

**TOWNSHIP OF LIGONIER  
WESTMORELAND COUNTY, PENNSYLVANIA**

**ORDINANCE NO.2006-OR- 04**

**AN ORDINANCE OF THE TOWNSHIP OF LIGONIER, AMENDING THE CODE OF THE TOWNSHIP OF LIGONIER, ARTICLE IV, OVERLAY DISTRICTS, ESTABLISHING THE WELLHEAD PROTECTION AND RESERVOIR WATERSHED PROTECTION LIMITS OVERLAY DISTRICTS, PROVIDING FOR GENERAL PROVISIONS, DEFINITIONS, SHORT TITLE, GENERAL REQUIREMENTS AND STATEMENT OF INTENT AND PURPOSES, PROVIDING FOR MAPPING OF PROTECTION DISTRICTS; THE WELLHEAD AND WATERSHED PROTECTED AREAS IN THE TOWNSHIP, PROHIBITING CERTAIN LAND USES/ACTIVITIES IN THE PROTECTION DISTRICTS, IMPOSING SPECIAL REQUIREMENTS FOR ALL LAND USES/ACTIVITIES IN PROTECTION DISTRICTS, PROVIDING FOR ADMINISTRATION OF THE PROVISIONS OF THE ORDINANCE, REQUIRING REVIEW FOR SUBDIVISIONS AND LAND DEVELOPMENT PLANS LOCATED IN PROTECTION DISTRICTS, PROVIDING FOR PREVENTIVE AND ENFORCEMENT REMEDIES, PENALTIES, AND FEES FOR VIOLATIONS OF THE ORDINANCE, REPEAL OF INCONSISTENT ORDINANCES, SEVERABILITY AND EFFECTIVE DATE. AND PROVIDING FOR PENALTIES AND RESTRAINTS OF VIOLATIONS**

**GENERAL PROVISIONS**

**WHEREAS,** the Ligonier Township Board of Supervisors has previously adopted a Comprehensive Development Ordinance; and

**WHEREAS,** the implementation of such ordinance has, from time to time, brought to the attention of the Board of Supervisors the need for certain modifications and additions to the aforesaid Comprehensive Development Ordinance; and

**WHEREAS**, certain modification and additions to the Ordinance relating to the protection of groundwater resources in Ligonier Township are necessary for multiple reasons which are set forth below in detail; and

**WHEREAS**, the Township of Ligonier finds that:

- A. The ground water underlying the municipality is a major source of its existing and future water supply, including drinking water.
- B. The ground water aquifers are integrally connected with, are recharged by, and flow into the surface waters, which constitute a major source of drinking water for the region.
- C. Direct, indirect and/or accidental spills and discharges of toxic and hazardous materials may threaten the quality of such ground water supplies and related water resources in the municipality, posing and increasing potential public health and safety hazards.
- D. Unless preventative measures are adopted to lessen the risk of potential contamination from spills and to control the discharge and storage of toxic and hazardous materials within the municipality, the economic, social and inherent national values of the groundwater resources in Ligonier Township may be jeopardized.

**WHEREAS**, the Municipalities Planning Code (MPC ) (Act of 1968, P.L. 805, No. 247, as reenacted and amended), empowers municipalities to complete a Comprehensive Plan which may include a plan for the reliable supply of water, considering current and future water resources availability, uses and limitations, including provisions adequate to protect water supply sources; and

**WHEREAS**, the Township of Ligonier desires to protect the public health, safety, and welfare through the preservation of the municipality's major groundwater resources and Reservoir Watershed Limits to ensure a future supply of safe plentiful and healthful drinking water for the municipality, as well as neighboring municipalities, local residents and employees and the general public.

**WHEREAS**, the designation of Wellhead and Watershed Protection Areas in an Overlay District and careful regulation of activities within these areas can reduce the potential for ground water and reservoir watershed contamination.

**NOW THEREFORE, BE IT ORDAINED AND ENACTED** by the Board of Supervisors of the Township of Ligonier, Westmoreland County, Pennsylvania, and it hereby ordained by and with the authority of the same as follows:

**SECTION 1:** There shall, following adoption of this Ordinance 2006-OR-03, be added to the provisions of the Code of the Township of Ligonier, Chapter 65, "Land Uses and Development", a new Section and Subsections to Article IV, "Overlay Districts", which shall be inserted after §65- 33, reading in its entirety as follows:

### **§65-33.1 APPLICABILITY**

This Ordinance shall apply to those areas of the Township which are located within Wellhead and Watershed Protection Districts surrounding a well and/or protected public water supply as delineated on an official map available for inspection at the Township office. A map of the Wellhead and Watershed Protection Overlay Districts is included in Exhibit "A" for general reference. The Ordinance shall not apply to any activities of the Township of Ligonier and Ligonier Township Municipal Authority, or its agents, servants, or employees in performance of their governmental functions.

This Wellhead Protection and Reservoir Watershed Protection Limits Ordinance regulates the following land uses, physical facilities and activities which have the potential to deplete or contaminate ground water and/or reservoir watershed limits:

- A. Light Industry
- B. Sewage Disposal
- C. Manufacturing
- D. Injection wells
- E. Storage Tanks - Underground and Aboveground
- F. Disposal Facilities - Solid Waste, Dumpsites
- G. Subdivisions
- H. Land Developments
- I. Well Drilling

### **§ 65-33.2 DEFINITIONS**

For the purpose of this Ordinance, the following terms shall have the meaning given herein.

Agricultural pursuits: Activities, including but not limited to, the use of land for farming, tilling and cultivation, horticulture, floriculture, viticulture, forestry,

excavation for farm buildings, or ponds, or etc.; and animal husbandry; AND which individually or in combination equals or exceeds a total of a minimum of ten (10) acres in area on any one parcel; AND that the land on which the activity is to occur will be altered or changed to a degree which may influence or change the natural recharge potential of the site or areas in proximity, and consequently have the potential to alter or influence the quality of groundwater reserves.

Aquifer: Any water-bearing soil or rock formation that is capable of yielding quantities of groundwater suitable as a potable water supply.

Best Management Practices: Methods, measures, or practices designed to prevent or reduce pollution. They include structural nonstructural controls, as well as operation and maintenance procedures.

DEP- The Pennsylvania Department of Environmental Protection and any successor agency.

Environmental Audit Report: Shall consist of the information required on an environmental audit and report form designated by the applicable municipality. Sample provisions of a reporting form are attached.

Groundwater: Water contained in a subsurface, water-saturated layer of soil or rock.

Hazardous Material: A product or waste, or combination of substances that because of the quantity, concentration, physical, chemical or infectious characteristics, if not properly treated, stored, transported, used or disposed of, or otherwise managed, would create a potential threat to the groundwater resources of Ligonier Township, through direct or indirect introduction into the subsurface environment, which includes the soil and all subsequent materials located below. See Appendix 2.

Hydrogeologist: A professional Geologist, or specialist, with documented educational accomplishments and supportive experience to provide technical expertise in the area of groundwater resource planning.

Land Development: The improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving a group of two or more residential or non-residential buildings, whether proposed initially or cumulatively, or a single non-residential building on a lot or lots, regardless of the number of occupants or tenure; or the division or allocation of land or space between or among two or more existing or prospective occupants by means of or for the purpose of streets, common areas, leaseholds, condominiums, building groups, or other features; or a subdivision of land. Land development does not

include the addition of an accessory farm building on a lot or lots subordinate to an existing principal building; or the addition or conversion of buildings or rides within the confines of an amusement park. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by the Supervisors.

Light Industry: Industrial, commercial, public or retail establishments which engage in manufacturing, fabrication, or service activities, including, but not limited to the following list: Bulk agricultural products dealers and distributors, mining and quarrying, highway de-icing material storage, textile and apparel products, lumber and wood preserving, printing and publishing, chemical products, leather products, mineral products, including glass and cement, metal products, machine shops, electronics and electronic equipment, transportation maintenance, scrap trade and metal container recyclers, chemical and petroleum storage and sales, automotive repair, service and related parking, personal services, laundry, pest control and photo finishing, repair services, furniture, selding and septage services, amusement and recreation, educational, medical and engineering laboratories, landscapers

Ligonier Comprehensive Development Ordinance: Those sections of the Code of the Township of Ligonier, concerning land use, Chapter 65, Land Use and Development, §65-1 through §65-76.

Ligonier Township Municipal Authority(LTMA)- organized under the Municipal Authorities Act of 1945, as amended, now the Municipality Authorities Act, 53 Pa. C.S.Section 5601, et seq. and which is responsible for delivery of water services in the Ligonier Township area and maintenance and safekeeping of public water sources, including the Waterford and Gamelands Wellfields and Ligonier Township Reservoir.

Lot Size: The area of a single parcel of land.

Manufacturing: Industrial establishments which produce primary products from raw materials.

Municipality: The Township of Ligonier

Protection District(s): wellhead and watershed protection areas surrounding protected public water supply wells and reservoirs, including Zones I, II, III, and Watershed Protection Limits areas and any additional areas which may be established in the future.

Land Use/Activity: Any activity as listed in the Exhibit "B" of the Ordinance which is strictly prohibited in Zones I, II, III and the Watershed Protection Districts as defined in,§65-33.3 E of this Ordinance.

Reservoir Watershed: The area surrounding a potential or existing reservoir used to supply a public water system, through which contaminants may reach the water supply whether by induced infiltration such as pumping operations and/or natural infiltration.

Reservoir Watershed Protection Limits: The area as shown on the maps which is referenced in §65-33.3 E of this Ordinance.

Secondary Containment Structures/Devices: Structures and devices including, but not limited to, such things as floor drains, double tank enclosures, impervious pads and pavements, collection barrels, building enclosures, self-containment drainage systems, detention basins, filters, separators or other devices, or other best management practices, and other engineering solutions acceptable to the municipality.

Sewage Disposal:- the collection, conveyance, treatment and disposal of any substance that contains any of the waste products or excrement or other discharge from the bodies of human beings or animals and any noxious or deleterious substances being harmful or inimical to the public health, involving pretreatment and subsequent, final disposal of the clarified sewage into the soil, individual systems and/or community systems.

Subdivision: The division or redivision of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels, or other division of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership, or building, or land development.

Township/Authority Engineer: A trained professional engaged by a municipality as staff, or in a consulting capacity, for the established obligations of providing technical expertise in the engineering discipline.

Wellhead: The surface and subsurface area surrounding a potential or existing well or well field, capable of supplying a public water system, through which contaminants may reach the groundwater, whether by induced infiltration such as pumping operations and/or natural infiltration.

Wellhead Protection Overlay District: The area as shown on the maps which are referenced in §65-33.3 E of this Ordinance.

Wellhead Impact Assessment: A detailed technical report prepared by a professional hydrogeologist or other qualified professional, which will provide technical evidence that the land use activities proposed on a particular site will not adversely affect the quality of groundwater or reservoir water supply on-site or off-site.

A. Supplemental definitions. The definitions of terms in the Ligonier Township Comprehensive Development Ordinance, as amended from time to time, found in the Code of the Township of Ligonier, Chapter 65, Land Use and Development, §65-1 through §65-76, are hereby incorporated by referenced as if the same were set forth at length herein.

B. For any term not specifically defined in this Ordinance or in the Ligonier Township Comprehensive Ordinance, as amended from time to time, reference shall first be made to the most recent addition of Black's Law Dictionary, and then to the commonly understood meaning of any such term.

### **§65-33.3 WELLHEAD/WATERSHED PROTECTION REQUIREMENTS**

#### **A. SHORT TITLE, GENERAL REQUIREMENTS**

This Ordinance shall be known, and may be cited as the Ligonier Township "Wellhead and Reservoir Watershed Protection Overlay Ordinance".

#### **B. STATEMENT OF INTENT AND PURPOSES.**

The Ligonier Township Supervisors find as follows:

1. Groundwater is the primary source of water for the residents of Ligonier Township;
2. Several technical studies have been conducted which identified potential wellhead sites in the Ligonier Township;
3. The karst geology of the Ligonier Township increases the vulnerability and sensitivity to groundwater contamination;
4. Groundwater aquifers are interconnected to surface water, sinkholes, and other natural occurrences;
5. Direct and indirect discharge of materials into the aquifer and/or watershed can threaten the quality of groundwater and increase the potential for adverse public health and safety effects; and
6. Unless measures are taken to develop a more thorough understanding of the complexity of groundwater flow and preventive measures are taken to lessen the risk of potential contamination from accidental and misguided land use practices, the economic, social, and inherent natural values of the groundwater resources in the Ligonier Township may be jeopardized.

C. The general purposes of this Ordinance are to insure and protect public health, safety, and general welfare of the residents of Ligonier Township and others who may be influenced and affected by activities in the Protection Districts, as more particularly set forth below:

1. To protect areas having a high potential for use as a water supply from inappropriate land use practices or depletion;
2. To encourage the natural recharge of groundwater through the preservation of natural areas and a reduction of areas with impervious surfaces;
3. To simulate public interest and awareness for the protection of the groundwater and watershed resources of Ligonier Township;
4. To ensure the preservation of quality groundwater *and watershed* resources to support the Township's existing and future demands.

D. For these reasons, and to accomplish these goals, the Board of Supervisors of Ligonier Township intends to regulate land uses within the wellhead and watershed protection overlay districts identified below to prevent the pollution and degradation of existing and potential water supplies, and to insure the community of the continued reliability of a clean, safe source of water, both now and in the future.

#### E. **WELLHEAD AND WATERSHED PROTECTION DISTRICTS**

The Board of Supervisors hereby establishes the "Wellhead and Watershed Protection Overlay Districts".

1. To implement the provisions of this Wellhead and Watershed Protection Ordinance, wellhead and watershed protection areas surrounding protected public water supply wells and reservoirs are hereby established based upon technical reports prepared by Pennsylvania Rural Water Supply, through Cassellberry & Associates which prepared the Hydrological Report commissioned by the Ligonier Township Board of Supervisors. The Hydrological Report contained the technical data used to delineate the boundaries of the Protection Districts for the selected wellfields and reservoir being used for public water supplies in Ligonier Township which include the Waterford Wellfield identified as Public Water Supply Permit Number 5650037, the Gamelands Wellfield identified as Public Water Supply Permit No. 5650080, and the Ligonier Township Reservoir.
2. The boundaries of Wellhead Protection Areas and the Reservoir Watershed Protection Limits are shown on an official map, incorporated by reference as if the same were set forth at length



herein. The official map is available for inspection at the Ligonier Township Municipal Building, One Municipal Park Drive, Ligonier, Pennsylvania, 15658. Copies of portions of the official map defining the Wellhead Protection Areas and the Reservoir Watershed Protection Limits at a reduced scale are included in Exhibit A for general reference. The official map may be amended by the Ligonier Township Board of Supervisors from time to time.

3. Within the Wellhead Protection Overlay District, the following Wellhead Protection Zones are hereby established for each of the Wellfields of Waterford and the Gamelands as follows:
  - a. Zone I: The area referenced in the Hydrological Report at the 155 foot radius zone for the Waterford Well and at the 137 foot radius zone for the Gamelands Well is hereby referred to as Zone I.
  - b. Zone II: The area delineated as source areas on the official map, and marked as Zone II, is hereby referred to as Zone II.
  - c. Zone III: The area delineated as source areas on the official map, and marked as Zone III, is hereby referred to as Zone III.
  - d. Additional Zones: As additional technical data becomes available for other wellhead areas, the boundaries of the Protection District may be extended, upon amendment to this Ordinance as set forth and described on the Official Map and in Exhibit A.
4. Within the Reservoir Watershed Protection Overlay District, the Ligonier Township Reservoir Watershed Protection Limits are hereby established.
  - a. The Reservoir Watershed Protection Limits: The area delineated as source areas for the Ligonier Township Reservoir and more particularly described and set forth on the Official Map in Exhibit A, attached hereto.
  - b. Additional Zones: As additional technical data becomes available, the boundaries of the Reservoir Watershed Protection Limits may be extended, upon amendment to this Ordinance as set forth and described on the Official Map and in Exhibit A.

5. Where the boundary of any Wellhead Zone or Watershed Protection Limits area divides any property, the entire property shall be considered to lie within the Zone or Watershed District offering the highest degree of protection to the groundwater resources. Should any person challenge the boundary of Zones I, II, III, or additional zones, or the Watershed Protection Limits, or new Protection Districts when, or if established, it shall be the responsibility of that person to retain a Licensed Professional Hydrogeologist with competence in the field of hydrogeology to determine the precise boundary of the disputed area. The final boundary to be used will be determined by the Township with assistance from the Township Engineer and/or a Licensed Professional hydrogeologist, as appropriate.

**F. PROHIBITED LAND USE ACTIVITIES IN PROTECTION DISTRICTS AND SPECIAL REQUIREMENTS**

1. Prohibited Uses: The activities/uses listed in "Exhibit B", attached hereto are prohibited within the Ligonier Township Wellhead and Watershed Protection Overlay Districts as defined in this Ordinance. No activity/use specified in Exhibit "B" shall be permitted within the Wellhead and Watershed Protection Overlay Districts, (hereinafter "Protection District(s)"), except in strict conformance with the provisions of this Ordinance.
2. The following special requirements prevail for land use activities within the boundaries of the Protection Districts as defined in §65-33.3 E of this Ordinance, unless such activities are prohibited by the base Zoning District and/or Exhibit "B":
  - a. On-site sewage disposal system(s) (existing and proposed systems): All properties with an on-site sewage disposal system must participate and fulfill the requirements outlined in the Act 537 Plan, and the Sewage Management Ordinance, as adopted by the township of Ligonier. Ten acre exempt systems are prohibited in the Wellhead and Watershed Protection Districts.
  - b. The handling and storage of road salts and deicing materials: The stockpiling of road salts and deicing materials shall be prohibited in Zone 1 and the Watershed Protection Districts. The location of stockpiles is permitted in Zones II and III provided secondary containment structures/devices are established and maintained by acceptable engineering practices. In no instance shall outside storage be permitted unless a containment measure is recommended for approval by the Board of Supervisors by the Township/Engineer.
  - c. Agricultural pursuits: It shall be the responsibility of the individual engaged in an agricultural activity to coordinate and implement an

acceptable plan for best management practices approved by the Westmoreland County Soil Conservation District, for any property located in Zone I and Zone II.

- d. Construction or timbering. Any proposed construction or timbering operations in the Reservoir Watershed Protection Limits shall be required to file a pollution control and emergency response plan with the Ligonier Township Municipal Authority or any successor agency responsible for water supplies within Ligonier Township.
- e. Use List Not Exhaustive: The uses prohibited in the Protection Districts represent the state of present knowledge and most common description of said uses. As other polluting uses are discovered, or other terms or description become necessary, it is the intention to add them to the list of uses prohibited in the Protection Districts listed on Exhibit "B". To screen for such other uses or terms for uses, no use shall be permitted in the Protected District without first submitting its building, site, and operational plans for review and approval under this Ordinance.
- f. Changing Technology: The uses prohibited by this district are prohibited based upon the combined pollution experience of many individual uses, and the technology generally employed by that class of uses, which technology causes the uses as a class to be groundwater pollution risks. As the technology of identified use classes changes to non-risk materials or methods, upon petitions from such a use, and after conferring with expert geological and other opinion, it is the intention to delete from the prohibited list, or allow conditionally, uses which demonstrate convincingly that they no longer pose a pollution hazard.

3. A Wellhead/Watershed Impact Assessment shall be completed for any and all Land Uses located in Protection Districts which propose to locate, expand, and/or increase any aspect of their operation which may also include the manufacture, use, transport, storage, or disposal of any potentially hazardous material.

- a. The property owner, developer or applicant shall provide for precautions such as secondary containment structures that shall be designed and constructed to specifications directed by a professional engineer registered in the Commonwealth of Pennsylvania as well as a professional hydrogeologist both retained by the applicant who can demonstrate with technical support materials, that the activity conducted on the property will not result in groundwater infiltration via surface or subsurface route and adversely affect the quality of groundwater on site or off site and guarantee the performance of the secondary containment structures

- b. The Wellhead Watershed Impact Assessment shall be prepared by a qualified hydrogeologist or other qualified professional. The Township shall engage professional services to assist in the review of the technical reports submitted by the applicant. This cost shall be borne by the applicant. The wellhead watershed impact assessment shall contain the following information:
- (1) Proposed measures to mitigate any adverse impacts on groundwater quality, including structural and nonstructural devices and methods.
  - (2) The impacts resulting from infiltration including quality implications on both groundwater and surface water systems.
  - (3) Evidence that the activities or use will not detrimentally affect the quality of the groundwater contained in the aquifer by directly contributing to pollution, or by increasing the long-term susceptibility of the aquifer to potential pollutants.
  - (4) The location of monitoring stations, which shall be strategically located so as to evaluate and observe the presence of the potential pollutants, at points on the surface and subsurface, based on knowledge of flow systems. The location of the monitoring stations shall be determined by the hydrogeologist and the Township/Authority Engineer. It shall be the responsibility of the property owner to obtain and secure all rights and pay any cost which may be related to the selection of the location of the monitoring stations.
  - (5) The identification of fractures, sinkholes, water table contours, and other relevant hydrogeologic information.
  - (6) Under no circumstances shall weather conditions, inadequate financing or time be considered a reason to forego the necessity of providing this information. If these conditions exist and the applicant indicates this information cannot be obtained and provided, this shall be the basis for denial of the land development plan.

**65-33.4 GENERAL REGULATIONS FOR LAND  
USES/ACTIVITIES IN PROTECTIVE DISTRICTS**

**A. NEW OR CONTINUATION OF ACTIVITIES AT EXISTING OR  
NEW LOCATIONS**

All activities within the protected wellhead and watershed areas must meet the listed requirements in §65-33.3 F. of this Ordinance.

## **B. PUBLIC WATER SUPPLY PROJECTS**

Notwithstanding the provisions of §65-33.3 F., public water supply projects which require the use of chemicals for disinfection or treatment will be allowed in all wellhead and watershed protection areas subject to their approval, construction and operation in accordance with Pa Department of Environmental Protection (hereinafter "DEP") regulations.

## **C. ADMINISTRATION**

1. The Zoning Officer, or any representative designated by the Township, is hereby designated as the Township official responsible for the administration and enforcement of this Ordinance. The Zoning Hearing Board of the Township shall hear appeals from the written determinations and orders of the Zoning Officer regarding applications, enforcement notices, cease and desist orders and other matters, and shall also hear substantive and procedural challenges to the validity of this Ordinance.
2. Uses of lots or tracts of land in existence on the date of enactment of this Ordinance, which are Prohibited Land Uses/Activities, or which do not meet the special requirements of §65-33.3 F.1. & 2., shall be deemed to be "non-conforming uses" of land under the terms of this Ordinance. Such non-conforming uses of land may be continued by the present or any subsequent owner as long as:
  - (a) Such use is, and remains, otherwise lawful and in compliance with all federal, state and county environmental, pollution control, hazardous substance and drinking water laws and regulations;
  - (b) Such non-conforming uses has not been, and is not discontinued for a period of six (6) consecutive months;
  - (c) Such non-conforming use is not, after the date of enactment of this Ordinance, materially altered, changed or expanded;
  - (d) Such non-conforming use is not an actual known source of groundwater contamination; and
3. A Land Use Activity in a Protection District shall be deemed to be new or materially altered, changed or expanded, if:

- (a) The land use activity which constitutes the Land Use/Activity was not previously present and conducted upon the lot or tract of land in question;
  - (b) The production and/or storage capacity of the Land Use/Activity is increased;
  - (c) The types of any substances which give rise to the Land Use/Activity are changed;
  - (d) The number of types of substances which give rise to the Land Use/Activity are changed;
  - (e) The quantity of any substances which give rise to the Land Use/Activity is materially increased.
4. Following the date of enactment of this Ordinance, Land Uses/Activities, which are new, or which constitute material changes, alterations or expansions of nonconforming Land Uses/Activities will be prohibited in accordance with the terms of Exhibit "B" annexed hereto, thereby prohibiting such Land Uses/Activities, or permitting such Land Uses/Activities, under this Ordinance. In accordance with the terms of this Ordinance, any land use/activity which is not a prohibited land use activity shall not be deemed to be a non-conforming use of land under the terms of this Ordinance, but shall without further action be considered a land use activity which is in conformity with the terms of this Ordinance, but such land use/activities must comply with all other Township Ordinances.

#### **D. SUBDIVISION AND LAND DEVELOPMENT PLANS**

All subdivision proposals and other proposed new development plans to be located within the Protection Districts shall be reviewed by the Ligonier Township Municipal Authority (hereinafter "LTMA") and Ligonier Township Planning Commission for compliance with the provisions of this, and any other applicable Township ordinances. It shall be the responsibility of the Planning Commission, after receiving a report of the review of the Ligonier Township Municipal Authority, to recommend approval or disapproval to the Board of Supervisors with conditions or modifications, of the proposed subdivision or land development plan, so as to assure compliance with the provisions of this Ordinance.

1. Subdivisions and land developments within the Wellfield/Watershed Protection Districts for which storm water management controls are required pursuant to the Code of the Township of Ligonier shall be designed consistent with the following:

- a. Storm water retention basins shall be prohibited in Zone I;
  - b. Stormwater detention basins within Zones II and III, and in the Watershed Protection Districts, shall be designed with an impermeable liner to prohibit the infiltration of impounded water to the subsurface.
  - c. Stormwater detention basins proposed in Protection Districts shall provide adequate treatment and the removal of all contaminants prior to its discharge to surface waters
2. Subdivisions and land developments within Protection Districts shall have the following Preliminary Plan requirements in addition to those requirements of the Township Subdivision and Land Development Ordinance:
- a. A recognized Licensed Professional Geologist employed by the developer, with competence in the field, shall review aerial photographs, soil, geologic and other available related data as the data relates to the subject property. The licensed Professional Geologist shall also conduct a site inspection of the property and submit a report of the site to the Township and the LTMA.
  - b. Based on the work required in §65-33.3 F.3., the professional geologist shall prepare a map not less than scale, 1" = 100 ft. of the site showing all topographic, geologic and other pertinent physical features. The mapping shall indicate, but shall not be limited to, the following:
    - (1) Closed depressions
    - (2) Seasonal high water table indicators
    - (3) Outcrops of bedrock
    - (4) Surface drainage into ground
    - (5) Lineaments and faults
    - (6) Quarries and mines
    - (7) Oil, gas or water wells (active or abandoned)
    - (8) Geologic contacts

- (9) Springs, seeps or wetland areas
- (10) Distance and direction of nearest public or private water supply well.

- c. Based on the work performed in Article III, Section C., Ligonier Township and/or LTMA shall determine what, if any, further testing should be done by the applicant to ensure compliance with this Ordinance. Testing methodology shall be reasonable under the circumstances, including (i) the scale of the proposed development, and (ii) the hazards revealed by examination of available data and the site inspection.
- d. The applicant shall cause the additional testing established in §65-33.3 F.3. to be done. A study report shall be submitted and referred to the LTMA and the Township Engineer. This study shall include a map of the area, all test results, and a recommendation on the mitigation measures to be taken.
- e. The Township Engineer shall report to LTMA and the Planning Commission, with a copy to the landowner, his or her opinion as to the adequacy of the study and as to the capability of the site to support the proposed development in a manner in which the risks attendant to the development in areas are either eliminated or minimized. Recommendations for site development, including building location, may be included. Additional studies or testing as deemed necessary by the Township Engineer and/or LTMA in order to produce an adequate study given the scale of the proposed development and the hazards revealed may be required of the applicant.
- f. No review or approval shall be made by the Planning Commission unless or until it receives an approval in writing from the LTMA regarding the subdivision or land development.

3. Land Development.

- a. Documentation shall be provided to demonstrate that land development will not adversely impact the quality of groundwater on-site by altering or increasing the amount of potentially hazardous materials entering the groundwater flow system in Protection Districts For such land



developments, a certification shall be conducted by a professional deemed qualified to render such a certification and submitted to the LTMA and Township for approval. The Township, or its designee, shall, at the expense of the applicant, implement and monitor the activities associated with such plans and permits.

- b. Large scale land developments or road building projects are prohibited in the Protection Districts.
4. Environmental Audit and Report: The environmental audit and report, must be submitted to the Township and LTMA on a form specified by the Township, a sample of which is attached in Exhibit "C", if any of the following condition(s) occur:
- a. A site plan is submitted for any commercial or industrial facility as required under the municipal ordinance;
  - b. A commercial or industrial facility plans to expand their operation by increasing the square footage of the facility, or the nature of the operation which involves the use, storage, transport, or disposal, of potentially hazardous substances, even if a site plan is not required under the municipal ordinances; or
  - c. Any commercial or industrial facility may voluntarily submit this from as an effort to protect the community from environmental pollution, as an effort to alert and protect the community in the event of a fire, and as an effort to increase awareness of potential polluting elements on their property.

#### **E. GENERAL EXCEPTIONS**

The following General Exceptions specify those land uses and activities that are permitted by right and do not require a Special Exception:

1. Transit: The transportation of any hazardous or governmentally regulated substance through the Wellhead Protection and Watershed Overlay Districts shall be exempt from provisions of this Ordinance, provided that the transporting vehicle is in transit through the Protection Districts and, further provided, that such transportation is conducted in compliance with all applicable federal and state laws and regulations;

2. Residential: To the extent otherwise permitted or regulated by Federal, state and/or county statutes and regulations, the owners and/or occupiers of lots and tracts of land which are primarily utilized for the purpose of single or multi-family residential dwelling are permitted to utilize and store fuels, hazardous chemicals, pesticides, fertilizers, inflammable liquids and gases, and toxic and regulated substances in such quantities and in such manner as is associated with normal and responsible household use, and such limited authorization shall not be deemed a Land Use/Activity for the purposes of this Ordinance. This exception does not apply to underground liquid fuel storage tanks.

## **§65-33.5 ENFORCEMENT**

### **A. PREVENTIVE AND ENFORCEMENT REMEDIES, PENALTIES, FEES AND MISCELLANEOUS PROVISIONS**

1. For the purposes of preventing violations of this Ordinance and enforcing the provisions of this Ordinance, the Township shall have available to it the same preventive and enforcement remedies, including the use of civil actions, as are set forth in the Municipalities Planning Code and the Comprehensive Development Ordinance, as amended and in effect from time to time. In addition, as the Zoning Officer becomes aware of violations of this Ordinance, the Zoning Officer is authorized to issue Enforcement Notices with respect to such violations. All Enforcement Notices are to be issued in accordance with the Enforcement Notice provisions of the Comprehensive Development Ordinance of the Township in effect at the time of the violation.
2. Ligonier Township may also seek injunctive relief to prevent any action that it reasonably believes may constitute irreparable harm to the Ligonier Township water sources. No bond shall be required for the Township to seek an injunction to enforce this Ordinance. When invoking the preventative or enforcement remedies to this Ordinance, Township shall be entitled to recover all costs incurred, including, but not limited to, attorneys' fees, costs of suit and inspection or investigation fees.

### **B. PENALTIES FOR NONCOMPLIANCE**

1. Any person who fails to comply with any or all of the requirements or provisions of this Ordinance or who fails or refuses to comply with any notice, order of direction of the Zoning Officer or any other authorized employee of the Township shall be guilty of an

offense and, upon conviction, shall pay a fine to Township of not less than Three Hundred Dollars (\$300.00) and not exceeding One Thousand Dollars (\$1,000.00), plus costs of prosecution and reasonable attorney's fees. Each day during which any violation of this Ordinance continues shall constitute a separate punishable offense.

2. In addition to the above penalties all other actions are hereby reserved including an action in equity for the proper enforcement of this Ordinance. The imposition of a fine or penalty for any violation of, or noncompliance with, this ordinance shall not excuse the violation or noncompliance nor permit it to continue and all such persons shall be required to correct or remedy such violations and noncompliances within a reasonable time. Any development initiated or any structure or building constructed, reconstructed, enlarged, altered, or relocated, in noncompliance with this Ordinance may be declared by the Board to be a public nuisance and abatable as such.

#### **C. FEES**

The Board of Supervisors of Ligonier Township shall, from time to time, establish by resolution a schedule of fees, charges and expenses and collection procedures for administration and enforcement, including costs of review and inspection, appeals and other matters pertaining to this Ordinance. The schedule of fees shall be available for inspection in the Municipal Office of the Township. An application will not be considered to be complete until all applicable fees, charges and expenses have been paid in full.

#### **D. MISCELLANEOUS**

Conflicts: Whenever there is a difference between any of the minimum standards specified in this Ordinance and any standard included in any other ordinance, law or regulation of the Township, the more stringent requirements shall apply. The provisions of this Ordinance shall be deemed to be supplementary and in addition to the provisions of the Comprehensive Development Ordinance of the Township as each is in effect from time to time.

### **SECTION 2. REPEALER, SEVERABILITY, EFFECTIVE DATE**

Any ordinance of the municipality inconsistent with any of the provisions of this Ordinance is hereby repealed to the extent of the inconsistency only.

**SECTION 3. SEVERABILITY AND COMPATIBILITY WITH OTHER ORDINANCE REQUIREMENTS**

A. The provisions of this Ordinance are severable, and should any article, section, subsection, paragraph, clause, phrase or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such judgment shall not affect the validity of this Ordinance as a whole or any part or provision thereof, other than the part so declared to be invalid.


B. Approvals issued pursuant to this Ordinance do not relive the applicant of the responsibility to secure the required permits or approvals for activities regulated by other applicable code, rule or ordinance.

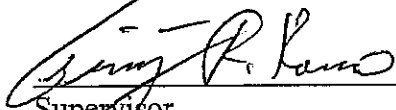
**SECTION 4. EFFECTIVE DATE**

This Ordinance shall become effective five (5) days after its adoption.

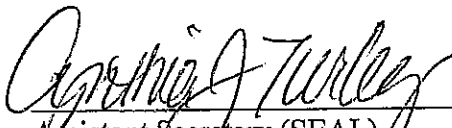
**ORDAINED AND ENACTED** by the Ligonier Township Board of Supervisors at a Regular Meeting duly convened on the 14<sup>th</sup> day of NOVEMBER, 2006.

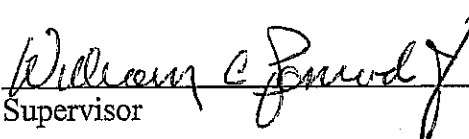
**TOWNSHIP OF LIGONIER:**

By:   
Chairman

  
Supervisor

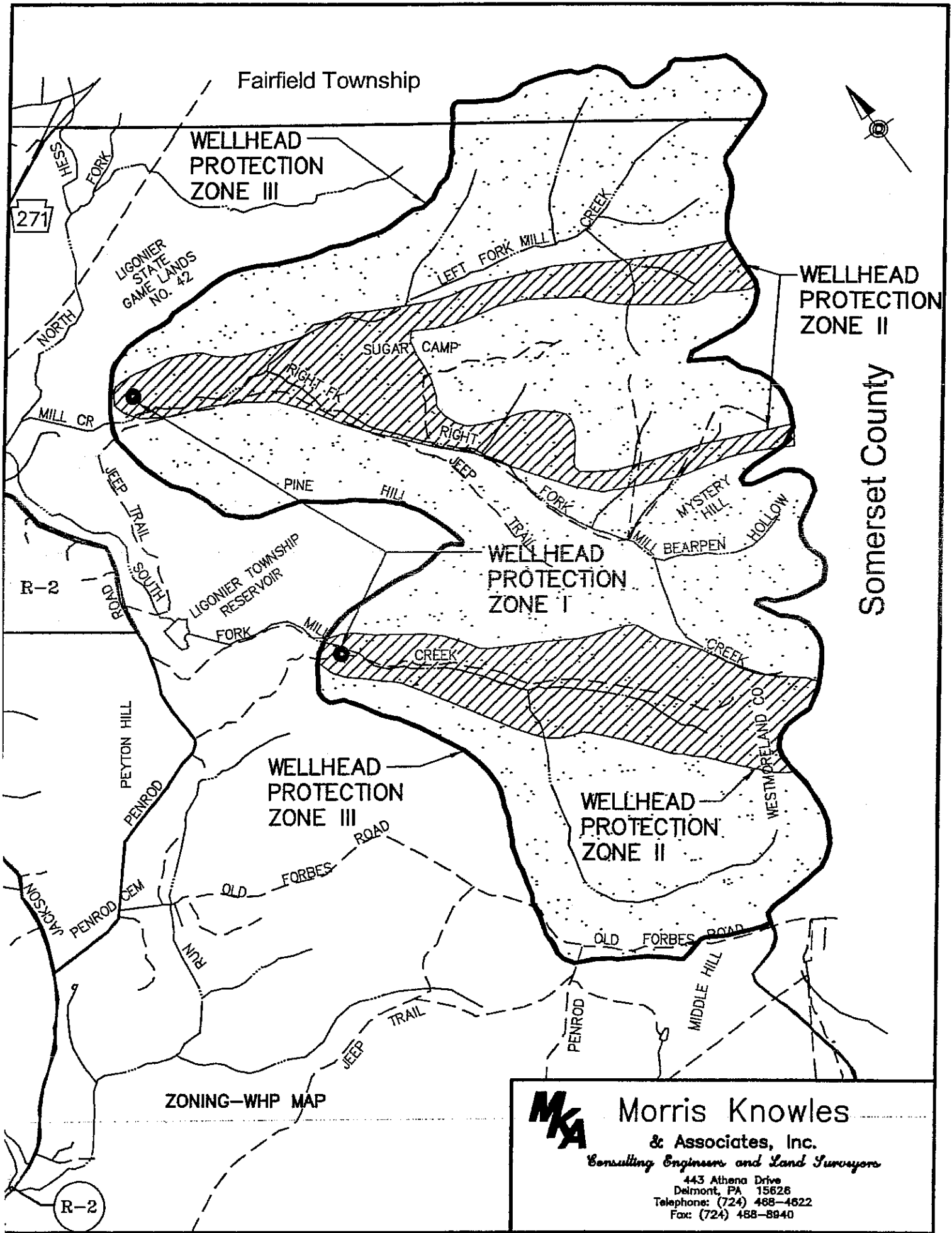
Attest:

  
Assistant Secretary (SEAL)

  
Supervisor

**EXHIBIT A**

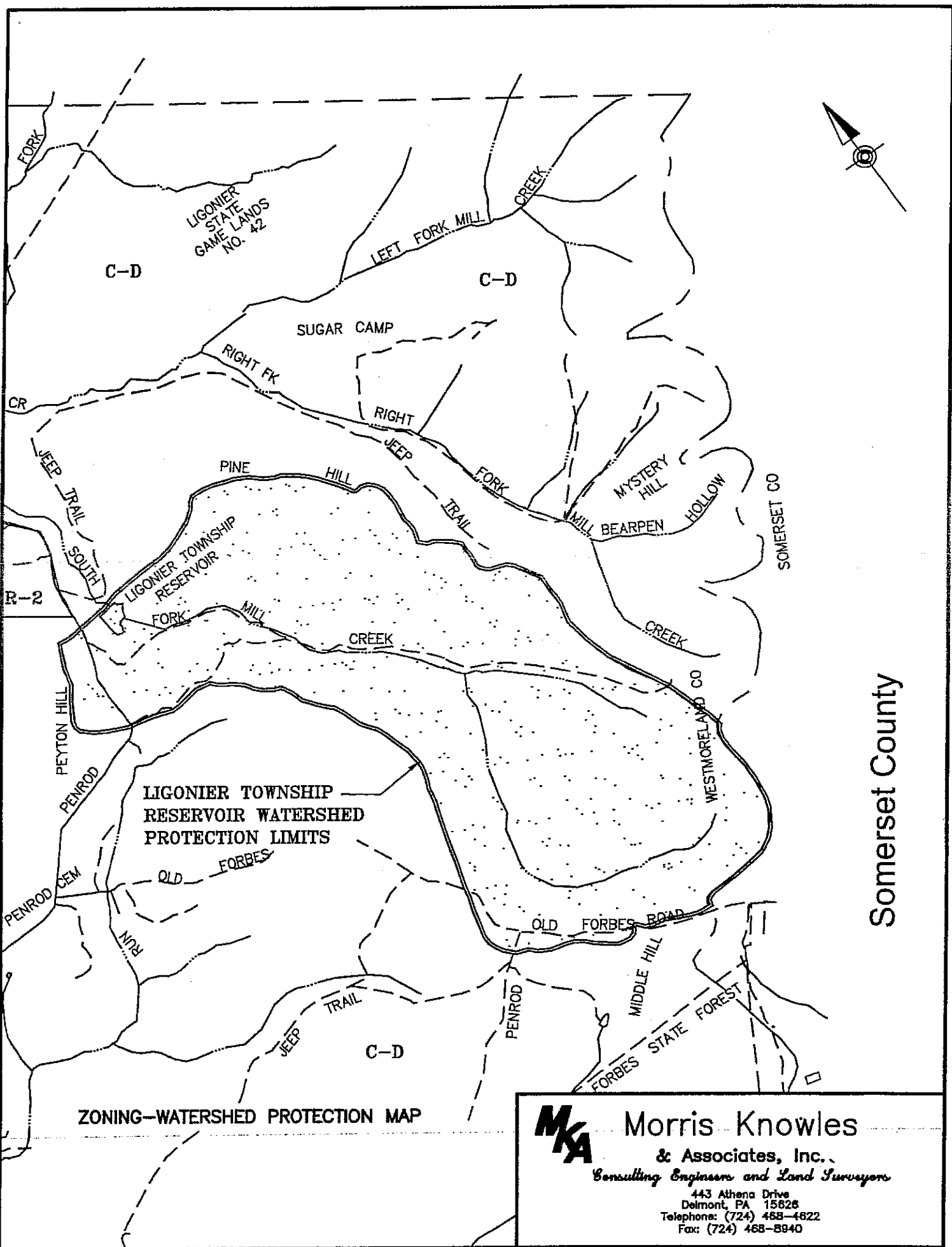
**OFFICIAL MAPS**



ZONING-WHP MAP

**MKA** Morris Knowles  
 & Associates, Inc.  
*Consulting Engineers and Land Surveyors*  
 443 Athena Drive  
 Delmont, PA 15626  
 Telephone: (724) 468-4622  
 Fax: (724) 468-8940

R-2



Somerset County

ZONING-WATERSHED PROTECTION MAP

**MKA** Morris Knowles  
 & Associates, Inc.  
*Consulting Engineers and Land Surveyors*  
 443 Athena Drive  
 Delmont, PA 15626  
 Telephone: (724) 468-4822  
 Fax: (724) 468-8940

**EXHIBIT B**  
**PROHIBITED USES**



## EXHIBIT B

The following uses are prohibited in Zones I, II, III and in the he Watershed Protection Limits as identified in the Ordinance:

- Airports
- Animal burial area
- Asphalt plants
- Auto Repair shops
- Automobile storage areas
- Car washes
- Cemeteries
- Chemical manufacturing, warehousing and distribution activities
- Chemical storage areas (indoor and outdoor)
- Construction stockpile areas
- Dry cleaning establishments
- Electrical and electronic products and manufacturing
- Electroplates and metal fabricators
- Foundries
- Gas stations
- Golf courses (chemical applications)
- Jewelry and metal plating
- Land developments or road building within the South Fork Reservoir Watershed underlain by the coal measures
- Landfill activities, including private on-site disposal
- Laundromats
- Machine and metalworking shops
- Manufacturing and distribution sites for cleaning supplies
- Manure spreading and pits
- Medical Disposal facilities
- Mining (surface and underground) and mine drainage (both coal and all other mining activities, including mining in the creeks)
- Oil and Gas drilling
- Paint shops
- Petroleum products production, storage, and distribution centers
- Photograph establishments/printers
- Pipelines (oil, gas, coal slurry)
- Railroad tracks and yard/maintenance
- Research Laboratories Disposal facilities
- Road maintenance depots
- Scrap and Junkyard
- Septage lagoons and sludge
- Storage tanks
- Subsurface
- Subsurface Disposal of Hazardous Materials
- Underground Injection Wells
- Wood Preserving facilities

**EXHIBIT C**

**ENVIRONMENTAL AUDIT REPORT**

## ENVIRONMENTAL AUDIT REPORT

The environmental audit and report form must be submitted to the municipality, if any of the following condition prevail.

1. A site plan is submitted for any commercial and industrial facility as required under the Township Ordinance.
2. A commercial or industrial facility plans to expand the nature of their operations by increasing the square footage of the facility, the number of employees, or the nature of the operation which involves the use, storage, transport, or disposal of hazardous materials even if a site plan is not required under the Township Ordinance.
3. Any commercial or industrial facility may voluntarily submit this form as an effort to protect the community from environmental pollution, as an effort to alert and protect the community in the event of a fire, and as an effort to increase their awareness of potential polluting elements on their property.

NAME OF BUSINESS: \_\_\_\_\_

Street and Mailing Address of Business: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Location of Property: \_\_\_\_\_

Tax Property Number: \_\_\_\_\_

Owner's Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Contact Person to obtain any additional information:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Title/Responsibility: \_\_\_\_\_

Signature: Attest that the information submitted to the Township is accurate and true.

Owner's Signature and Date: \_\_\_\_\_

Information Complied by and Date: \_\_\_\_\_

Please respond to the following questions. Please circle the appropriate responses, and attach additional information as necessary. The Township may request additional information to clarify any of the responses. Hazardous materials is defined in the Ordinance.

1.    Y    N    Will the proposed facility store, use or generate hazardous materials?
2.    Y    N    Will the hazardous materials be reused or recycled on site?
3.    Y    N    Will any hazardous materials be stored on site? If yes, described the size and type of secondary containment structure. The location and specific details of the secondary containment structure must be shown on the site plan.
4.    Y    N    Will the site contain any underground storage tanks? If yes, describe the size and type of secondary containment structure must be shown on the site plan.
5.    Y    N    Will any hazardous materials be transported off-site for treatment, disposal and/or recycling? If yes, list the name, address and phone number of the transporter (hauler).
6.    Y    N    Will the interior of the facility have general purpose floor drains? If yes, will the floor drains connect to (circle one):
  - A.    Sanitary sewer system
  - B.    On-site holding tank
  - C.    On-site sewage disposal system

D. Other - please identify

- |     |   |   |  |
|-----|---|---|--|
| 7.  | Y | N | Will hazardous materials be store, used or handled out-of-doors? If yes, describe the type of catch basin, spill containment facility, secondary containment structure which will be used? |
| 8.  | Y | N | Will hazardous materials, or wastewater be discharged to any surface water, sinkhole, natural depression, wetlands, well, or any underground application?                                  |
| 9.  | Y | N | Will hazardous materials or wastewater by landfilled or disposed of on-site?   |
| 10. | Y | N | If this facility/property required to submit any list to the State or Federal agencies regarding the use, storage, or transport of any hazardous materials?                                |
| 11. | Y | N | Have provisions been made to protect the potential hazardous materials against vandalism. If yes, please describe.   |

The attached report form is part of the information requested and must be submitted.

## ENVIRONMENTAL AUDIT AND REPORT FORM

PLEASE list the potentially hazardous materials as defined in this Ordinance, and as defined by any Federal and/or State Agencies which require the same or similar information to comply with their reporting requirements. Quantities should reflect the maximum volumes on hand at any one time. Attach additional sheets if necessary. This form may be photocopies.

Common Names	Chemical Name	Form-State (See Below)	Maximum Quantity on Premises at any one time	Type of Storage Container (See Below)

Key: Form:           Solid = S  
                           Liquid = L  
                           Gas = G  
                           Pressurized Gas = PG

Storage Container:   Aboveground Tank = AGT  
                           Drum = DM  
                           Underground Storage Tank = UGST  
                           Cylinder = CY  
                           Metal Container = MC  
                           Wooden or Composition Container = WC  
                           Portable Tank = PT  
                           Other = Specify

**CERTIFICATION**

I, the undersigned Secretary of the Township of Ligonier, Westmoreland County, Pennsylvania ("Township"), certify that: the foregoing is a true and correct copy of Ligonier Township Ordinance No. 2006 - OR-04 of the Board of Supervisors of the Township ("Board") which was duly adopted by the affirmative vote of a majority of the members of the Board at a public meeting held on November 14, 2006; that said Ordinance said has been duly published as required by law and recorded in the Ordinance Book of said Township; and that said Ordinance has not been amended, modified or rescinded and is still in full force and effect as of the date of this Certificate.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 15th  
day of November, 2006.

Karla W. [Signature]  
Secretary, Township of Ligonier

(SEAL)