

TOWNSHIP OF WALL

ORDINANCE NO. 19-2018

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY SUPPLEMENTING CHAPTER 222, WATER, AND CREATING NEW SECTION 222-54 TO REGULATE WELLS

WHEREAS, the Mayor and Township Committee have the authority to regulate the distribution of water and maintain the health and safety of the residents of the Township of Wall; and,

WHEREAS, the Township Committee of the Township of Wall finds that it is in the best interests of the citizens of the Township of Wall to supplement Chapter 222, Water, to authorize the Township to regulate the operations of wells by creating new section Chapter 222-54; and,

NOW, THEREFORE BE IT ORDAINED by the Township Committee of the Township of Wall, in the County of Monmouth, in the State of New Jersey, as follows:

Section 1. Chapter 222 entitled "Water" shall be supplemented by creating Chapter 222-54 entitled "Wells" which shall read in its entirety as follows:

222-54-1. Definitions.

Health Department is defined as the certified Public Health Officer acting in concert with the Wall Township Health Advisory Board (Chapter 6-50 et seq.).

§ 222-54-2. Purpose

Before final certification and operation of a new well, other than an exempt well as defined in **Ord. No. 222-54-3**, and before the certification of an existing well for the purpose of obtaining a continued certificate of occupancy (for rent, transfer, or sale of a property), the person owning the lot upon which a well is located shall have a sample of the well water collected and analyzed by a laboratory certified by the New Jersey Department of Environmental Protection. Tests shall be performed to determine the presence and amount of individual hazardous contaminants and substances set forth in **Ord. No. 222-54-3** of this chapter. The water sample shall be taken as close to the pumping well as possible. In no case shall treatment equipment be installed on a new well prior to the first sampling. The results of said laboratory analysis shall be forwarded directly by the laboratory to the Wall Township Health Department.

§ 222-54-3. Exemptions.

The following nonpotable water supply wells shall be exempt from the sampling and analysis requirements:

- A. Any nonpotable well, the pumps and lines of which do not enter a building, crawl space or garage and are directly connected to a sprinkler system manifold;
- B. Geothermal groundwater heat pump wells that are constructed and installed as totally enclosed systems and are incapable of being used as a potable water supply;
- C. Fire protection wells as defined in the State Uniform Construction Code, N.J.A.C. 5:23-1.1 et seq., which are incapable of being used as potable water supply.

§ 222-54-4. Parameters.

- A. Test parameters shall be consistent with those specified in the New Jersey Private Well Testing Act, N.J.A.C. 7:9E.

- B. All water samples shall be collected, tested and analyzed in accordance with criteria and procedures established by the New Jersey Department of Environmental Protection in N.J.A.C. 7:18-2.1 et seq.

§ 222-54-5. Resamples.

In the event that the laboratory analysis of a water sample collected from a well reveals that the presence of any of the hazardous contaminants or substances identified in **Ord. No. 222-54-4** of this chapter in an amount exceeding the maximum contaminant levels set forth or incorporated in this chapter for the same, the Wall Township Health Department must be notified prior to resampling the well for the purpose of determining corrective and resampling procedures. The Wall Township Health Department may also require a second confirmation sample to be taken for a contaminant after a specified number of days, not to exceed two weeks.

§ 222-54-6. Submission of sample results.

The laboratory collecting the sample and performing the water analysis required under **Ord. Nos 222-54-4** and **222-54-5** of this chapter shall submit the results of its analysis directly to the Wall Township Health Department with the following information:

- A. The block and lot number and municipality of the property upon which the well is located and the reason for the sample (i.e., new construction or resale);
- B. The name and mailing address of all persons owning the property upon which the well is located;
- C. The laboratory employee or the laboratory's authorized representative who physically collected the sample from the well;
- D. The date and time that the well sample was collected;
- E. The specific point of collection of the water sample;
- F. The date and time the sample was analyzed by the laboratory;
- G. The type, size and purpose of the treatment unit, if installed.

§ 222-54-7. Restrictions.

- A. No real property nor any interest in the same shall be granted a continued certificate of occupancy which utilizes a well for its potable water supply until:
 - (1) The well water has been sampled and analyzed in accordance with the procedures set forth in this chapter; and
 - (2) The Wall Township Health Department has certified that the laboratory analysis of the water sample collected from said well does not disclose the presence of any of the hazardous contaminants or substances set forth in **Ord. No. 222-54-4** of this chapter in an amount which exceeds the maximum contaminant level established under the Act, the Regulations or this chapter for the same.
- B. The granting of a certificate of compliance for a new well or a continued certificate of occupancy for sale, transfer or rent shall be valid for a period of one year.
- C. If there is a subsequent sale of the property or need for a continued certificate of occupancy needed within one year of the original certificate, the transferor need not obtain a new certification.

§ 222-54-8. Right of entry.

The Wall Township Health Department shall have access and entry to any property upon which there is located a well or individual sewage disposal system for the purpose of inspecting and/or testing the same.

§ 222-54-9. Closure of wells.

The Wall Township Health Department may order any well which is determined to be polluted or detrimental to the public health closed until and unless the water is made potable.

§ 222-54-10. Permit required.

No person shall drill, construct, install or redesignate the use of any well until a permit shall have been issued by the Board of Health

§ 222-54-11. Fees.

The fee for the filing of an application and plans and issuance of a permit to drill, construct, install or redesignate the use of any well shall be \$50.

§ 222-54-12. Violations and penalties.

- A.** In addition to any other liability or penalty imposed by law, any person violating any provision of this chapter shall be subject to a penalty as stated in Wall Township Code Chapter 1-1.
- B.** Each and every day in which a violation of any of the provisions of this chapter exists shall constitute a separate offense.

Section 2. All Ordinances, or parts thereof, inconsistent with the provisions of this Ordinance be and the same are hereby repealed to the extent of such inconsistency.

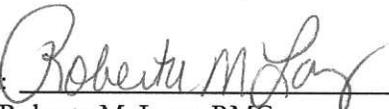
Section 3. Should any section, paragraph clause or any other portion of this Ordinance be adjudged by a Court of competent jurisdiction to be invalid, such judgment shall not affect or impair the remainder of this Ordinance.

Section 4. This Ordinance shall take effect upon its passage and publication according to law.

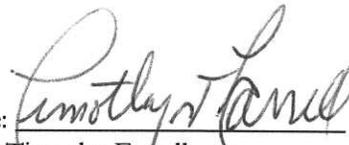
Introduced: October 24, 2018

Adopted: November 20, 2018

Attest:


Roberta M. Lang, RMC
Township Clerk

Approve:


Timothy Farrell
Mayor