

ORDINANCE

AN ORDINANCE AMENDING CHAPTER 82 “BUILDING CONSTRUCTION” TO ADD ARTICLE V “WATER SUPPLY” TO ESTABLISH THAT PUBLIC WATER IS TO BE USED IN THE CITY OF COATESVILLE AND THAT PRIVATE WELLS NOT ALREADY IN EXISTENCE ARE PROHIBITED

WHEREAS, the City of Coatesville is a Third Class City situated in Chester County, Pennsylvania operating under its Home Rule Charter and the Third Class City Code (hereinafter “the City”); and

WHEREAS, the City currently provides limited regulation of private wells under the City’s Subdivision and Land Development Ordinance at Chapter 97 of the City Code; and

WHEREAS, the County of Chester defers with respect to its regulation of private wells to the City; and

WHEREAS, the Third Class City Code provides authority for regulating private wells and prohibiting same at 53 P.S. §37403(60) and 53 P.S. §38501; and

WHEREAS, private wells have been determined to be nuisances which are inconsistent with the appropriate regulation of the health, safety and morals and general welfare and cleanliness, beauty, convenience, comfort and safety of the citizens of the City.

NOW, THEREFORE, in consideration of the foregoing, and under the authority previously recited, as well as such other power as is available to it, the City of Coatesville does amend its Chapter 82 regarding Building Construction by the addition of an Article V governing “Water Supply” as follows:

ARTICLE V – WATER SUPPLY

~~Section 82-28 – Purpose. The City recognizes that the City has public water available and the City has authority, by means of its Home Rule Charter and 53 P.S. §38501 and 53 P.S. §37403(60), to make appropriate regulations for the safety and welfare of the City and to prohibit private wells.~~

Section 82-29 – Private wells determined to be a nuisance. Private wells have been determined to be nuisances as the use of public water promotes the health, safety, morals, general welfare, cleanliness, beauty, convenience, comfort and safety of the City and private wells are determined to be inconsistent with the health safety and welfare of the City and its residents.

Section 82-30 – Private Wells Prohibited. No private wells shall be permitted within the City of Coatesville after the effective date of this Ordinance.

Section 82-31 – Existing Private Wells. Any private wells currently existing shall be

permitted to continue. However, if a private well is abandoned or fails, a replacement well is prohibited.

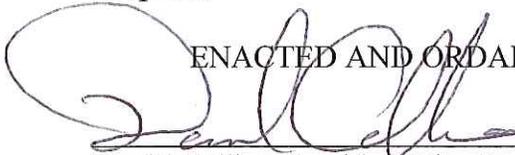
Section 82-32 - Penalties for Non-compliance. A property owner who installs a private well in violation of the terms of this Ordinance shall be required to immediately remove the private well and abandon same and failure to do so shall make said property owner liable to the City for all expenses incurred by the City including reasonable attorney's fees in enforcing the terms of this Ordinance.

Section 82-33 - Conflicts with Statutory Provisions. In all matters herein subject to the law of the Commonwealth of Pennsylvania or as established by regulations of the Commonwealth of Pennsylvania or by departments or agencies of the Commonwealth promulgated by authority of law, such law or regulations, or other Ordinance of the City of Coatesville, as the case may be, shall control where the requirements thereof are the same or exceed the provisions of this Article. The provisions of this Ordinance controls in all cases where the state requirements or the requirements of other Ordinances of the City are not as strict as those contained in this Ordinance.

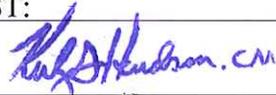
Section 82-34 – Severability. If any portion of the Ordinance shall be determined to be unconstitutional, illegal or unenforceable, then the portion and only that portion of this Ordinance, which is deemed to be unconstitutional, illegal or unenforceable, shall be severed from the remainder of this Ordinance and all other terms thereof shall remain in full force and effect.

This Ordinance shall be effective as required by the City Code thirty (30) days after adoption.

ENACTED AND ORDAINED this 28th day of October, 2013.


David Collins, President City Council

ATTEST:


Kirby A. Hudson, City Manager

CERTIFICATION

I HEREBY CERTIFY that the foregoing Ordinance was introduced on the 14th day of October, , 2013, and was duly enacted by the Council of the City of Coatesville, Chester County, Pennsylvania on the 28th day of October, 2013, that the vote upon the said Ordinance has been recorded in the Minutes of the City Council and that the Ordinance has been fully recorded.


Kirby A. Hudson, City Manager