

ORDINANCE NO. 134

AN ORDINANCE OF THE TOWNSHIP OF NOCKAMIXON, BUCKS COUNTY, PENNSYLVANIA, AMENDING CHAPTER 196 OF THE CODE OF ORDINANCES OF NOCKAMIXON TOWNSHIP PERTAINING TO SUBDIVISION AND LAND DEVELOPMENT IN NOCKAMIXON TOWNSHIP TO REVISE WATER RESOURCE IMPACT STUDY AND WATER SUPPLY REGULATIONS TO BE CONSISTENT WITH CHAPTER 228, WELLS.

By Ordinance No. 116 as amended, Nockamixon Township Board of Supervisors ("Board") has enacted a Subdivision and Land Development Ordinance pursuant to its statutory authority, the Pennsylvania Municipalities Planning Code ("MPC"), Act 247 of 1968, as amended (53 P.S. §10101 et seq.);

The Subdivision and Land Development Ordinance, as amended, is codified at Chapter 196 of the Code of Ordinances of Nockamixon Township (the "Code");

Through careful study, the Board, with the assistance of its committees, has recognized that, in order to protect the quality and quantity of the water resources of Nockamixon Township and thereby protect the health, safety, and welfare of the residents of Nockamixon Township regulations concerning wells should be revised to be consistent with Chapter 228 of the Code.

The proposed amendments have been advertised, considered, and reviewed in accordance with MPC Section 609 (53 P.S. §10609).

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, and it is hereby **ENACTED AND ORDAINED** by the Board of Supervisors of Nockamixon Township, Bucks County, Pennsylvania, as follows:

- I. **Section 196-408 Water Resource Impact Study** shall be amended in its entirety to read as follows:
 1. All projects withdrawing 10,000 gpd or greater of groundwater or surface water, or a combination of these two sources are required to obtain a permit from the Delaware River Basin Commission (DRBC). Copies of all submission by the applicant to the DRBC shall be sent to the Township. Additionally, copies of all submissions to the Pennsylvania Department of Environmental Protection (PADEP) and all correspondence received by the applicant from PADEP shall be forwarded to the Township.
 2. All water withdrawal projects will be reviewed by the Township. Submission of appropriate studies are required when the proposed development is not served by public water supplied by a Municipal Authority approved by the Township; and as required by Chapter 228, Wells, in the Code of Nockamixon Township, as amended.
 3. All groundwater studies required by these regulations shall be prepared by a hydrologist or professional engineer qualified to conduct groundwater

investigations in the Commonwealth of Pennsylvania. The purpose of the study is to determine if there is an adequate supply (quantity and quality) of water for the proposed use and to estimate the impact of the additional water withdrawals on existing nearby wells, underlying aquifers and streams.

4. A water withdrawal system which does not provide an adequate supply of water for the proposed use, considering both quality and quantity; and/or adversely affects nearby wells, streams, and/or underlying aquifers shall not be approved by the Township.
5. Submission to the Township shall include any and all applications, reports, or supplemental information submitted to the Bucks County Department of Health, Pennsylvania Department of Environmental Protection and the Delaware River Basin Commission.

II. Section 196-519 Water Supply, Distribution Systems, and Fire Protection shall be amended in its entirety to read as follows:

1. **Water Supply.** All lots and leased units in a subdivision or land development shall be provided with adequate water supply by means of one of the following methods:
 - A. Connection to a centralized or public water supply.
 - B. On-lot water supply.
2. Appropriate studies must be prepared for all applications in accordance with Chapter 228 of the Code of Nockamixon, as amended.
3. **Public and Centralized Water Supply and Distribution Systems:**
 - A. All buildings requiring water service located within 150 feet of the right-of-way of a public water main shall be required to make connection to said public watermain and pay applicable connection fees and rental rates to the Authority having ownership of the public watermain, in the following instances:
 - (1) All new construction requiring water supply.
 - (2) All new building lots.
 - (3) All existing structures wherein the structure is enlarged or changed in use to require increased water capacity. This does not include residential additions which do not increase the number of dwelling units.
 - (4) All conversions of buildings from a principal residential use to a principal non-residential use.
 - B. If water is to be provided by means other than by private wells owned and maintained by the individual owners of lots within the subdivision or

development, applicants shall present evidence to the Board of Supervisors that an adequate supply of potable water is to be supplied by a certified public utility, a bona fide association of lot owners, or by a municipal corporation, authority, or utility. A copy of a Certificate of Public Convenience from the Pennsylvania Public Utility Commission or an application for such certification, a proposed Declaration creating a homeowners association to serve the area, or an agreement with an Authority or other municipal body, providing for such water supply, shall be submitted. Determination as to whether there is a sufficient supply of potable water shall be made in accordance with Chapter 228 of the Code of Nockamixon Township, as amended.

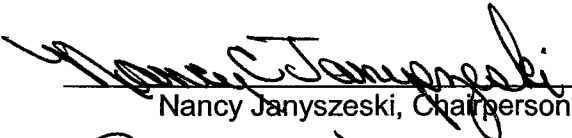
- C. Water quality requirements for a proposed centralized water system shall conform to applicable standards of the Pennsylvania Department of Environmental Protection and Bucks County Department of Health.
 - D. Watermains shall be constructed by the developer in such a manner to make adequate water service available to each lot, building or dwelling unit within the subdivision. A minimum pressure of thirty-five (35) pounds per square inch shall be provided at each house or other building to be connected to the water supply main. The water supply must comply with regulations and standards of the Pennsylvania Department of Environmental Protection, and when applicable, the Delaware River Basin Commission.
 - E. The system shall also be designed with adequate capacity and appropriately spaced fire hydrants for firefighting purposes as determined by the Township. Hydrant locations shall be reviewed by the Fire Marshall and Fire Company servicing the area, and approved by the Township.
 - F. Water Impact Study. A Water Impact Study pursuant to Chapter 228 of the Code of Nockamixon Township, as amended, shall be required for all centralized water supply and distribution systems wherein a new water supply source or increased withdrawal from an existing groundwater source is proposed to be developed.
4. Individual On-Lot Wells.
- A. Where individual on-lot wells are proposed within a new subdivision or land development, wells shall be drilled, installed, and tested for adequate water supply to serve the proposed use in accordance with Chapter 228 of the Code of Nockamixon Township, as amended.
 - B. Where existing wells are proposed to be abandoned, well closure must be in accordance with PADEP and Bucks County Department of Health Well Abandonment Procedures.
5. Applicant shall submit design plans to the servicing fire company and Township for comment regarding access and water supply for firefighting purposes. Additionally, applicant must consult with the Township Code Official and/or

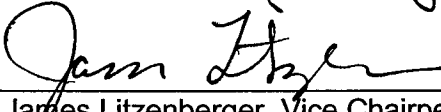
Building Inspector to obtain a preliminary determination of the need for fire suppression systems within multifamily and nonresidential structures. Design information for all facilities required by the above including, but not limited to, fire lanes, emergency access roads, storage tanks/ponds, and dry water lines/hydrants must be included on plan submission.

III This Ordinance shall be effective five (5) days after adoption by the Nockamixon Township Board of Supervisors.

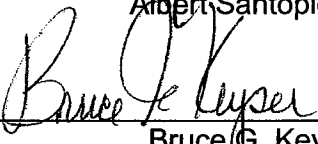
ENACTED AND ORDAINED this 15th day of April, 2008, by the Nockamixon Township Board of Supervisors.


**Nockamixon Township
Board of Supervisors**


Nancy Janyszeski, Chairperson

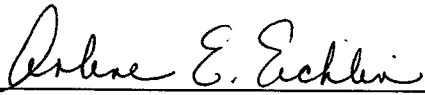

James Litzemberger, Vice Chairperson


Albert Santopietro, Member


Bruce G. Keyser, Member


Henry Gawronski, Member

Attest:


Township Secretary