

CITY OF DOVER PROPOSED ORDINANCE #2012-12

1 **BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN COUNCIL**
2 **MET:**

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

6 Sec. 110-61. - Definitions.

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

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

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

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

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

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

19 *Customer* means any person supplied with water by the city.

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

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

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

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

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

33 *Water main* means any public water line, other than a service line.

34 *Water service fees* means water use fees.

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

36 Sec. 110-67. - Private wells.

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

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

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

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

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

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

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

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

63 ADOPTED: *

64 SYNOPSIS

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

67 (SPONSORS: STAFF)

68 Actions History

69 May 14, 2012 - Scheduled for First Reading by City Council

70 April 23, 2012 - Considered by Utility Committee

71 S:\ORDINANCES\2012\Draft\2012-12 - Chpt 110 - Utilities, Art III - Water Service - 1st Rdg.wpd