

**BOROUGH OF DANVILLE  
COUNTY OF MONTOUR  
COMMONWEALTH OF PENNSYLVANIA**

**ORDINANCE NO. 507**

**AN ORDINANCE TO REGULATE THE USE OF  
GROUNDWATER IN THE BOROUGH; TO REPEAL ALL  
CONFLICTING PORTIONS OF THE CODE OF THE BOROUGH  
OF DANVILLE; TO PROVIDE A SEVERABILITY CLAUSE; AND  
TO PROVIDE AN EFFECTIVE DATE.**

Be it enacted and ordained by the Borough Council of the Borough of Danville, County of Montour, Commonwealth of Pennsylvania, and it is enacted and ordained as follows:

**Section 1. Findings and Purpose.** The Borough Council has been informed and hereby finds that groundwater in certain areas of the Borough has been contaminated or otherwise adversely impacted by hazardous substances and that identified public health, safety, and welfare risks may affect water drawn from or around certain areas of such impacted groundwater. The Borough Council has determined that it is necessary and appropriate to prohibit the use of Wells to supply water for Domestic Use or Agricultural Use in order to protect Borough residents by minimizing the health, safety and welfare risks. The purpose hereof is to protect the public health, safety and welfare by imposing the restrictions and requirements set forth herein.

The Borough Council further finds that the Borough is serviced by a Public Water System that is available to residents of the Borough and that providing public water is in the best interests of the health, safety, and welfare of the residents of the Borough.

**Section 2. Definitions.** The following definitions shall apply to terms used in this Ordinance:

(i) "Agricultural Use" means commercial agricultural activities including, but not limited to, irrigation of crops, watering of livestock, and food production, processing or packaging

(ii) "Borough" means the Borough of Danville, County of Montour, Commonwealth of Pennsylvania.

(iii) "DEP" means the Commonwealth of Pennsylvania, Department of Environmental Protection.

(iv) "Domestic Use" means the use of water for drinking, cooking, food preparation and other food-related services, cleaning, washing, bathing, watering lawns, gardens and landscaping irrigation, and similar household-type water uses at any residential dwelling, or at any building in which commercial/business, governmental/public or industrial activities are conducted. The term does not include water used solely for closed loop heat pumps, non-contact cooling, other types of geothermal units or production and/or processing purposes of commercial or industrial enterprises.

(v) "Enforcement Official" means the Borough Secretary or his or her designee when acting in his or her capacity to enforce the terms of this Ordinance pursuant to Section 6 hereof.

(vi) "Owner" means the holder of record title for a Parcel.

(vii) "Parcel" means any plot of land defined by the metes and bounds set forth in the deed for that land and located within the Borough.

(viii) "Person" means an individual, firm, corporation, association, partnership, consortium, joint venture, commercial entity, authority, nonprofit corporation or other legal entity which is recognized by law as the subject of rights and duties. The term includes the Federal government, State government, political subdivisions and Commonwealth instrumentalities.

(ix) "Public Water System" means a system for the provision to the public of water for human consumption and/or Domestic Use and/or Agricultural Use.

(x) "Well" means an opening in the surface of the earth for the purpose of removing water through non-mechanical or mechanical means for any purpose other than a public emergency.

**Section 3. Groundwater Use Restrictions.** Except as provided in Section 7 hereof, no Person shall install, construct, develop, expand, modify or use a Well within the Borough for the purpose of removing water in any quantity through mechanical or non-mechanical means for Domestic Use or Agricultural Use.

**Section 4. Groundwater Wells For Purposes Other Than Domestic Use or Agricultural Use.** A Person shall be permitted to install, construct, develop, expand, modify or use a Well within the Borough for any reason other than Domestic Use or Agricultural Use, such as groundwater monitoring and construction dewatering. Under no circumstances, however, may a Well installed for such purposes be used for either Domestic Use or Agricultural Use.

**Section 5. Connection To Public System Required.** Except as provided in Section 7 hereof, in the event that any Parcel is being serviced by a Well for Domestic Use and/or an Agricultural Use as of the date of the enactment of this Ordinance, within thirty (30) days after the Effective Date of this Ordinance, the Owner of said Parcel shall be required to take those steps necessary to connect to a Public Water System to obtain water for Domestic Use and/or Agricultural Use. The cost of constructing a main from the structure to be serviced to the boundary of the Parcel and connecting to a Public Water System shall be borne by the Owner. The use of any existing Well for Domestic Use and Agricultural Use is expressly prohibited.

**Section 6. Enforcement Official and Notification.** The Borough Secretary, or his/her designee, shall be the official having the authority to enforce this Ordinance. After the Effective Date of this Ordinance, the Enforcement Official shall contact all Owners of Parcels which, from the information available to the Borough, appear to have Wells prohibited under this Ordinance and give written notice of the need to cease using such Wells for Domestic Use and/or Agricultural Use and the need to connect to a Public Water System, as required under Section 5 hereof. The Owner shall take steps to comply with the provisions of this Ordinance within thirty (30) days from the date of such notice. Where, upon information available to the Enforcement Official, it is suspected that a Well is being used on a Parcel in violation of this Ordinance, the Enforcement Official may inspect such Parcel and serve an appropriate notice and order of such violation requiring that action be taken promptly by the Owner to bring the Parcel into compliance with this Ordinance. If the Owner fails to act in accordance with such order, the Enforcement Official may seek remedies and penalties as provided in Section 8.

**Section 7. Grandfathered Parcels.** As of the date of enactment of this Ordinance, the Parcels situate at 101 Alton Street, 237 Rooney Avenue, and 320 Church Street (the "Grandfathered Parcels") currently have a well which is supplying or could supply water for Agricultural Use or Domestic Use. The Borough Council finds that the Grandfathered Parcels are outside the area where groundwater has been impacted by hazardous substances which were the impetus for this Ordinance. As a result, the Grandfathered Parcels are exempt from the requirements of Sections 3 through 5 hereof, provided, however, that if the Owner of a Grandfathered Parcel, who owns the Grandfathered Parcel on the date of enactment of this Ordinance, subsequently sells, transfers or otherwise conveys ownership of the Grandfathered Parcel, through whatever means, to another individual or entity, the Grandfathered Parcel shall

forfeit its exempt status and the new Owner shall be required to comply with all provisions of this Ordinance, including Sections 3 through 5 above.

**Section 8. Remedies and Penalties.** Any person who violates the provisions of this Ordinance shall be subject to all rights and remedies available to the Borough as provided by law, including the right of the Borough to seek an Order from a court of appropriate jurisdiction requiring compliance with this Ordinance. The Borough may also seek collection of costs and attorneys' fees associated with such enforcement action. Any violation of the Ordinance is a public nuisance, subject to abatement, and any Well in violation of this Ordinance shall be immediately taken out of service and lawfully abandoned in compliance with applicable legal requirements. A court of competent jurisdiction may order any person violating any provision of this Ordinance to properly and lawfully remove or abandon a Well.

**Section 9. Building and Zoning Permits.** No permit for the construction or alteration of a building or structure, nor any permit for any zoning approval, shall be issued for any improvement on a Parcel which has, or proposes, a water supply for Domestic Use and/or Agricultural Use from a Well in violation of this Ordinance.

**Section 10. Notification to Water Suppliers.** The Borough Secretary, or his/her designee, shall provide a copy of this Ordinance to all water suppliers that operate a Public Water System in any portion of the Borough, whether the Public Water System services a development or services Borough residents, generally.

**Section 11. Notification to DEP.** Prior to the enactment of any modification, amendment or repeal of this Ordinance, the Borough shall give to DEP notice of its intent to modify, amend or repeal this Ordinance. Such notice shall be provided at least thirty (30) days

prior to the date of the meeting at which the modification, amendment or repeal of this Ordinance will be presented to the Borough for consideration and vote.

**Section 12. Repeal.** Any portion of the Code of the Borough of Danville that is in conflict with any provision of this Ordinance is hereby repealed solely to the extent of such conflict.

**Section 13. Severability.** Should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not effect the validity of this Ordinance as a whole, or any part or provision thereof, other than the part decided to be unconstitutional, illegal or invalid, and such shall not effect the validity of the Code of the Borough of Danville.

**Section 14. Applicable Authority.** This Ordinance is enacted pursuant to, *inter alia*, the Uniform Environmental Covenants Act, Act No. 68 of December 18, 2007, P.L. 450, 27 Pa.C.S. §6501 *et. seq.*, and applicable regulations, and the Land Recycling and Environmental Remediation Standards Act, Act No. 2 of May 19, 1995, P.L. 4, 35 P.S. §6026.101, *et. seq.*, and applicable regulations.

**Section 15. Effective Date.** This Ordinance shall take effect thirty (30) days from the date of its enactment.

**BOROUGH OF DANVILLE, COUNTY OF  
MONTGOMERY, COMMONWEALTH OF  
PENNSYLVANIA**

By: Edward C. Coleman  
Mayor

By: Richard Jones  
President

By: Thomas M. Mul  
Secretary