ORDINANCE NO. 35

AN ORDINANCE CONCERNING DRILLING OF WELLS WITHIN THE TOWN LIMITS OF FRANKFORD

BE IT ORDAINED by the Town Council of the Town of Frankford:

Article I. Residential, Commercial, Industrial, Agricultural, and Irrigation Wells.

Section 1. No individual, entity, or commercial well driller shall initiate and start the process of installing, drilling, or commencing operations on the creation of any type of well within the town limits of the Town of Frankford without written approval from the Town Council of the Town of Frankford.

Section 2. Request for Town Approval.

a. Upon a formal written request of the individual, entity, or commercial well driller seeking to install, drill, or commence operations on the creation of any type of well within the town limits of the Town of Frankford, that individual, entity, or commercial well driller seeking Town approval, must state in their request:

i. The location within town limits of where the well shall be placed;
ii. The reason(s) and intended use of the well in question; and
iii. The size of the well in question;

Section 3. Once the Town of Frankford has received a formal written request, said written request shall be placed upon the next monthly scheduled meeting agenda of the Town Council for it to be discussed, heard, and voted upon by the Town Council.

Section 4. Violation.

a. If a well is installed, drilled, and/or commencement of operations of the creation of any type of well as started within the town limits of the Town of Frankford without written approval from the Town Council, the individual, entity, or commercial well driller will be immediately ordered to cease and desist any further operations of the well.

b. If the activity commences after the cease and desist is ordered by the Town of Frankford, a fine in the amount of Five Thousand Dollars ($5,000.00) will be levied and the violator shall pay the costs of attorneys' fees.

c. For every day the well is in operation, the violator will pay a One Hundred Dollar ($100.00) fine until the well is capped and no longer operational.

d. The Town of Frankford reserves the right to initiate a Court of Chancery action against the violator requesting immediate action to stop use of said well and seek a court order mandating the well to be capped and no longer operational. The costs of this litigation, as well as court costs and attorneys' fees, will be the responsibility of the violator.

ORDAINED AND ENACTED into law this _____ day of _____, A.D. 2016.

Town of Frankford

Attest: _____
Secretary

By: _____
President

SYNOPSIS

The purpose of this Ordinance is to allow the Town of Frankford the ability to approve or deny any well that is sought to be drilled within the town limits of Frankford. The reasoning for the ability to approve or deny is to safeguard against the threat to the Town's aquafer, allow oversight on the usage of any wells, restrict the usage of wells within the Well Head Protection Zone designated by DNREC, and to continue providing water to all residents and commercial business within the Town of Frankford.