

**ARTICLE 4**  
**PROVISIONS REGARDING**  
**AQUIFER PROTECTION**

**401 PURPOSES**

The purposes of the following provisions are to protect and preserve the aquifers and subterranean water resources underlying Whitehall Township, limit and control the removal of water obtained from the subterranean watercourses and aquifers underlying Whitehall Township, and to provide for the licensing of commercial or non-personal use or distribution of water obtained from aquifers and watercourses underlying Whitehall Township.

**402 DEFINITIONS**

As used in this Article, the following terms shall be defined as set forth below.

- A. "Off-Premises" refers to any area of land, either within or outside Whitehall Township, which is other than the parcel of land from where the water was extracted.
- B. "Personal Use" refers to casual individual, family, or commercial use of the extracted water on the premises from which the water was extracted.
- C. "Person" includes any individual, corporation, partnership, business or other legal entity of any type.

**403 PROHIBITIONS**

The following activities are hereby prohibited.

- A. It shall be unlawful for any person to extract water from any aquifer or subterranean watercourse underlying any part of Whitehall Township, except for personal use or except as set forth in this Article.
- B. It shall be unlawful for any person to remove off-premises, for the purpose of resale or for commercial or business purposes, any water extracted from any aquifer or subterranean watercourse underlying any part of Whitehall Township, except as set forth in this Article.

#### **404 APPLICABILITY OF THIS ARTICLE**

This Article shall not abridge, restrict, or otherwise limit the rights of Whitehall Township, any other governmental entity, or any person, from maintaining any action under common law or any statute, law, administrative rule, or order, concerning the extraction, use or off-premises removal of water from any aquifer or subterranean watercourse underlying Whitehall Township.

#### **405 WATER EXTRACTION PERMIT**

Subject to prohibitions or limitations imposed by the Whitehall Township Zoning Ordinances, the off-premises removal of water extracted from aquifers or subterranean water courses underlying Whitehall Township is not permitted unless a water extraction permit is obtained from the Whitehall Township Board. A water extraction permit specifying well depth and the volume permitted for extraction shall be granted if the applicant strictly complies and agrees to continue to comply with all of the following:

- A. All state, county, and township regulations (if any) pertaining to the activity shall apply at time of application for use, and shall continue to apply as such regulations may thereafter change from time to time. No interest in the extraction or use of such water shall vest to prevent the subsequent application of such regulations as they from time to time apply or are adopted. At the time of application or re-issuance of a water extraction permit, an applicant shall present in writing all details pertaining to the proposed extraction.
- B. The issuance of a water extraction permit shall not allow, imply or grant permission, sanction, or approval for the lowering or depleting of the aquifer, watercourse, pressure, or supply of water of any other well or spring dependent upon the same aquifer or watercourse.
- C. The depth and amount of volume extraction shall be limited to the specifications of the extraction permit.
- D. The applicant shall demonstrate that the aquifer or subterranean water resources from which the water is proposed to be extracted, will not be materially diminished or impaired, and that no other landowners or occupiers in the vicinity will be materially or adversely impacted. As a condition of the grant of a permit, the applicant shall be required to pay a fee to reimburse the Township for its actual costs in reviewing the application, including the costs of retaining an engineer and/or hydrologist to review the application and to subsequently review and monitor the applicant's water extraction operations.

#### **406 REVOCATION OF PERMITS**

Such permit is subject to revocation for noncompliance with the terms of this ordinance. Any such permit for the extraction shall be renewable, but no original or renewal permit shall be valid for more than five (5) years.

#### **407 PUBLIC HEARING**

Any original or renewal of a water extraction permit shall not be granted until the Whitehall Township Board shall hold a public meeting therein, first providing at least thirty (30) days written notice by publication in a newspaper of general circulation within Whitehall Township, which notice shall set forth the nature of the permit application and advise of the time, date, and location of such open meeting. Thereafter, the Whitehall Township Board shall make a final determination as to said application.

This page intentionally left blank