

ORDINANCE NO. 87 - 3

AN ORDINANCE OF PENN FOREST TOWNSHIP, CARBON COUNTY, PENNSYLVANIA, PROVIDING FOR THE ISSUANCE OF A WELL INSTALLATION PERMIT: SETTING FEES FOR THE APPLICATION OF A WELL INSTALLATION PERMIT: PROVIDING FOR FINAL INSPECTION OF THE WELL INSTALLATION: PROVIDING FOR THE APPOINTMENT OF A WATER ENFORCEMENT OFFICER.

WHEREAS, the Township of Penn Forest, Carbon County, Pennsylvania, has determined it to be in the best interest and welfare of the residents of Penn Forest Township that a permit be required prior to the location and installation of an on-lot water supply system; and

WHEREAS, it is the desire of the Township of Penn Forest, Carbon County, Pennsylvania, to require a permit prior to the location and installation of an on-lot water supply system; and

WHEREAS, it is the desire of the Township of Penn Forest, Carbon County, Pennsylvania, to promote and insure compliance with the provisions of the Pennsylvania Sewage Facilities Act, as amended, 35 P.S. 750.1, et seq., and the Rules and Regulations now or hereinafter promulgated in accordance with said Act, and in particular to promote and assure compliance with the required minimum isolation distances between the sub-surface absorption area and the individual water supply or water supply system suction line.

NOW, THEREFORE, be it enacted and ordained by the Supervisors of Penn Forest Township, Carbon County, Pennsylvania, and it is hereby enacted and ordained pursuant to the authority granted to the said Supervisors by the Second Class Township Code, as amended, as follows:

Section 1. Definitions. As used in this Ordinance, unless a different meaning clearly appears from the context, the definitions used under this Ordinance are to have the same meaning as described in the Pennsylvania Sewage Facilities Act, as amended, 35 P.S. 750.1 et. seq., and the statutes, rules and regulations now or hereinafter promulgated in accordance with said Act.

The following words and terms, when used in this Ordinance, shall have the following meanings, unless the context clearly indicates otherwise:

1. Individual Water Supply System - a system of piping, tanks, or other facilities serving a single lot with water for use and consumption on the premises.

2. Community Water Supply System - any system, whether publicly or privately owned, serving two or more lots with water for use and consumption on the premises.

Section 2. Requirement of Permit for an Individual Water Supply System and Providing for the Inspection of the Well Location Following Installation.

(a) No person shall locate, install or construct an on-lot individual water supply system or community water supply system, or install or occupy any building or structure for which an on-lot individual water supply system or on-lot community water supply system is to be installed without first obtaining a permit from the water enforcement officer approving the location for the system. Any lot regardless of size, may not be issued a building permit unless a water permit is first obtained in accordance with the provisions of this Ordinance.

(b) No more than 15 days following completion of the water supply system installation , the owner of the property upon which the water supply system is located shall be responsible for notifying the water enforcement officer of the completion of the water supply system installation, which notification shall be accompanied by the fee for final inspection required in Section 11 of this Ordinance. The water enforcement officer shall then inspect the water supply system to determine whether the water supply system has been installed in the proper location. Provided the water supply system has been properly located, the water enforcement

officer will designate in writing his approval of such location on the water permit application or water permit. An occupancy permit for new premises shall not be issued unless the application for the occupancy permit has attached to it a copy of the water permit application or water permit, signed by the water enforcement officer, and providing that the water supply system has been correctly located.

Section 3. Obtaining a Permit. All permits for location, construction and installation of an individual water supply system or a community water supply system shall be obtained from the Penn Forest Township Water Enforcement Officer and be subject to all the conditions that may be required by any rules or regulations adopted by Penn Forest Township, Carbon County and the Commonwealth of Pennsylvania concerning the issuance of water permits.

Application for a permit should be in writing to the Township of Penn Forest and shall be made in such form and shall include such data as Penn Forest Township, Carbon County and the Commonwealth of Pennsylvania may require. This data shall include, but not be limited to, the location of the individual sewage system or community sewage system, location of the individual water supply system or community water supply system, and location of the improvements presently located or to be located on the property for which

the application is sought, in sufficient detail for the water enforcement officer to assure compliance with the provisions of this Ordinance. Simultaneously with the filing of an application for a water permit, an application for a sewage permit as provided in the Penn Forest Township Ordinance No. 87-2 entitled "An Ordinance of Penn Forest Township, Carbon County, Pennsylvania, Providing for the Administration of Act No. 537 (P.L. 1535) Commonly Referred to as the Pennsylvania Sewage Facilities Act as Amended: Providing for the Approval and Inspection of Proposed Sewage Disposal Systems: Setting Fees for the Application of Sewage Permits and the Administration of Said Act and regulations: Providing for the Appointment of a Municipal Sewage Enforcement Officer", shall be filed. Applications made by an agent of the property owner, shall be accompanied by written verification satisfactory to the Water Enforcement Officer of the authority of such agent to make application on behalf of the property owner.

Section 4. Designation of Water Enforcement Officer. The Supervisors shall from time to time by resolution designate one or more persons to be a Water Enforcement Officer and to serve in that capacity at the will of the Supervisors.

Section 5. Expiration, Transfer and Renewal of Water Permits. Water permits issued under this Ordinance shall expire 4 years after their issuance unless renewed earlier. Such permits shall be transferred and renewed in the same manner as sewage permits provided for in Penn Forest Township Ordinance No. 87 - 2.

Section 6. Custodian of Documents. The Township Secretary shall be the custodian of all applications, test results, permit copies and related documentation concerning the testing, applications and permits issued or in any manner related to the duties of the Water Enforcement Officer.

Section 7. Review Standards to be Followed by the Water Enforcement Officer. In reviewing an application for the issuance of a water permit, the Water Enforcement Officer shall be guided by assuring compliance with the provisions of the Pennsylvania Sewage Facilities Act, as amended, and with the statutes, rules and regulations now or hereinafter promulgated in accordance with said Act.

Section 8. Reporting Requirements of Water Enforcement Officer. Any Water Enforcement Officer designated by the Township who has any application charged to him in any calendar month shall submit, in writing, monthly to the Township Secretary a list of all the applications in his possession and the activity or disposition concerning

said application. If any application has been made by any person requesting a permit, the name of such person and description of the property contained in such application shall be included in this report. This written report shall be made available at the first public meeting of the Supervisors held monthly in each succeeding month and shall become part of the official Township records.

Section 9. Payment of Permit Fee. The person making application for a water permit shall submit to the Township Treasurer or his designee the required water permit fee. This payment shall be in cash or by certified check or bank money order or bank check or other guaranteed payment. Personal checks may be accepted by the Water Enforcement Officer if the applicant is personally known to him. In the event a personal check is returned for insufficient funds, this shall be sufficient ground to revoke a permit which may otherwise have been issued.

Section 10. Site Preparation. Prior to designating the location of a proposed on-lot individual water supply system or community water supply system, the property for which application has been sought shall be clearly marked by property corner pins placed by a professional land surveyor. Additional markings, including but not limited to sideline markings may be required by the

Penn Forest Township Water Enforcement Officer in order to assist in the location of an individual or community water system. The responsibility for the accuracy of these markings shall be that of the applicant.

Section 11. Fees. The applicant for a water permit shall submit to the Township at the time of application the sum of \$50.00. Upon installation of a water supply system, a final inspection fee of \$15.00 shall accompany the request for final inspection.

Section 12. Payment of Permit Fees. All fees required by Section 11 of this Ordinance shall be paid at the time application is made for the water permit.

Section 13. Amendment of Permit Fees. The Board of Supervisors of Penn Forest Township shall have the power from time to time to amend the fees set forth in the foregoing Section 11 of this Ordinance by a Resolution duly adopted by a majority of said Supervisors at any regular or special meeting thereof.

Section 14. Township Rules and Regulations. The Board of Supervisors of Penn Forest Township shall have the power from time to time to adopt such rules and regulations as shall be necessary for the implementation of the provisions of this Ordinance by a Resolution duly adopted by

a majority of said Supervisors at any regular or special meeting thereof.

Section 15. Violations and Penalties. The violation of this Ordinance shall be deemed to be a summary offense and any person convicted of the violation of any of the provisions of this Ordinance shall be sentenced to pay a fine of not less than One Hundred (\$100.00) Dollars and costs, and not more than Three Hundred (\$300.00) Dollars and costs, and in default thereof, shall be sentenced to imprisonment in the Carbon County Prison for a period of time not exceeding thirty (30) days. Each day that a violation of this ordinance continues shall constitute a separate offense.

Section 16. Saving Clause. Nothing in this Ordinance shall be deemed to affect, modify, amend or repeal any provisions of Penn Forest Township Ordinance No. 87-2, entitled "An Ordinance of Penn Forest Township, Carbon County, Pennsylvania, Providing for the Administration of Act No. 537 (P.L. 1535) Commonly Referred to as the Pennsylvania Sewage Facilities Act as Amended: Providing for the Approval and Inspection of Proposed Sewage Disposal Systems: Setting Fees for the Application of Sewage Permits and the Administration of Said Act and Regulations: Providing for the Appointment of a Municipal Sewage Enforcement Officer", and intended to be enacted this same date.

Section 17. Repeal. All Ordinances or Resolutions or parts of Ordinances or Resolutions insofar as they are inconsistent herewith, be and the same are hereby repealed.

Section 18. Severability of Provisions. The provisions of this Ordinance are severable and if any provisions or part thereof shall be held invalid or unconstitutional or inapplicable to any person or circumstances, such invalidity, unconstitutionality or inapplicability shall not affect or impair the remaining provisions of this Ordinance. It is hereby declared as the intent of the Board of Supervisors of the Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentences, clause, section or part thereof not been included therein.

Section 19. Effective Date. This Ordinance shall become effective upon its enactment by the Board of Supervisors of Penn Forest Township.

ENACTED AND ORDAINED as an Ordinance by the Board
of Supervisors of Penn Forest Township, Carbon County,
Pennsylvania, this 23rd day of April, 1987.

BOARD OF SUPERVISORS OF PENN
FOREST TOWNSHIP

Alfred Tomastewicz
Joseph Bickus
Fletcher A. Glez

ATTEST:

Clara E. Balliet
Secretary