

**BARRETT TOWNSHIP  
MONROE COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 154**

**AN ORDINANCE OF THE TOWNSHIP OF BARRETT, COUNTY OF MONROE, AND COMMONWEALTH OF PENNSYLVANIA, PROVIDING FOR THE REGULATION OF PRIVATE WELLS IN BARRETT TOWNSHIP.**

**BE IT ORDAINED AND ENACTED** by the Board of Supervisors of Barrett Township, Monroe County, Pennsylvania, pursuant to the general powers permitted by the Second Class Township Code (53 P.S. § 66506) and the power to adopt ordinances to secure the safety of persons or property within the Township (53 P.S. § 66527), the following:

**SECTION 1. TITLE**

This ordinance shall be known as the “Barrett Township Private Well Ordinance.”

**SECTION 2. PURPOSE**

The purpose of this Ordinance is to ensure and protect the quality and suitability of individual water supply systems by a permit procedure, to require a permit for the construction of individual and semi-public water supply systems and wells, production wells, test wells and monitoring wells; and to establish minimum construction standards for these systems including their location, installation, reconstruction, replacement, modification, reactivation, or abandonment.

**SECTION 3. SCOPE**

- A. This ordinance shall apply to:
- (1) all individual and non-community water supply systems.
  - (2) all wells that have not been completed, or are not in operation or in operable condition at the time of passage of this ordinance.
  - (3) all alterations to an existing well.
- B. This ordinance shall not apply to:
- (1) normal maintenance and minor repairs to keep existing wells in proper working order.
  - (2) those defined by the Pennsylvania department of Environmental Protection as public water systems (at least 15 service connections or regularly serve no fewer than 25 individuals daily at least 60 days out of the year).

#### **SECTION 4. RULES AND REGULATIONS**

The Board of Supervisors is hereby authorized and empowered to adopt such rules and regulations concerning well drilling which it may deem necessary from time to time to effect the purposes herein. All such rules and regulations adopted by the Board of Supervisors shall be in conformity with the provisions herein; all other ordinances of the Township, and all applicable laws, and applicable rules and regulations of administrative agencies of the Commonwealth of Pennsylvania.

#### **SECTION 5. DUTIES OF THE PROPERTY OWNER**

The owner of the property on which a well for domestic water use is to be utilized shall:

- A. Apply to Township for a well permit, providing, on the prescribed form: name and address of applicant, name and address of land owner where well is to be drilled, name and address and license number of well driller, site location and address, precise location of the proposed well and proposed date for drilling to begin. The approved location of the proposed well shall not be changed without prior township approval. A site plan (sketch) showing location of existing or proposed buildings, driveways, septic systems, and other wells must be attached to the application.
- B. Have all wells constructed by a qualified Pennsylvania licensed well driller to meet, at a minimum, the rules and regulations of this ordinance and any administrative agency of the Commonwealth of Pennsylvania.
- C. Submit any relevant information or data concerning the constructed well to the Township, including a signed well completion report and a copy of well water test results obtained from the well driller.
- D. Obtain a well permit prior to the issuance of a building permit.

#### **SECTION 6. LOCATION**

No well may be located less than the following minimum setback distances to existing or potential sources of pollution.

<u>Source of Pollution</u>	<u>Minimum Setback Distance</u>
Lakes, ponds, streams or other surface waters	25 feet
Storm drains, retention basins, stabilization ponds or stormwater management facilities	25 feet
Preparation area or storage area of hazardous spray materials, fertilizers, pesticides or other chemicals, salt piles	100 feet

<u>Source of Pollution</u>	<u>Minimum Setback Distance</u>
Gravity sewer lines and drains carrying domestic sewage or industrial waste	50 feet
Septic tanks, aerobic tanks or holding tanks	50 feet
Subsurface sewage disposal systems, elevated sand mounds, other sewage disposal fields	100 feet
Sewage seepage pits, cesspools	100 feet
Farm silos, barnyards (or other animal enclosure), privies	100 feet
Underground fuel tanks	100 feet
Rainwater pits, ditches, infiltration areas	25 feet
Spray irrigation sites, sewage sludge and septage disposal sites	100 feet
Property lines, driveways, and private roads	10 feet
Dedicated public right-of-way	20 feet
Building foundations (except for buildings enclosing water wells and/or water well pumps and any other source of pollution as approved)	30 feet
Dead animal burial pits	100 feet

## **SECTION 7. WELL CONSTRUCTION RULES AND REGULATIONS**

### **A. Plumbness and Alignment**

Every well shall be tested for plumbness and alignment in accordance with AWWA's Standard A100 for Water Wells. The test method and allowable tolerances shall be clearly stated in the specifications.

As a minimum, a 40-foot section of pipe or rigid dummy of the same length, having an outside diameter of not more than 0.5 inch less than the inside diameter of the well casing or hole being tested, should move freely throughout the length of the well casing or hole to the lowest anticipated pump setting.

### **B. Minimum Protected Depths**

All drinking water supply wells and observation wells shall be constructed to be watertight to such depths as may be necessary to exclude pollution from surface runoff and from polluted aquifers above the aquifer being used as a source of supply. In consolidated rock formations, if steel casing is used, the casing shall be equipped with a drive shoe and seated by driving it into the surface of the consolidated formation until a seal is obtained. If nonferrous casing is used, it must

be seated into the rock for a length of at least 5 feet (1.5 meters), and must be cemented in place. In unconsolidated formations, the permanent casing and grout shall extend at least 50 feet below original or final ground elevation, whichever is lower.

#### C. Temporary Casings

Temporary casings used for construction shall be capable of withstanding the structural load imposed during its installation and removal.

#### D. Well Casing Material

Protective casings shall be constructed of wrought iron or steel and shall have minimum weights and thickness as specified in AWWA's Standard A100 for Water Wells. Casing and grouting materials must be compatible. In general, the criteria established in AWWA's Standard A100 for Water Wells should be followed. Ferrous casings shall:

- (1) Be new pipe meeting American Society for Testing and Materials (ASTM) or American Petroleum Institute (API) specifications for water well construction.
- (2) Have additional thickness and weight if minimum thickness is not considered sufficient to ensure reasonable life expectancy of the well.
- (3) Be capable of withstanding forces to which it is subjected.
- (4) Be equipped with a drive shoe when driven.
- (5) Have full circumferential welds or threaded pipe joints.

#### E. Packers

Packers shall be of materials that will not impart taste, odor, toxic substances or bacterial contamination to the well water.

#### F. Screens

Well screens, when used, should:

- (1) Provide the maximum amount of open area while still maintaining structural strength.
- (2) Have the size of openings in the screen based on a sieve analysis of the material contained in the surrounding geological formation or gravel pack.
- (3) Be constructed of materials resistant to damage by chemical action of groundwater or cleaning operations.

- (4) Have sufficient diameter to provide adequate specific capacity and low aperture velocity. Usually, the entrance velocity should not exceed 0.1 feet per second.
- (5) Be installed so that the pumping water level remains above the screen under all operating conditions.
- (6) Be designed and installed to permit removal or replacement without adversely affecting watertight construction of the well.
- (7) Be provided with a bottom plate or wash down bottom fitting of the same material as the screen.

#### G. Grouting

All permanent well casings shall be surrounded by a minimum of 1.5 inches of grout the entire length of casing. Grouting materials shall conform to AWWA standards.

##### (1) Application

- (a) All grouting shall be performed by adding the mixture, from the bottom of the annular opening upward, in one continuous operation until the annular opening is filled.
- (b) When the annular opening is less than 4 inches, grout shall be installed under pressure by means of a grout pump in one continuous operation.
- (c) After grouting is applied, work on the well shall be discontinued until the grout has properly set.

##### (2) Guides

The protective casing must be provided with sufficient guides welded to the casing to permit unobstructed flow and uniform thickness of grout.

#### H. Upper Terminal Well Construction

- (1) Casing length shall extend 18 inches above final grade or well house floor, whichever is greater.
- (2) Where a well house is constructed, the floor surface shall be at least 6 inches above the final ground elevation.
- (3) The top of the well casing at sites subject to flooding should terminate at

least 3 feet above the highest known flood elevation.

- (4) Wells shall not be constructed in pits.

#### I. Well Development

Every well shall be developed to remove the native silts and clays, drilling mud and/or the finer fraction of the gravel pack. Development should continue until the maximum specific capacity is obtained from the completed well.

#### J. Capping

A welded metal plate or bolted and locked cap shall be the minimum acceptable method of capping a well. The well shall also be equipped with a sanitary seal.

#### K. Well Abandonment

- (1) All abandoned wells, observation points and test wells which are not to be used shall be sealed by such methods as necessary to restore the controlling hydrogeologic conditions which existed prior to construction.

### **SECTION 8. WELL PUMPS, DISCHARGE PIPING AND APPURTENANCES**

#### A. Submersible pumps

Where a submersible pump is used:

- (1) The top of the casing shall be effectively sealed against the entrance of water under all conditions of vibration or movement of conductors or cables.
- (2) The electrical cable should be firmly attached to the riser pipe at 20 foot intervals.

#### B. Discharge piping

- (1) Discharge piping shall:
  - (a) Have control valves and appurtenances located above the pump house floor when an aboveground discharge is provided.
  - (b) Be protected against the entrance of contamination.
  - (c) Be equipped with a check valve (in addition to any check valve within the well), a shutoff valve and a pressure gauge.

- (d) Have all exposed piping, valves and appurtenances protected against physical damage and freezing.
- (e) Be properly anchored to prevent movement.
- (f) Be protected against surge or water hammer.

### C. Pitless Well Units

- (1) Pitless units shall:
  - (a) Be shop-fabricated from the point of connection with the well casing to the unit cap or cover.
  - (b) Be threaded or welded to the well casing, or use compression fittings certified by the Water Systems Council under Recommended Standards (PAS- 1).
  - (c) Be of watertight construction throughout.
  - (d) Be of materials and weight at least equivalent and compatible to the casing.
  - (e) Have field connection to the lateral discharge from the pitless unit of threaded, flanged or mechanical joint connection.
  - (f) Terminate at least 18 inches above final ground elevation, or 3 feet above the highest known flood elevation, whichever is higher.
- (2) The design of the pitless unit shall make provision for:
  - (a) Access to disinfect the well.
  - (b) A properly constructed casing vent meeting the requirements of Section 8(D) of this ordinance
  - (c) A cover at the upper terminal of the well that will prevent the entrance of contamination.
  - (d) A contamination-proof entrance connection for electrical cable.
  - (e) An inside diameter as great as that of the well casing, up to and including casing diameters of 12 inches, to facilitate work and repair on the well, pump, or well screen.

- (f) At least one check valve within the well casing.
- (3) If the connection to the casing is by field weld, the shop-assembled unit must be designed specifically for field welding to the casing. The only field welding permitted will be that needed to connect a pitless unit to the casing.
- (4) The grouting of wells using pitless well units shall conform to the applicable criteria of Section 7(G) of this ordinance except that grout shall only be placed to a level immediately below the point where the adapter is connected to the well casing.

#### D. Casing Vent

Provisions shall be made for venting the well casing to the atmosphere. The vent shall terminate in a downturned position, at or above the top of the casing or pitless unit, no less than 18 inches above grade or floor or 3 feet above the highest known flood elevation, whichever is higher.

### **SECTION 9. REQUESTS FOR MODIFICATIONS OF CONSTRUCTION REGULATIONS**

The Board of Supervisors recognizes that the preceding regulations may not be applicable in all circumstances because of unusual topography or property line layout and may consider deviations or variations therefrom on an individual case-by-case basis.

A. The Board of Supervisors, after referral to the Planning Commission for its advisory comments, may grant a modification of the requirements of this ordinance if the literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question, provided that such modification will not be contrary to the public interest and that the purpose and intent of the ordinance is observed.

B. All requests for a modification shall be in writing. The request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, the provision or provisions of the ordinance involved and the minimum modification necessary.

C. The Board of Supervisors shall keep a written record of all action on all requests for modifications.

### **SECTION 10. VIOLATIONS AND ENFORCEMENT**

A. 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 seven (7) calendar days to comply with the provisions of this ordinance. Upon failure of the owner to effect such compliance, the Township may initiate prosecution as set forth herein.



B. Any person who violates or permit the violation of this ordinance, any amendments hereto, or any rules and regulations establishing pursuant to this ordinance, shall, upon being found liable therefore in an action brought before a Magisterial District Judge in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, pay the fine set by the Board of Supervisors plus all court costs, including reasonable attorney fees, incurred by the municipality in any enforcement proceeding. The municipal solicitor may assume charge of the prosecution without the consent of the District Attorney as required under PA. R. Crim. P. No. 83(c) (relating to trial and summary cases). In addition, any such person who violates or permits the violation of this ordinance, its amendments, or rules and regulations promulgates pursuant hereto, shall be liable for damages or restitution in any additional amount determined in such enforcement proceeding. Violations of this ordinance shall be punishable by a fine of not less than \$100.00 or more than \$1,000.00. A separate offense shall arise for each day or portion thereof in which a violation is found to exist or for each section of the ordinance, its amendments, or the rules and regulations promulgated pursuant hereto, which is found to have been violated.

#### **SECTION 11. ABATEMENT OF NUISANCE**

In addition to any other remedies provided in this ordinance, any violation of this ordinance shall constitute a nuisance and shall be abated by the municipality or the Board of Supervisors by: (i) seeking mitigation of the nuisance; (ii) by institution of a suit or suits in equity to restrain or prevent violations of the aforesaid sections; (iii) by seeking a mandatory preliminary injunction under the applicable provisions of the Pennsylvania Sewage Facilities Act; (iv) or by seeking other legal relief from a court of competent jurisdiction.

#### **SECTION 12. DISCLAIMER**

All well permits shall contain the following statement:

“Approval of this application and issuance of a permit for a well on the above described property does not constitute any guarantee or warranty by Barrett Township regarding quantity or quality of water that may be obtained as a result of any well drilled under this permit. This permit provides Barrett Township’s approval to drill a well at the specific site shown on the application, and does not provide any other guarantees, approval, warranties, etc.”

#### **SECTION 13. SEVERABILITY**

The provisions of this ordinance are severable. If any sentence, clause or section is for any reason found to be unconstitutional, illegal or invalid, such decision shall not affect the validity of any of the remaining provisions of this ordinance. It is hereby declared as the legislative intent that this ordinance would have been adopted had such unconstitutional, illegal or invalid provisions had not been included herein.

**SECTION 14. REPEALER**

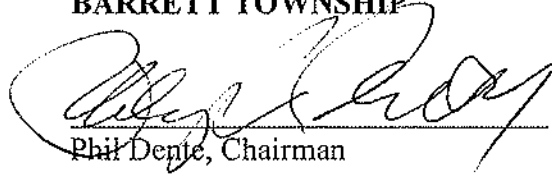
All ordinances or parts of ordinances in conflict herewith shall be and the same are hereby repealed.

**SECTION 15. EFFECTIVE DATE**

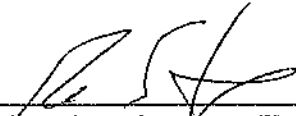
This ordinance shall take effect five (5) days after the date of its enactment.

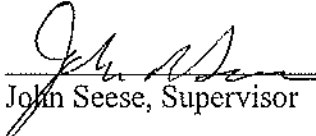
**ORDAINED AND ENACTED** into an ordinance at a regular meeting of the Board of Supervisors of Barrett Township, Monroe County, Pennsylvania, this 12 day of December, 2007.

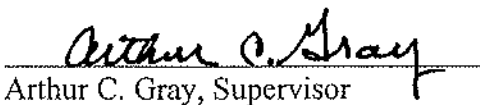
**BOARD OF SUPERVISORS OF  
BARRETT TOWNSHIP**

  
Phil Dente, Chairman

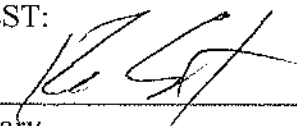
\_\_\_\_\_  
James A. Siglin, Vice Chairman

  
\_\_\_\_\_  
Rick Scudato, Secretary/Treasurer

  
\_\_\_\_\_  
John Seese, Supervisor

  
\_\_\_\_\_  
Arthur C. Gray, Supervisor

ATTEST:

  
\_\_\_\_\_  
Secretary

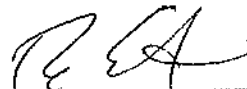
(TOWNSHIP SEAL)

**IN RE: AN ORDINANCE OF THE TOWNSHIP OF BARRETT, COUNTY OF  
MONROE, AND COMMONWEALTH OF PENNSYLVANIA, PROVIDING  
FOR THE REGULATION OF PRIVATE WELLS IN BARRETT  
TOWNSHIP.**

**CERTIFICATION**

I hereby certify that the attached Ordinance is a true and correct copy of an Ordinance enacted by the Board of Supervisors of Barrett Township, Monroe County, Pennsylvania, on the 12<sup>th</sup> day of December, 2007.

(TOWNSHIP SEAL)



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Rick Scudato, Secretary  
Barrett Township Board of Supervisors  
R.R. 2, Box 2337  
Cresco, PA 18326