FIRST READING

CITY OF DOVER PROPOSED ORDINANCE #2012-12

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN COUNCIL

That Chapter 110 - Utilities, Article III - Water Service, Division I - Generally, Section 110-61 - Definitions, and Section 110-67 Private Wells, be amended by inserting the text indicated in blue font and deleting the text indicated in red strikeout as follows:

Sec. 110-61. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Agricultural use means the use of water for the commercial production of crops including ornamentals or the growing of farm products, including, but not limited to, vegetables, citrus, and other fruits, pasture, sod or animals.

Agricultural well means any well used solely to supply water for irrigation or other agricultural purposes.

Aquifer means an underground formation from which groundwater can be usefully extracted using a water well.

Aquifer-Confined means an aquifer that is isolated from the atmosphere at the point of discharge by an impermeable geological formation.

Aquifer-Unconfined means an aquifer in which the water table is exposed to the atmosphere through openings in the overlying geological formation.

Customer means any person supplied with water by the city.

Farm. Where farms are exempt from the provisions of this article, they shall be defined as a tract of land for agricultural use and shall include farm residences, buildings, and other structures located on the farm, and being accessories to a farm operation. It shall be a farm in fact and not in name only.

Geothermal heat exchange well (including ground source heat pump wells) means any artificial excavation by any method, that uses the heat exchange capacity of the earth for heating and cooling (such as for air conditioning units) in which excavation the ambient ground temperature is eighty-six degrees Fahrenheit (thirty degrees Celsius) or less and which uses a closed-loop fluid system to prevent the discharge or escape of its fluid into surrounding aquifers or geologic formations.

Potable water means water which is in compliance with all the primary health related drinking water standards specified in the Delaware Regulations Governing Public Drinking Water Systems and the US EPA Safe Drinking Water Act, and is suitable acceptable for human consumption.

Service line means a water line connected to the water main for the purposes of serving a customer.

Shallow well means any well which obtains its groundwater from an unconfined aquifer.

Water main means any public water line, other than a service line.
Water service fees means water use fees.

Water tap means the connection of a service line to a water main.

Sec. 110-67. - Private wells.

(a) When authorized. It shall be unlawful and a nuisance for any person to dig, to drill or otherwise excavate any well more than 150 feet below the surface of the ground within a confined aquifer within the city, or one mile thereof, without the permission of the city council given by resolution. No permission shall be given for such a well on any property where a potable water supply is available.

(b) Shallow wells. Shallow wells may not be drilled from the unconfined aquifers within the limits of the city, except for the following:

(1) Agriculture wells. Wells may be drilled in the unconfined aquifer for the sole purpose of supplying a farm with water to irrigate their respective crop. Subject to potable water for properties preservation easement in accordance with 3 Del. C. c. 9.

(c) Administrative variance, shallow wells. Subject to approval by the Delaware Department of Natural Resources and Environmental Control (DNREC), the City Manager may grant an administrative variance for a shallow well where documentary evidence establishes that a modification of the shallow well standards as provided in this chapter will not endanger the general public health and safety, and strict compliance would be unreasonable in view of all the circumstances.

(b)(d) Geothermal heat exchange wells. Wells may be drilled for the purpose of the installation of a geothermal heating and cooling system within the limits of the city, subject to the following:

(1) These wells shall be a closed-loop system and shall not be authorized for withdrawal or injection. They will function as borings, filled with a bentonite grout, with a piping system that acts as a heat exchanger to dissipate/absorb heat from the system to the ground.

(2) There shall be no interconnection with any public water supply, nor shall the geothermal well be used as a potable water supply for human consumption.

(3) No well shall be located within any city right-of-way or utility easement without written authorization from the city manager.

ADOPTED: *

SYNOPSIS

This ordinance adds definitions pertaining to wells, provides clarification to the installation of shallow wells, and provides for an Administrative Variance for shallow wells.

(SPONSORS: STAFF)