

ORDINANCE NO. 34

**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. It shall be unlawful for any person to drill or otherwise construct, install, operate, or use any well for the taking of water within the corporate limits of the Town of Frankford without first securing approval of the Town Council and a valid permit being issued by the Department of Natural Resources and Environmental Control.

Section 2. Any private well on private property approved by the Town shall meet the following requirements:

- a. The well shall be used for any of the following purposes:
 - i. Geothermal heating/cooling systems for a structure.
 - ii. Irrigation wells..
 - iii. Agricultural wells.
 - iv. Well to supply ponds ("pond-fill well") as part of the approval of a development or subdivision.
- b. For farm or agricultural wells, the parcel to be served shall be not less than ten (10) acres and not service or connect to any industrial or commercial building.
- c. The use or any well may be temporarily suspended and restricted by the Town if the Town determines that an emergency exists in the supply of water.
- d. The well and all plumbing may be inspected by the Town upon completion of the installation of the well for the determination that there is no cross-connection or contamination of the Town's water system.
- e. A copy of the drilling permit and the drilling log shall be furnished to the Town upon completion of the well and before the well begins operation.

Section 3. The drilling or otherwise constructing, installing, and operation a well within the Town of Frankford without compliance with the provision of this Chapter shall be deemed to be a common and public nuisance and may be abated by the Town Council upon the finding that such a well has been

drilled, constructed, or installed and is being operated without first complying with the provisions of this Chapter.

- Section 4. Any well permitted by this Chapter shall be subject to the following conditions:
- a. Such well shall meet all the requirements established by the Town for the installation of wells.
 - b. There shall be backflow prevention installed in accordance with Town standards and specifications.
 - c. All installations, operations, disconnections, billing, charges, and other regulations shall be subject to Town ordinance, inspection, and oversight.
 - d. The Town shall have the right to enter on said property and inspect said well system at any time.
 - e. Any geothermal heating/cooling systems, agricultural, irrigation, or pond-fill well shall also be subject to federal, state, and county regulations.
 - f. Any agricultural well shall be capped and shall no longer be used for any purposes upon final approval of subdivision or land development plans by the Town for the parcel served by such well. -

ORDAINED AND ENACTED into law this 7th day of August, A.D. 2017.

Town of Frankford

Attest: Marty Presly
Secretary

By: Juanes S. Bern
President
Marty Presly

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 aquifer, 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.