

CITY OF LOCK HAVEN, PENNSYLVANIA

FILE OF CITY COUNCIL

SESSION OF 2010

ORDINANCE NO. 853

AN ORDINANCE OF THE CITY OF LOCK HAVEN, PENNSYLVANIA, REGULATING THE SUPPLY OF POTABLE WATER; PROHIBITING THE USE OF GROUNDWATER AS A POTABLE WATER SUPPLY; AND PROHIBITING THE USE OR INSTALLATION OF GROUNDWATER WELLS OR OTHER MEANS FOR THE CONVEYANCE OF GROUNDWATER AS A POTABLE WATER SUPPLY.

WHEREAS, the City of Lock Haven, Pennsylvania, under the provisions of the Third Class City Code, Article XXXV, Section 3501, 53 P.S. § 38501, has been granted the exclusive right to supply the City with water, and the unrestricted right, by ordinance, to make and maintain the proper means for receipt, conveyance, and distribution of water within the City; and

WHEREAS, the City Council has determined that regulation of the use of groundwater beneath the City as a potable water supply is in the best interests of the City of Lock Haven, and will promote and protect the public health, safety and welfare; and

NOW, THEREFORE, be it ORDAINED and ENACTED by the CITY COUNCIL of the CITY OF LOCK HAVEN, CLINTON COUNTY, PENNSYLVANIA, the following:

SECTION 1: Groundwater for Potable Use Prohibited. The use by any person of groundwater from within the corporate limits of the City of Lock Haven as a supply of water for potable uses is hereby prohibited.

SECTION 2: Installation and Use of Wells or Other Means for Conveyance of Groundwater for Potable Use Prohibited. The installation or use by any person of any means for conveyance of groundwater as a supply of water for potable uses within the corporate limits of the City of Lock Haven is hereby prohibited, including but not limited to, wells, pipes, cisterns, tanks, pumps, or any other equipment or method of conveying groundwater.

SECTION 3: Existing Potable Groundwater Uses. If any person uses groundwater as a supply of water for potable uses within the corporate limits of the City of Lock Haven at the effective date of this Ordinance, such person shall, within ninety (90) days of the effective date of this Ordinance: (A) cease such potable use; (B) close and abandon any means used to convey such groundwater for potable use to the surface of the land, including any wells, pipes, cisterns, tanks, pumps, or any other equipment or method of conveyance of such groundwater for potable use; (C) make written application to the City of Lock Haven Water Department for water service connection in accordance with Chapter 26 of the City Code or otherwise demonstrate acquisition of potable water from an alternative source; and (D) provide certification in writing to the City Engineer of compliance with this Section.

SECTION 4: Penalties. Any person who is found to have violated this Ordinance shall pay a fine of not less than One Hundred Dollars (\$100.00) and not more than One Thousand Dollars (\$1,000.00), plus costs. For a continuing violation, each day on which a violation of this Ordinance shall occur or continue shall be deemed a separate and distinct offense and may be prosecuted and fined as such.

SECTION 5: Definitions. As used in this Ordinance, the following terms shall have the following meanings:

PERSON – any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, state, city, including the City of Lock Haven, governmental entity, agency, department, or officer, or any other legal entity, or their legal representatives, agents, or assigns.

POTABLE USE – any use of water for human or domestic consumption purposes, including but not limited to, drinking, bathing, swimming, washing food or dishes, or preparing foods.

GROUNDWATER – any source of water acquired from beneath the surface of the land, including but not limited to, any subsurface aquifer, spring, seep, rock or soil formation.

SECTION 6: Repealer. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed insofar as they are in conflict with this Ordinance.

SECTION 7: Severability. If any section, clause, sentence, or provision of this Ordinance shall be adjudged invalid, such adjudication shall not affect the validity of the Ordinance as a whole or of any other part or portion of the Ordinance not so adjudged invalid.

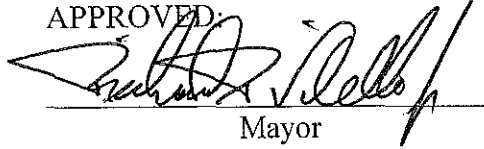
SECTION 8: All ordinances or parts of ordinances inconsistent herewith be and the same are hereby repealed.

SECTION 9: This Ordinance shall become effective twenty (20) days after final adoption.

INTRODUCTION BY COUNCILMAN Alan Black

PASSED CITY COUNCIL FIRST READING February 1, 2010

PASSED CITY COUNCIL SECOND READING FEBRUARY 22, 2010

APPROVED:  
  
Mayor

ATTEST:

Richard W. Marcantoni  
City Clerk