



CITY OF DOVER ORDINANCE #2022-17

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

That Chapter 110 – Utilities, Article III – Water Service and APPENDIX F FEES AND FINES be amended to read as follows:

DIVISION 1. GENERALLY

Section 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 by the city.

Property Owner means an individual or entity that is the legal owner of a parcel of real estate.

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)

Section 110-62. Water department created.

There is hereby created a water department.

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

Section 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.

(Ord. No. 2010-07, 3-22-2010)

Section 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, § 22-18; Ord. No. 2010-07, 3-22-2010)

Section 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; Ord. No. 2010-07, 3-22-2010)

Section 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; Ord. No. 2010-07, 3-22-2010)

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) *Geothermal 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 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.

(Code 1968, § 32-14; Ord. of 4-8-1974; Ord. No. 2-78, 4-24-1978; Code 1981, § 22-188; Ord. No. 2010-07, 3-22-2010; Ord. No. 2011-20, 9-12-2011)

Section 110-68. Cross connection control program incorporated by reference.

The City of Dover Municipal Water Department's Cross Connection Control Program is

hereby incorporated by reference into the laws of the city. A copy of the aforesaid program shall be filed in the city clerk's office and available to the public for inspection.

Sections 110-69—110-190. Reserved.

DIVISION 2. RATES, CHARGES AND BILLING PROCEDURES

Section 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)

Section 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; Ord. No. 2010-07, 3-22-2010)

Sec. 110-193. Penalties for cross connection control program non-compliance.

Non – compliance penalties. There will be a charge for non-compliance with the requirements of the Cross Connection Control Program. There will be a charge as provided for in Appendix F – Fees and Fines. After reasonable notice to the occupants, the city may also deny or discontinue water service to any building/premises for refusal or failure to comply with the program.

Sections 110-194—110-205. Reserved.

BE IT FURTHER ORDAINED:

That Chapter Appendix F – Fees and Fines – Chapter 110 - Utilities, Article III – Water Service, be amended by inserting the text indicated in bold, blue font and deleting the text indicated in red strikeout

as follows:

| Chapter 110. Utilities | Fees and Fines |
|--|--|
| Article III. Water Service | |
| 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 purposes if done between 7:00 a.m. and 5:00 p.m.; \$100.00 for all service calls between 5:00 p.m. and 7:00 a.m. |
| 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 between 7:00 a.m. and 5:00 p.m. There will be a service charge of \$100.00 paid, together with all current and overdue charges, prior to turning on any service discontinued for nonpayment between 5:00 p.m. and 7:00 a.m. |
| Sec. 110-193 Penalties for cross connection control program non-compliance | |
| Subsec. Non-compliance penalties | There will be a charge of \$100 per day to the property owner after the final warning date of non-compliance. This charge will continue on a daily basis until the property is in compliance with the cross connection control program. |

ADOPTED: OCTOBER 24, 2022

SYNOPSIS

P.O. Box 475 ♦ Dover, Delaware ♦ 19903

Community Excellence Through Quality Service

This ordinance adopts a cross connection control program into the City of Dover Municipal Code. In February 2021, the State of Delaware mandated the development of a cross connection control program in the Delaware Administrative Code. This program will require property owners of high hazard content to install and inspect backflow prevention devices. This will not impact the majority of residential property owners. The city will be required to track all devices and assure the property owner is following the regulation, if the property owner is not in compliance, they will be subject to penalties.

(SPONSORS: ROCHA AND HUGG)

Actions History:

September 27, 2022 – Introduced at Utility Committee

October 10, 2022 – First Reading at Regular Council Meeting

October 24, 2022 – Final Reading at Regular City Council