

TOWN OF YORK WELL ORDINANCE

ADOPTED 03/18/92

ARTICLE 1 – FINDINGS

The Town of York finds that:

- 1.1 It is preferable that property located within a reasonable distance of the public water supply be connected to the public water supply as opposed to drilling private wells.
- 1.2 The York Water District has existing service covering most of zoning districts BUS-3, RES-5, RES-6 and RES-7.
- 1.3 The installation of wells in neighborhoods currently served only by summer water or without public water inhibits the likelihood of year-round public water being extended to the neighborhood in the future.
- 1.4 The land area represented by the BUS-3, RES-5, RES-6 and RES-7 zoning districts is largely comprised of small (3500 – 8000 sf) individual lots.
- 1.5 While the York Sewer District services a large portion of the area represented by the BUS-3, RES-5, RES-6 and RES-7 zoning districts there are still a large number of septic systems in use on parcels which do not meet the current state minimum lot size requirement of 20,000 sf for installation of on-site sewage disposal.
- 1.6 The existence of septic systems on marginal lots provides a potential for groundwater contamination and therefore a potential health threat.
- 1.7 The State Plumbing Code establishes a setback requirement for septic systems from wells. In a neighborhood where lots are very small, the potential exists for the placement of a well to limit or prohibit the installation of either a new septic system or a replacement system thus inhibiting use of abutting property.
- 1.8 Commercial operations, including home occupations are generally heavier users of water and are less appropriate for locations not served by Town water.

ARTICLE 2 – WELLS PROHIBITED

- 2.1 It shall be a violation of this ordinance for anyone to drill, dig, or otherwise install a well for the supply of water within the confines of zoning districts BUS-3, RES-5, RES-6 and RES-7, except as specified in Sections 2.5 and 2.6 below.
- 2.2 Existing wells within the confines of zoning districts BUS-3, RES-5, RES-6 and RES-7 shall not be used to service any additional dwellings or parcels of land except as specified in Section 2.5 and 2.6 below.

- 2.3 Existing wells within the confines of zoning districts BUS-3, RES-5, RES-6 and RES-7 shall not be used as a water supply for the conversion of the property from residential use to any non-residential use nor for the conversion of an existing non-residential use to any use which requires a greater use of water than the existing use except as specified in Section 2.5 below.
- 2.4 Existing wells within the confines of zoning districts BUS-3, RES-5, RES-6 and RES-7 which are associated with residential uses shall not be used as a water supply for the addition of any home occupation which would require a greater use of water than the existing residential use except as specified in Section 2.5 below.
- 2.5 The Code Enforcement Officer may approve a special exception from the terms of paragraphs 2.1, 2.2, 2.3 and 2.4 if he/she finds that all of the following conditions are met.
- 2.5.1 The property on which the well is to be placed must be connected to the public sewer system.
- 2.5.2 All abutting property which has been built upon must be connected to the public sewer system.
- 2.5.3 The year-round public water supply must be extended greater than 400 feet to service the property.
- Such special exception shall be in force for a period of 5 years at which time it must be reviewed by the Code Enforcement Officer for compliance with the above criteria. Properties which upon review no longer comply with the three criteria above shall be required to discontinue use of the well within a time period specified by the Code Enforcement Officer.
- 2.6 The Code Enforcement Officer may grant a special exception to the terms of Articles 2.1 and 2.2 when such an exception is necessary to provide a water source as a replacement to a well existing as of March 18, 1992. This exception shall be granted only if the public water supply must be extended greater than 400 feet to service the property containing the failed well. All special exceptions granted pursuant to this section shall expire within one (1) year of the date which the public water supply passes the property at which time the property must be connected to the public water supply and use of the well discontinued.

ARTICLE 3 – ENFORCEMENT AUTHORITY

- 3.1 The Code Enforcement Officer shall be responsible for the enforcement of this ordinance. All enforcement actions will be pursuant to Article 19 of the Town of York Zoning Ordinance.

ARTICLE 4 – APPEALS

- 4.1 Parties aggrieved by the provisions of this ordinance or by any decision of the Code Enforcement Officer under this ordinance may appeal to the Board of Appeals following the procedures and criteria of Article 18.8 of the Town of York Zoning Ordinance.

- 4.2 The Board of Appeals may not vary the terms of this ordinance for the purpose of allowing any commercial activity nor for any home occupation which would require a greater use of water than a single-family dwelling nor for any duplex or multi-family dwelling.
- 4.3 The Board of Appeals may **not** vary the terms of this ordinance for the purpose of allowing a seasonal dwelling to convert to a year-round dwelling.
- 4.4 Parties aggrieved by any decision of the Board of Appeals pursuant to this ordinance may appeal to Superior Court in accordance with the terms of State Statute.

ARTICLE 5 – DEFINITIONS

- 5.1 Public water shall refer to the York Water District.
- 5.2 Public sewer shall refer to the York Sewer District.

ARTICLE 6 – SEVERABILITY AND CONFLICT WITH OTHER ORDINANCE

- 6.1 This ordinance shall not nullify the more restrictive provisions of covenants, agreements, other ordinances or laws, but shall prevail notwithstanding such provisions which are less restrictive.
- 6.2 Should any section or part thereof of this ordinance be held by the courts to be invalid the same shall not affect the validity of this ordinance as a whole or any part thereof other than the part so declared to be invalid.

ARTICLE 7 – ENFORCEMENT AND VIOLATIONS

- 7.1 It shall be the duty of the Code Enforcement Officer to enforce the provisions of this ordinance following the provisions of Article 10 of the Town of York Zoning Ordinance.

ARTICLE 8 – EFFECTIVE DATE

- 8.1 This ordinance shall become effective immediately upon its adoption by the voters of the Town of York at a Town Meeting.