

## **Ordinance 512**

**An Ordinance to amend the City Code Chapter 193. Sanitary Code, Article IV. Water Supply prohibiting private potable and non-potable water wells without approval of the Municipal Services Commission.**

**WHEREAS**, the City of New Castle (hereinafter referred to as “the City”) located in New Castle County Delaware is a Municipal Corporation; and

**WHEREAS**, the City, in cooperation with the Municipal Services Commission (hereinafter referred to as “the MSC”), the City Water and Electric Utility, desires to protect the public health and preserve the quality, quantity, and integrity of the water supply; and

**WHEREAS**, the City desires to adopt certain revisions to Article IV of Chapter 193 of the City Sanitary Code relating to Cross Connection Control, Water Supply, and the Drilling, Operation, and Abandonment of Water Wells within the City of New Castle corporate limits.

**NOW, THEREFORE**, be it ordained by the Council of the City of New Castle, that sections 193-8, 193-9, 193-10, and new section 193-11, of the City Code shall hereafter read as follows:

### **SECTION 1:**

#### **Chapter 193. Sanitary Code Article IV. Water Supply**

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#### **§ 193-8. Cross Connections.**

A. No physical connection between the distribution system of a public potable water supply and that of any other water supply shall be permitted, unless such other water supply is of safe, sanitary quality, and the interconnection of both supplies is approved by the Municipal Service Commission (“MSC”).

B. The Cross Connection Control Manual published by MSC, as same may be amended from time to time, shall control all water supply cross connections in the City.

#### **§ 193-9. Sole Source of Water Supply**

A. MSC shall be the sole source of water supply within the City corporate limits. No other source of water supply shall be introduced or permitted, either directly or indirectly, for use in the City, whether potable or non-potable, without written consent from the MSC. An installation for

which written consent has been granted shall be made so that the alternative water supply source cannot be cross connected into the MSC's water distribution system.

B. The owner or occupant of any property or structure within the City corporate limits that desires water service for any property or structure shall connect to the MSC water distribution system in accordance with all applicable regulations imposed by MSC.

### **§ 193-10. Wells**

A. It shall be unlawful for any person, firm, association, corporation, or any other entity to drill, install, construct, maintain, or use a private water well within the City corporate limits for any purpose except as provided herein.

B. The following wells are permitted after submitting written notice to and receiving written approval from the MSC:

1. Wells installed and maintained for the purpose of groundwater monitoring and/or remediation as part of a response activity approved or required by the Delaware Department of Natural Resources and Environmental Control or the United States Environmental Protection Agency.

2. Wells installed for construction dewatering, provided that the water generated by the activity is handled and disposed of in accordance with all applicable laws and regulations. All dewatering wells shall be properly abandoned in accordance with the Delaware Department of Natural Resources and Environmental Control standards.

C. The owner or occupant of any property or structure within the City corporate limits identified as being served by a private potable or non-potable water well shall remove and properly abandon the water well and connect to the MSC water distribution system. The water well shall be properly abandoned in accordance with the Delaware Department of Natural Resources and Environmental Control ("DNREC") standards.

D. The maintenance of a private potable or non-potable water well in the City of New Castle in violation of this Chapter is a threat to the public health, safety or welfare and a public nuisance. Any property owner drilling or digging a private potable or non-potable water well in the City of New Castle subsequent to the adoption of this ordinance who fails to remove and properly abandon the water well in accordance DNREC standards more than twenty (20) days following written notice from the City of New Castle shall be subject to a civil penalty of \$1,000.00. Each day the violation occurs shall constitute a separate offence. Such civil penalty shall be a lien on the real property on which the well is located. Such civil penalty shall be collectable by the City of New Castle in the same manner as real estate taxes due and owing to the City of New Castle.

**SECTION 2.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. Council hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause or phrase irrespective of the fact that any one or more thereof is declared unconstitutional or invalid.

**SECTION 3.** Ordinances or parts of Ordinances in conflict herewith are hereby repealed; provided that any such repeal shall not abate a right of action already accrued under any repealed Ordinance.

**SECTION 4.** This Ordinance shall become effective immediately upon passage.

**First Reading**                      **September 12, 2017**

**Second Reading**                **March 13, 2018**

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2018

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Linda Ratchford, President of Council

I hereby certify that the foregoing Ordinance was duly approved by the Council of the Mayor and Council of New Castle upon the dates above set forth and signed by the President of Council.

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Brian G. Whitaker, City Clerk

**Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2018**

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Jimmy Gambacorta, Mayor