

**CITY OF DOVER ORDINANCE #2010-07**

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

That Chapter 98 – Streets, Sidewalks and Other Public Places, be re-titled as Streets, Sidewalks, Storm Sewers and Other Public Places.

**BE IT FURTHER ORDAINED THAT:**

That Chapter 98 – Streets, Sidewalks and Other Public Places, Article I – In General, Section 98-1 – Street department created; purpose, be amended to read as follows:

**ARTICLE I. IN GENERAL**

**Sec. 98-1. Street department created; purpose.**

There is hereby created a street department under the general supervision and authority of the city manager, which shall superintend and have authority over the use, construction, condition and lighting of city streets, sidewalks, storm sewers and public places.

**BE IT FURTHER ORDAINED THAT:**

That Chapter 98 – Streets, Sidewalks and Other Public Places, be amended by inserting a new Article V – Storm Sewers and Excavations, to read as follows:

**ARTICLE V. STORM SEWERS**

**Sec. 98-161. Definitions.**

*Drain* means any pipe which carries water in a drainage system.

*Private storm sewer* means any storm sewer not owned by the city.

*Public storm sewer* means any storm sewer owned by the city.

*Storm sewer* means any system used for conveying rain water, stormwater, surface water, condensate, cooling water or similar liquid wastes, exclusive of sewage.

**Sec. 98-162. Connections.**

(a) It shall be unlawful for any person to tap or to have tapped any public *storm sewer* without a permit from the city manager.

(b) It shall be unlawful for any person other than the city to tap any public storm sewer. The city shall tap the sewer as described in the permit, and the permittee shall pay the fees and charges based upon unit prices as the city incurs.

**Sec. 98-163. Public storm sewer design and construction.**

Public storm sewers shall be designed and constructed according to city specifications, three copies of which shall be on file in the city clerk's office.

**Sec. 98-164. Prohibited discharges into system.**

(a) *Injurious substances.* It shall be unlawful for any person or group of persons to throw, place, or deposit, or attempt to throw, place or deposit, or cause to be thrown, placed or deposited, any article, object or substance in any of the storm sewers or into any of the inlets into the storm sewers of the city, or into any of the streets, lanes, alleys, or gutters of the streets in the city from which such article, object, or substance would be likely to enter into or run into the storm sewers of the city, which object, or substance would injure in any manner said storm sewer system or area into which such storm sewers empty.

(b) *Definition.* Wherever the term "system" is used, such term shall be taken to include, in addition to any other meaning herein indicated, any conduits, reservoirs, ditches, grates, catch basins, storm manholes, gauges, and building or buildings and the attachments thereto wherein any such machinery or parts thereof are kept or stored.

(c) *Tar, petroleum, etc.* It shall be unlawful to pour, drain or run into the storm sewers of the city, by any method whatsoever, any tar or tar product, or petroleum or petroleum product, or any inflammable substance or material.

(d) *Protection of equipment.* It shall be unlawful to pour or drain into or permit the drainage into any of the storm sewers or storm sewer system of the city any substance or chemical which would hinder the proper functioning of the storm sewer system or in any way negatively impact any related permits held by the city.

(e) *Garbage, etc.* It shall be unlawful to deposit or throw, or cause to be deposited or thrown into any receptacle connected with a public or private storm sewer of the city, any garbage, ashes, cinders, rags, waste of any kind whatsoever or to discharge or permit to be discharged into any private or public storm sewer within the city, anything that will injure such storm sewer or will obstruct the use and operation thereof.

**Sec. 98-165.** Authority to enter and inspect private property.

The city manager and his authorized agents shall have the authority to enter upon any lands as may reasonably be necessary to discharge their duties pursuant to this article. Pursuant to the entry, the city manager and his authorized agents shall properly discharge their duties, which may include inspection, conveyance or removal of materials necessary for construction upon the land or improvement or repair of any drain, gutter, storm sewer, manhole or natural watercourse.

**Sec. 98-166.** Violations.

(a) *Notice.* Whenever the city manager or his authorized agents shall determine that a condition exists which violates any portion of this article, the city manager or his authorized agents shall notify the property owner or occupant of the specific violation.

(b) *Action by city.* Unless the condition is remedied within ten days after notice is given, the city may cause the condition to be remedied and assess the cost thereof against the property owner.

(c) *Payment of cost.* Any person violating any of the provisions of this article shall, upon conviction therefore, pay to the city the cost of any of the repairs resulting from the violation and be subject to the penalty provided in section 1-17.

**Secs. 98-167--98-220.** Reserved

**BE IT FURTHER ORDAINED THAT:**

Chapter 98 – Streets, Sidewalks and Other Public Places, be amended by renumbering Article V – Excavations as Article VI, renumbering Division 1 – Generally, Sections 98-161 through 98-190 as 98-221 through 98-250

respectively, and renumbering Division 2 – Permit, Sections 98-191 through 98-220 as 98-251 through 98-280 respectively.

**BE IT FURTHER ORDAINED THAT:**

Chapter 98 – Streets, Sidewalks and Other Public Places, be amended by re-numbering Article VI – Parades as Article VII, renumbering Division 1 – Generally, Sections 98-221 through 98-240 as 98-281 through 98-300 respectively, and renumbering Division 2 – Permit, Sections 98-241 through 98-280 as 98-301 through 98-340 respectively.

**BE IT FURTHER ORDAINED THAT:**

Chapter 98 – Streets, Sidewalks and Other Public Places, be amended by renumbering Article VII – Numbering of Buildings as Article VIII, and renumbering Sections 98-281 through 98-286 as 98-341 through 98-346 respectively.

**BE IT FURTHER ORDAINED THAT:**

Chapter 110 – Utilities, Article III – Water Service, Division 1 – Generally, be amended to read as follows:

**Chapter 110 UTILITIES**

**ARTICLE III. WATER SERVICE\***

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\***Charter references:** Power of council to operate water plans, subpart A, § 25.

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**DIVISION 1. GENERALLY**

**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:

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

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

*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.

(Code 1968, § 32-1; Ord. of 4-8-1974; Code 1981, § 22-177)

**Sec. 110-62. Water department created.**

There is hereby created a water department.

(Code 1968, § 2-76; Code 1981, § 22-176)

**Sec. 110-63. Water handbook incorporated by reference.**

The City of Dover Municipal Water Department's Water Handbook is hereby incorporated by reference into the laws of the city. A copy of the aforesaid handbook shall be filed in the city clerk's office and available to the public for inspection.

**Sec. 110-64. Sprinkling limitation.**

When an emergency to the water supply exists, the city manager shall order public water users to limit or stop sprinkling streets, grass or other vegetation.

(Code 1968, § 32-12; Ord. of 4-8-1974; Code 1981, § 22-182)

**Sec. 110-65. Supplying nonusers with city water.**

It shall be unlawful for any customer purchasing water from the city to supply such water to persons who are not customers or who have no water connections with the public mains.

(Code 1968, § 32-19; Ord. of 4-8-1974; Code 1981, § 22-185)

**Sec. 110-66. Deposit for customers who purchase water for redistribution.**

Those customers who purchase water for redistribution shall pay a deposit in an amount to be determined by the city manager.

(Mo. of 4-8-1974, § X; Code 1981, § 22-186)

**Sec. 110-67. Private wells.**

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

(b) *Shallow wells.* Shallow wells may be drilled into and water withdrawn from the unconfined aquifers within the limits of the city, subject to the following:

(1) All wells shall require a permit from the state department of natural resources and environmental control or other regulatory agency and the approval of the city setting forth construction details, design yield, and withdrawal rates.

(2) All wells must have the approval of the state board of health or other similar regulatory agency for their intended use.

(3) A detailed plan showing the well location, well construction, piping plan and connection details shall be submitted with the application.

(4) All wells shall be metered by an approved device and daily pumping records maintained.

(5) All water derived from shallow wells shall be used only for boiler makeup, cooling water use, and underground irrigation systems.

(6) Any revisions, changes or deviations from the original permit must be in the same manner as the original permit.

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

(8) Private irrigation systems shall be completely underground, with no connections or outlets that could be used for human consumption. Irrigation shall be by sprinkler heads.

(Code 1968, § 32-14; Ord. of 4-8-1974; Ord. No. 2-78, 4-24-1978; Code 1981, § 22-188)

**Secs. 110-68--110-190. Reserved.**

**BE IT FURTHER ORDAINED THAT:**

Chapter 110 – Utilities, Article III – Water Service, be amended by deleting Division 2 – Service Lines, Division 3 – Taps, Division 4 – Meters, and Division 5 – Fire Hydrants, in their entirety.

**BE IT FURTHER ORDAINED THAT:**

Chapter 110 – Utilities, Article III – Water Service, Division 6 – Rates, Charges and Billing Procedures, be renumbered as Division 2 and amended to read as follows:

## **DIVISION 2. RATES, CHARGES AND BILLING PROCEDURES**

### **Sec. 110-191. Water use fees generally.**

(a) *Payment.* All water service fees, three copies of which are on file in the city clerk's office, shall be payable to the city manager.

(b) *Penalty.* A penalty as provided for in Appendix F--Fees and Fines shall be added to all water service fees which shall be in arrears for a period in excess of 30 days after the date of rendering the water service bill.

(Code 1968, § 32-8; Ord. of 4-8-1974; Code 1981, § 22-251; Ord. of 9-28-1992; Ord. of 8-14-1995; Ord. No. 2009-09, 6-22-2009)

### **Sec. 110-192. Charge for discontinuing or restoring water service.**

(a) *Maintenance and repair.* There will be no charge for turning on or off any service for maintenance and repair purposes if done during normal working hours. There will be a charge as provided for in Appendix F--Fees and Fines, for all service calls after normal working hours.

(b) *Nonpayment.* There will be a service charge as provided for in Appendix F--Fees and Fines paid, together with all current and overdue charges, prior to turning on any service discontinued for nonpayment.

(Mo. of 4-8-1974, § IX; Code 1981, § 22-256; Ord. of 8-14-1995)

### **Secs. 110-193--110-205. Reserved.**

## **BE IT FURTHER ORDAINED THAT:**

Chapter 110 – Utilities, Article III – Water Service, Division 7 – Water Impact Fees, be amended by renumbering it as Division 3.

## **BE IT FURTHER ORDAINED THAT:**

Chapter 110 – Utilities, Article IV – Sewer Service be renamed Article IV – Sanitary Sewer Service.

## **BE IT FURTHER ORDAINED THAT:**

Chapter 110 – Utilities, Article IV – Sanitary Sewer Service, Division 1 – Generally, be amended to read as follows:

## **DIVISION 1. GENERALLY**

### **Sec. 110-231. 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:

*Customer* means any person supplied with wastewater service by the city.

*Dwelling* means any single or multiple residence or apartment, including those located over business or commercial establishments. Such term shall not include any hotel, motel or rooming house.

*Lateral* means a sanitary sewer line connected to the sanitary sewer main for the purposes of serving a customer.

*Private sanitary sewer* means any sanitary sewer not owned by the city.

*Public sanitary sewer* means any sanitary sewer owned by the city.

*Sanitary sewer* means a pipe or conduit for carrying sewage and wastewater to which stormwater, surface water and groundwater are not intentionally admitted.

*Sewage* means any combination of liquid and water-carried wastes originating in buildings.

*Sewer main* means any sewer line, other than a sewer lateral, including but not limited to sewer lines commonly called "interceptors" and "feeders."

*Wastewater* means the liquid and water-carried industrial or domestic wastes, whether treated or untreated, from dwellings, commercial buildings, industrial facilities and institutions, together with any stormwater, surface water and groundwater that may be present though not intentionally admitted, which is contributed into or permitted to enter the sanitary sewer.

*Wastewater system* and *sanitary sewer system* shall be interchangeable for the purposes of this code.

(Code 1968, § 27-1; Code 1981, § 22-127)

**Sec. 110-232. Wastewater department created.**

There is hereby created a wastewater department.

(Code 1968, § 2-78; Code 1981, § 22-126)

**Sec. 110-233. Wastewater handbook incorporated by reference.**

The City of Dover Municipal Wastewater Department's Wastewater Handbook is hereby incorporated by reference into the laws of the city. A copy of the aforesaid handbook shall be filed in the city clerk's office and available to the public for inspection.

**Sec. 110-234. Rates and charges.**

(a) *Copies on file.* Three copies of the wastewater use rates shall be on file in the city clerk's office.

(b) *Wastewater Fees.* All users of the public wastewater system shall be liable for wastewater fees. Bills for wastewater system usage shall be rendered in conjunction with bills for city water service for those persons using both city water and wastewater systems.

(c) *Water rules apply.* Discounts, service charges, payment of service charges, discontinuance of service and penalties applying to city water rates shall also apply to public wastewater rates and service.

(Code 1968, §§ 27-8--27-10; Code 1981, § 22-133; Ord. of 4-27-1992)

**Secs. 110-235--110-260. Reserved.**

**BE IT FURTHER ORDAINED THAT:**

Chapter 110 – Utilities, Article IV – Sanitary Sewer Service, Division 2 – Private Sewage Disposal Systems, be amended to read as follows:

**DIVISION 2. PRIVATE SEWAGE DISPOSAL SYSTEMS**

**Sec. 110-261. Abandonment.**

It shall be unlawful for any person to abandon any cess pool, septic system, drainage field, or the like except in the manner approved by the State of Delaware Department of Natural Resources and Environmental Control. Compliance with the abandonment procedure shall occur within 30 days after any notice to abandon and in the manner in which it is to be accomplished.

(Code 1968, § 27-14; Code 1981, § 22-146)

**Sec. 110-262. Correction of unsanitary conditions.**

It shall be unlawful and a nuisance for the owner or occupant of any property, after the expiration of three days' notice given by a city inspector based upon his inspection and declaration that the owner or occupant's cess pool, septic system, drainage field, or the like is overly full, is in an offensive and noisome condition, to fail to clean and correct those conditions as are set out in the notice. Any cess pool, septic system, drainage field, or the like that is determined to be in a state of disrepair must be addressed in accordance with the State of Delaware Department of Natural Resources and Environmental Control.

(Code 1968, § 27-15; Code 1981, § 22-147)

**Secs. 110-263--110-280. Reserved.**

**BE IT FURTHER ORDAINED THAT:**

Chapter 110 – Utilities, Article IV – Sanitary Sewer Service, Division 3 – Wastewater Collection Impact Fees, Section 110-282 – Establishment of equivalent dwelling units, Paragraph B – Determination for nonresidential establishments, be amended to read as follows:

(b) *Determination for nonresidential establishments.* Whenever the city imposes or assesses wastewater collection and transmission charges or fees on the basis of EDUs, the number of EDUs to be charged shall be determined using the appropriate specific assessment as defined in the most recent impact fee ordinance adopted by the Levy Court of the county. When users propose to discharge wastewater under circumstances other than the specific assessments defined by the county, the city's impact fee shall be calculated by the city engineer based on flow in GPD. In such cases where the impact fee is calculated by flow, each EDU shall be equal to 250 GPD.

**BE IT FURTHER ORDAINED THAT:**

Appendix F – Fees and Fines, Chapter 110 – Utilities, Article III – Water Service, Division 6 – Rates, Charges, and Billing Procedures, be amended to read as follows:

Description		Fees and Fines (in dollars)	
<i>Chapter 110--Utilities, Article III--Water Service, Division 2--Rates, Charges and Billing Procedures</i>			
Sec. 110-191	Water use fees generally		
	Subsec. (b)	Penalty.....	A penalty of 1½ percent or \$1.00, whichever is greater, per month shall be added to all water service fees which shall be in arrears for a period in excess of 30 days after the date of rendering the water service bill
Sec. 110-192	Charge for discontinuing or restoring water service		
	Subsec. (a)	Maintenance and repair.....	No charge for turning on or off any service for maintenance and repair purposes if done during normal working hours; \$50.00 for all service calls after normal working hours

	Subsec. (b)	Nonpayment.....	There will be a service charge of \$50.00 paid, together with all current and overdue charges, prior to turning on any service discontinued for nonpayment
<i>Chapter 110--Utilities, Article III--Water Service, Division 3--Water Impact Fees</i>			

**ADOPTED: MARCH 22, 2010**