

**SHREWSBURY TOWNSHIP
YORK COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2018-01

AN ORDINANCE OF SHREWSBURY TOWNSHIP, YORK COUNTY, PENNSYLVANIA REQUIRING THE OWNERS OF IMPROVED PROPERTY LOCATED IN THE SHREWSBURY BOROUGH WELLHEAD PROTECTION OVERLAY DISTRICT TO ABANDON, CAP, AND SEAL THEIR PRIVATE WELLS UPON CONNECTION TO A SOURCE OF PUBLIC WATER AND ALLOWING IMPROVED PROPERTIES THAT HAVE ALREADY CONNECTED TO A SOURCE OF PUBLIC WATER TO RETAIN THEIR PRIVATE WELLS PROVIDED THAT THEY PASS AN INITIAL INSPECTION AND FOR SO LONG AS THOSE PRIVATE WELLS DO NOT COME INTO A STATE OF DISREPAIR OR NONUSE, FOLLOWING WHICH TIME THEY SHALL BE ABANDONED, CAPPED AND SEALED, TO PROTECT THE PUBLIC WATER SYSTEM SERVING THE RESIDENTS AND CUSTOMERS OF SHREWSBURY BOROUGH AND SHREWSBURY TOWNSHIP.

WHEREAS, Shrewsbury Borough (the “Borough”) provides public water utilizing its water system (the “Water System”); and

WHEREAS, the Borough provides public water to properties located within Shrewsbury Borough; and

WHEREAS, the Borough adopted a Wellhead Protection Ordinance and other measures to protect the source of supply for the Water System; and

WHEREAS, the Borough required all of its residents, upon connection to the Water System, to discontinue the use of their private wells, which private wells were abandoned, capped and sealed; and

WHEREAS, the Borough provides water, at connection points within the Borough, for properties that are partially or wholly within Shrewsbury Township (the “Township”), to include, but not be limited to, 284 residential and commercial properties, as well as the Pennsylvania Department of Transportation Rest Stop that is south of the Borough on Interstate 83;

WHEREAS, several Wellheads supplying the Water System rely upon land areas and aquifers that are located in the Township; and

WHEREAS, the Borough and the Township entered into an Intergovernmental Cooperation Agreement for the protection of the Shrewsbury Borough Water System, including its Wellheads; and

WHEREAS, Township Ordinance 2010-07 implemented the Wellhead Protection Overlay District in portions of Shrewsbury Township and established other protections for the Water System; and

WHEREAS, the York Water Company (the “Company”) has at the request of certain property owners in the Township provided public water, and the Company intends to make its water available to others in the Township (with the Company’s water system and any other third party water system being referred to herein as a “Public Water System”);

WHEREAS, the Borough has requested and the Township is willing to require that its property owners, upon connection of their property to a Public Water System, discontinue the use of their Private Wells, and abandon, cap and seal them in accordance with the provisions herein.

WHEREAS, certain owners of Improved Property, whom have already connected to the Company’s Water System, may be allowed to retain their Private Wells provided that the Private Wells pass an initial inspection as required herein and, for so long as the owners continue to own their Improved Property and the Private Wells thereon are operating properly and being used, but upon any of these conditions not being met, the owners shall be required to properly abandon, cap and seal the their Private Wells. See attached “Exhibit A” for a list of Improved Properties that are connected to the Company’s Water System at the time of adoption of this ordinance.

THEREFORE, BE IT ENACTED AND ORDAINED, and it is hereby enacted by the Board of Supervisors of Shrewsbury Township, York County, as follows:

SECTION 1. Terms, Phrases and Definitions.

(a). The capitalized terms in this Ordinance shall have the meanings set forth in Shrewsbury Township Ordinance No. 2010-07, Wellhead Protection Ordinance.

(b). Private Water System – a well and related facilities located on and serving an Improved Property in the Township.

(c). Private Well – a well located on an Improved Property, which is part of its Private Water System.

SECTION 2. Connection to Public Water and Discontinuance of Use of Private Water System or Private Well Thereafter.

The Owner of any Improved Property in the Township, which is also located (in any part) in the Shrewsbury Borough Wellhead Protection Overlay District, shall discontinue use of any Private Water System or Private Well previously utilized to provide water to the Improved Property within thirty (30) days following connection to a Public Water System or following thirty (30) days written notice from the Borough,

regardless of when such connection to a Public Water System occurred (See “Exhibit A”). Improved Properties required to be or connected and served by the Public Water System, shall not be permitted to retain a Private Water System or Private Well for any purpose, except as specifically authorized herein. Capping and sealing of the Private Well shall be at the expense of the Borough. This Ordinance is not intended and should not be interpreted as a mandatory connection ordinance, and does not create an obligation that any Owner of Improved Property connect his Improved Property to the Public Water System.

SECTION 3. Retention.

Certain owners of Improved Property in the Township previously connected to the Company’s Water System, with the specific understanding as conveyed to them in writing by the Company that they would be allowed to retain their Private Well and one (1) exterior spigot. Those properties have been identified by the Borough and noted in its records. The owners of those Improved Properties may retain their Private Wells and one (1) exterior spigot, upon written request to the Borough at its municipal office, subject to satisfying each and every one of the conditions set forth below:

1. The location of the Private Well shall be provided to the Borough (i.e. front yard, side yard, etc.), allowing it to be inserted into the Borough’s mapping system.

2. The Private Well and Private Water System shall be inspected by the Borough following such request to confirm that all components thereof are in good working order and the Private Well is functioning properly. All inspections shall be performed at the expense of the Borough. Any fees, costs or expenses necessary to repair or to maintain the Private Well and Private Water System in good working order shall be the sole expense of the Owners of the Improved Property.

Such inspection shall include:

- (a). Testing of the water produced by the Private Well by a certified laboratory. Such procedure shall test for bacteria, nitrates, hardness, pH, iron, copper, lead, and volatile organic compounds (VOCs) to confirm levels not to exceed those recommended or required by the Federal or State Government.
- (b). Well access shall be protected by a vented, watertight, locking well cap.
- (c). Such other items or testing as might be necessary or reasonable in the opinion of the Borough.

(collectively the “Inspection”)

3. The Private Well shall be secured with a cap that has dual locks, at the expense of the Borough, with a key to the Property Owner and the other to Shrewsbury Borough for safe-keeping purposes. If the Property Owner needs access to the Private Well due to a problem with it, the Shrewsbury Borough Public Works Department shall open the

Private Well within one (1) business day following notice of the problem, for repair by the Property Owner at his sole expense. Business day excludes Saturdays, Sundays, and Holidays.

4. Shrewsbury Borough shall have the right to access the Improved Property and to inspect all components of the Private Water System, following reasonable advance notice, and upon convenience of the Property Owner, but no greater than seven (7) days, except in the case of an emergency, which may be verbal or in writing. An emergency is defined as a known condition of contamination existing upon which further delay will add to the severity of the contamination.

5. The Borough shall conduct Inspections, as necessary, but no less than once every five (5) years after the initial inspection of the Private Well as proof of non-contamination, which testing shall be at the Borough's sole expense.

6. The Property Owner shall submit to the Borough, on a form provided by the Borough and no less than annually or upon request, written confirmation that the Private Well continues to function properly, remains in use, and has therefore not been abandoned.

7. All Owners of any Improved Property allowed to retain their Private Water System must abandon, cap and seal properly the Private Well on or before conveyance by deed of any of the Improved Property to a third party. To the extent that the Property Owner, which qualified for Private Well retention per this Section, desires or must abandon, cap and seal his Private Well, the Borough shall complete the work at its expense, provided that such work is requested and completed within twenty (20) years following the effective date of this Ordinance.

8. Such other reasonable rules or regulations may be implemented from time to time by resolution by the Borough or Township, following written notice to the Property Owner.

SECTION 4. Abandoning, Capping and Sealing of Private Wells.

A. If a Property Owner requests and is granted permission to retain a Private Water System in accordance with Section 3 above and complies with all of the provisions set forth herein or as implemented from time to time as authorized herein, the Private Water System may be retained. If, however, the Property Owner fails to comply and does not cure the failure within forty-five (45) days, or if the Private Water System or Private Well becomes nonfunctional, fails an Inspection or is not utilized for a period of one (1) year, when the Property Owner shall be required to abandon the Private Well. Shrewsbury Borough will be responsible for the proper capping and sealing the Private Well at the Borough's expense, provided that such work is completed within twenty (20) years following the effective date of this Ordinance. After the 20 year period, the Borough will still be responsible for the proper closing of the Private Well, but the reasonable expense will be that of the Property Owner. No third party shall be authorized to conduct the closing of the Private Well.

B. When required, a Private Well shall be abandoned, capped and sealed, in accordance with the Water-Well Abandonment Guidelines promulgated by the Pennsylvania Department of Environmental Protection, or in accordance with other guidelines as may be approved or promulgated by resolution of the Township or the Borough, from time to time in the future.

SECTION 5. Proof of Well Abandonment.

A. A copy of the PADEP/DCNR Water Well Abandonment form, or other form as may be designated for such purpose by the Township or Borough in the future, shall be submitted to the Township and Borough within fifteen (15) days of abandonment.

B. Abandonment procedures shall be subject to Borough inspection. The Township may and hereby authorizes representatives of the Borough to complete such an inspection.

SECTION 6. Enforcement.

A. Any Person who shall violate this Ordinance or the Rules and Regulations incorporated by reference herein shall be subject, upon being found guilty thereof in a legal enforcement proceeding commenced by the Township, to a penalty of not less than Five Hundred (\$500) Dollars or more than One Thousand (\$1,000.00) Dollars, together with all court and related costs, and reasonable attorney fees, other professional time and staff time, and expenses incurred by the Township or the Borough. The Township hereby authorizes the Borough to undertake such enforcement efforts on its behalf. Each day that a violation shall continue shall be deemed to be a separate offense.

B. Any penalty, fines and costs imposed under provisions of this Ordinance shall be enforceable and recoverable in the manner provided by applicable law.

C. Nothing in this section shall prohibit the Township or Borough from enforcing the provisions of this Ordinance by any other remedy available at law or in equity, and the remedies provided herein shall be cumulative and concurrent.

SECTION 7. Miscellaneous.

A. In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause or part of this Ordinance, it being the intent of this Ordinance that such remainder shall remain in full force and effect.

B. It is declared that enactment of this Ordinance is necessary for the protection, benefit, and preservation of the health, safety, and welfare of the residents of the Borough and the Township. By way of explanation and lot limitation, this Ordinance will serve to protect the Water System and the underground sources that provide water to it.

C. This Ordinance shall become effective five (5) days following passage. This Ordinance shall be applicable to all Improved Properties located in the Township in a Shrewsbury Borough Wellhead Protection Overlay District, regardless of whether they have connected or will connect in the future to a Public Water System.

D. All ordinances, or parts of ordinances, inconsistent herewith expressly are repealed.

ENACTED AND ORDAINED, this ____ day of February, 2018.

ATTEST:

SHREWSBURY TOWNSHIP
BOARD OF SUPERVISORS

Todd A. Zeigler, Secretary

By: _____
Arthur Rutledge, Chairman

Shrewsbury Township

EXHIBIT "A"

**Improved Properties within the Wellhead Protection Zone
connected to the Company's Water System (The York Water Company)**

STREET NUMBER	STREET ADDRESS	CITY, STATE, ZIP CODE	UNIFORM PARCEL IDENTIFICATION NUMBER
3	ABBEY RD	New Freedom, PA 17349	450000 0800300000000
4	ABBEY RD	New Freedom, PA 17349	450000 0800370000000
4	STRAWBERRY RD	New Freedom, PA 17349	450000 0800410000000
5	ABBEY RD	New Freedom, PA 17349	450000 0800310000000
6	ABBEY RD	New Freedom, PA 17349	450000 0800360000000
6	PENNY LN	New Freedom, PA 17349	450000 0800480000000
6	STRAWBERRY RD	New Freedom, PA 17349	450000 0800400000000
7	ABBEY RD	New Freedom, PA 17349	450000 0800320000000
8	ABBEY RD	New Freedom, PA 17349	450000 0800350000000
8	STRAWBERRY RD	New Freedom, PA 17349	450000 0800390000000
9	PENNY LN	New Freedom, PA 17349	450000 0800450000000
10	ABBEY RD	New Freedom, PA 17349	450000 0800340000000
10	PENNY LN	New Freedom, PA 17349	450000 0800460000000
448	PLANK RD	New Freedom, PA 17349	450000 CJ00710000000
468	PLANK RD	New Freedom, PA 17349	450000 CJ0071A000000
504	PLANK RD	New Freedom, PA 17349	450000 CJ0071B000000
526	PLANK RD	New Freedom, PA 17349	450000 CJ0071D000000
12974	BETHANY CT	New Freedom, PA 17349	450000 CJ0071G000000

As of the date of adoption of Ordinance No. 2018-01, there were:

69 Township properties within the Wellhead Protection Zone, and of those:

- 30 unknown as to source of water (well or public water)
- 18 connected to The York Water Company
- 15 connected to the Shrewsbury Borough water system
- 4 connected to public wells
- 1 public utility (Borough sewer pump station)
- 1 vacant lot