

CHAPTER 26

WATER

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PART 1

WATER CONNECTIONS

§101. Definitions.

Unless the context specifically and clearly indicates otherwise, the meaning of terms and phrases used in this Part shall be as follows:

AUTHORITY — the Huntingdon Water and Sewerage Authority.

BOROUGH — the Borough of Huntingdon, Huntingdon County, Pennsylvania, a municipal corporation of the Commonwealth.

BUILDING MAIN — the extension from the water system of any structure to the lateral of a main.

COMMONWEALTH — the Commonwealth of Pennsylvania.

IMPROVED PROPERTY — any property within this Township upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals, except those industries and farms which have their own supply of water for uses other than human consumption.

LATERAL — that part of the water system extending from a main to the curb line or, if there shall be no curb line, to the property line or, if no such lateral shall be provided, the “lateral” shall mean that portion of, or place in, a main which is provided for connection of any building main.

OWNER — any person vested with ownership, legal or equitable, sole or partial of any improved property.

PERSON — any individual, partnership, company, association, society, trust, corporation, municipality, municipality authority or other group or entity.

TOWNSHIP — the Township of Smithfield, Huntingdon County, Pennsylvania, a political subdivision of the Commonwealth, acting by and through its Board of Supervisors or, in appropriate cases, acting by and through its authorized representatives.

WATER SYSTEM — all facilities as of any particular time for supply, transmission and distribution of water owned by the Authority.

(Ord. 1992-10, 8/3/1992, Art. I)

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§102. Use of Public Water System Required.

1. The owner of any improved property abutting upon any street or right-of-way which there is a main constituting part of the water system shall connect such improved property with such main and shall use such water system, in such manner as the Authority or its designee may require within 90 days after notice to such owner from this Township, or the Authority or its designee on its behalf, to make such connection. Subject, however, to such limitations and restrictions as shall be established herein or otherwise shall be established by this Township or the Authority or its designee, from time to time.
2. The notice by or on behalf of this Township to make a connection to a main, referred to in Subsection 1, shall consist of a copy of this Part, including any amendments and/or supplements at the time in effect, or a summary hereof, and a written or printed document requiring the connection in accordance with the provisions of this Part and specifying that such connection shall be made within 90 days after the date such notice is given or served. Such notice may be given or served at any time after the main is in place that can deliver water to the particular improved property. Such notice shall be given to or served upon the owner by personal service or by registered mail to his last known address, or by such other means as shall be permitted by law.

(Ord. 1992-10, 8/3/1992, Art. II)

§103. Building Mains and Connections.

1. No person shall uncover, shall connect with, shall make any opening into or shall use, shall alter or shall disturb, in any manner, any lateral or any other part of the water system without first obtaining a permit, in writing, from the Authority or its designee.
2. Application for a permit required under Subsection 1 shall be made by the owner of the improved property served or to be served or by the duly authorized agent of the owner.
3. No person shall make or shall cause to be made a connection of any improved property with a main until such person shall have fulfilled each of the following conditions:
 - A. Such person shall have notified the Authority or its designee of the desire and intent to connect such improved property to a main.
 - B. Such person shall have applied for and shall have obtained a permit as required by Subsection 1.
 - C. Such person shall have given the appropriate representative of the Authority at least 48 hours notice of the time when such connection will be made so

that the Authority or its designee may supervise and inspect or may cause to be supervised and inspected the work of connection and necessary testing.

- D. If applicable, such person shall have furnished satisfactory evidence to the appropriate representative of the Authority or its designee that any applicable tapping, connection and/or customer facility fee that may be charged and imposed against the owner of each improved property who connects such improved property to a main has been paid.
4. Except as otherwise provided in this subsection, each improved property shall be connected separately and independently through a building main. Grouping of more than one improved property on one building main shall not be permitted, except under special circumstances and for good cause shown, but then only after special permission of the Authority or its designee, in writing, shall have been secured and only subject to such rules, regulations and conditions as may be prescribed by the Authority or its designee.
 5. All costs and expenses of construction of a building main and all costs and expenses of connection of a building main to a main shall be borne by the owner of the improved property to be connected, and such owner shall indemnify and shall save harmless this Township and the Authority or its designee from all loss or damage that may be occasioned, directly or indirectly, as a result of construction of a building main or of connection of a building main to a main.
 6. A building main shall be connected to a main or lateral at the place designated by the Authority or its designee. A smooth, neat joint shall be made and the connection of a building main to the main or lateral shall be made secure and watertight.
 7. If the owner of any improved property located within this Township and abutting upon any street or right-of-way in which there is a main constituting part of the water system, after 90 days notice from or on behalf of this Township, in accordance with §102.1, shall fail to connect such improved property as required, this Township, or the Authority or its designee on its behalf, may enter upon such improved property and may construct such connection and may collect from such owner the costs and expenses thereof in the manner permitted by law.

(Ord. 1992-10, 8/3/1992, Art. III)

§104. Rules and Regulations Governing Building Mains and Connections to Mains.

1. No building main shall be covered until it has been inspected and approved by the Authority or its designee. If any part of a building main is covered before so being inspected and approved, it shall be uncovered for inspection at the cost and expense of the owner of the improved property to be connected to a main.

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2. Every building main of any improved property shall be maintained in a sanitary and safe operating condition by the owner of such improved property.
3. Every excavation for a building main shall be guarded adequately with barricades and lights to protect all persons from damage and injury. Any street, sidewalk or other public property disturbed in the course of installation of a building main shall be restored, at the cost and expense of the owner of such improved property being connected, in a manner satisfactory to the Authority and its designee and this Township.
4. If any person shall fail or shall refuse, upon receipt of a notice of this Township or the Authority or its designee, in writing, to remedy any unsatisfactory condition with respect to a building main within 60 days of receipt of such notice, this Township or the Authority or its designee may refuse to permit such person to be served by the water system until such unsatisfactory condition shall have been remedied to the satisfaction of this Township and of the Authority or its designee.
5. This Township reserves the right to adopt, from time to time, additional rules and regulations as it shall deem necessary and proper relating to connections with the water system, which additional rules and regulations, to the extent appropriate, shall be and shall be construed as part of this Part.

(Ord. 1992-10, 8/3/1992, Art. IV)

§105. Penalties.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a district justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 1992-10, 8/3/1992, Art. V; as amended by Ord. 1999-1, 6/14/1999)

§106. Declaration of Purpose.

It is declared that enactment of this Part is necessary for the protection, benefit and preservation of the health, safety and welfare of inhabitants of this Township.

(Ord. 1992-10, 8/3/1992, Art. VIII)

PART 2

**PROHIBITING THE DRILLING OR USE OF WATER
FROM CERTAIN WATER SUPPLY WELLS**

§201. Prohibition Against Drilling or Use of a Water Supply Well.

A person whose property is served by public water supply may not drill or use for any purpose a water supply well where the groundwater which may be pumped by such well is or is likely to be contaminated by petroleum compounds, including oil and gasoline, or by any hazardous or toxic wastes, substances or materials or where the pumping of such well may induce the migration or spread of such contaminants in the groundwater within the area described below. For purposes hereof hazardous or toxic waste, substances or materials shall mean no substances or materials defined, listed or identified under the provisions of the Capital Hazardous, Capital Sites, Capital Cleanup Act. P.L. 756, No. 108, 35 P.S. §6020.101 et seq.; the Comprehensive Environmental Response Compensation and Liability Act of 1980 as amended, 42 U.S.C. §6901 et seq.; the Resource Conservation and Recovery Act, 42 U.S.C. §6901 et seq. and implementing regulations thereunder as said laws and regulations may be amended from time to time. In order to ensure compliance with this requirement the Township, or its designee, may issue orders prohibiting the drilling and/or use of a water supply well when such drilling and/or use could result in a violation hereof.

(Ord. 2001-4, 7/9/2001)

§202. Area Governed by this Part.

All of tax parcel 25.3 in Smithfield Township which borders S.R. 3035 and all of tax parcels 45, 46, 47.1, 47, 48 and 10 which borders S.R. 3035 in Smithfield Township as more fully illustrated on the drawing attached hereto.¹

(Ord. 2001-4, 7/9/2001)

¹ Editor's Note: Said drawing is included at the end of this Chapter.

PART 3
WELL DRILLING

§301. Title.

This Part shall be known as the "Smithfield Township Well Drilling Ordinance."

(Ord. 2011-2, 2/14/2011)

§302. Permit Required.

No person, firm, or corporation or other entity shall drill a well or cause a well to be drilled without applying for and receiving a permit from the Smithfield Township Supervisors. No permit shall be issued until the requisite fee has been paid by the applicant.

(Ord. 2011-2, 2/14/2011)

§303. Contents of Permit.

A permit application shall be made in writing to the Smithfield Township Supervisors and shall contain the following information:

- A. The applicant's name, address and telephone number.
- B. The name, address and telephone number of the person, firm, corporation or other entity who will drill the well.
- C. The name of the property owner upon whose property the well will be drilled.
- D. An accurate description of the location of where the well will be drilled.

(Ord. 2011-2, 2/14/2011)

§304. Emergency When There Is an Existing Well.

Notwithstanding any of the above provisions, a property owner with an existing well may drill a well or drill an existing well deeper and make application for a permit within three business days after drilling a well under the following conditions:

- A. The well fails; and

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- B. It is not possible to obtain a permit prior to the well driller's availability to drill and/or redrill or deepen the existing well.

(Ord. 2011-2, 2/14/2011)

§305. Reporting the Drilling of a Well After Completion.

Upon the completion of the well, the person, firm or entity drilling the well shall immediately submit to Smithfield Township all of the information and reports which the person, firm or entity must submit to the Commonwealth of Pennsylvania or any agencies thereof pursuant to the Commonwealth's laws, rules and regulations.

(Ord. 2011-2, 2/14/2011)

§306. Fees.

The fee for a permit shall be \$25 and shall accompany the application for a permit.

(Ord. 2011-2, 2/14/2011)

§307. Violations and Penalties.

Any person, firm, corporation or other entity who shall violate any provisions of this Part, upon conviction thereof in an action brought before a District Justice in a manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than \$1,000, plus costs. Each day the violation continues without a permit shall constitute a separate offense.

(Ord. 2011-2, 2/14/2011)

