining to abandonment of test hole(s), partially completed well(s), and completed well(s), and sealing.

5. **ADMINISTRATION:**

(a). Well Permit: No well shall be drilled, dug, repaired, replaced, or abandoned until unless and until a well permit is issued by the Sewage Enforcement Officer for the Township.

(b). Fees: A filing fee shall accompany the application for a well permit. No application shall be accepted by the Township's Sewage Enforcement Officer or acted upon unless payment is made to the Township Sewage Enforcement Officer according to the Uniform Fee Resolution.

(c). No person, partnership, or corporation shall occupy any structure on any lot, tract, or parcel of land serviced by a well for which a well permit has not been issued affirming compliance with the provisions of this Ordinance.

(d). Before an occupancy permit shall be issued in the Township, the applicant shall provide a well permit signed by the Sewage Enforcement Officer as evidencing compliance with this Ordinance.

6. DESIGNEE: The Sewage Enforcement Officer for the Township is hereby designated and authorized to act on behalf of the Township for the implementation and enforcement of this Ordinance on behalf of the Township, including but not limited to, the collection of permit fees and initiating enforcement actions before the Magisterial District Judge on behalf of the Township for any violations of this Ordinance.

7. SANCTIONS:

(a). Effect of Ordinance: Hereafter, no persons shall dig, construct, drill , replace, repair, or abandon any well except in accordance with the provisions (o)f this Ordinance.

(b). Penalties:

(1). Any person, partnership, or corporation who or which being the owner, contractor or well driller of or on any lot, tract or parcel of land, shall not drill , dig, construct, replace, repair, and/or abandon any well unless and until a well permit has been applied for and issued in full compliance with the provisions of this Ordinance. Any such person, partnership, corporation, contractor, subcontractor, or well driller shall upon being found to have failed to fully comply with this Ordinance shall be in violation hereof and shall upon being found liable therefore in a civil enforcement proceeding commenced by Mt. Pleasant Township, pay a judgment of not more than One Thousand (\$1,000.00) Dollars per lot or parcel or per dwelling within each lot or parcel, plus all courts costs, including reasonable attorney fees incurred by Mt. Pleasant Township as a result thereof. All fines collected for such violation shall be paid over to Mt. Pleasant Township. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the Magisterial District Judge. If the Defendant neither pays nor files a timely appeal of the judgment, Mt. Pleasant Township shall enforce the judgment pursuant to the applicable Rules of Civil Procedure. Each day that a violation continues shall constitute a separate violation, unless the Magisterial District Judge determining that there has been a violation, further determines that there was a good faith basis for the Defendant violating this Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of the violation of the Magisterial District Judge and thereafter each day that a violation continues shall constitute a separate violation.

(2). Nothing contained in this Ordinance shall be construed or interpreted to grant to any person or entity other than Mt. Pleasant Township and its designee the right to commence any action for enforcement pursuant to this Ordinance.

9. Repealer:

(a). Insofar as the provisions of this Ordinance are inconsistent with the provisions of any other Ordinance of Mt. Pleasant Township, the provisions of this Ordinance shall be controlling.

(b). None of the provisions of this Ordinance shall be deemed to repeal or replace the requirements for the construction and installation of a well(s) or test hole(s) contained in the Uniform Construction Code. Any and all provisions herein which are inconsistent and/or more stringent than the provisions of this Ordinance shall be controlling.

10. Effective Date: This Ordinance shall be in full force and effect from and after the five (5) days following the enactment.

ENACTED this 6th day of July, 2005

MT. PLEASANT TOWNSHIP:
John R. Gordner
Chairman, Board of Supervisors

ATTEST:

Coralee Kindt
Secretary