

Chapter 165

VEHICLES, INOPERABLE

- § 165-1. **Definitions.**
- § 165-2. **Purpose; applicability**
- § 165-3. **Construal of provisions.**
- § 165-4. **Prohibited acts.**
- § 165-5. **Receipt of notice; removal.**
- § 165-6. **Inspection by Manager.**
- § 165-7. **Notice of removal.**
- § 165-8. **Action on failure to remove.**
- § 165-9. **Violations and penalties.**

[HISTORY: Adopted by the Town Council of the Town of Laurel 5-16-1988 as Ord. No. 737. Amendments noted where applicable.]

§ 165-1. Definitions. (Amended 3-19-18)

For the purposes of this chapter, the following definitions shall be applicable unless the context clearly indicates to the contrary:

DISMANTLED MOTOR VEHICLE – Any motor vehicle from which major components have been removed so that it cannot be operated or is in such a state of disrepair as to be incapable of being operated.

INOPERABLE MOTOR VEHICLE – Any motor vehicle which has been wrecked so as to be incapable of being operated or which has no registration plates, prohibiting it from being legally operated on public streets of the Town of Laurel.

MOTOR VEHICLE – Any self-propelled land vehicle which can be used for the transportation of people or materials, including but not limited to automobiles, trucks, buses, motorized campers, motorcycles, motor scooters, tractors, snowmobiles, dune buggies and other all-road vehicles.

PERSONS – Includes an individual, natural person, joint-stock company, partnership, voluntary association, society, club, firm, company, corporation, business trust, organization or any other group acting as a unit, with a manager, lessee, agent, servant, partner, member, director, officer or employee of any of them, including an executor, administrator, trustee, receiver or other representative appointed according to law.

STREET – Any avenue, boulevard, alley, road, street or other public thoroughfare within the corporate limits of the Town of Laurel.

DISMANTLED TRAILER – Any trailer from which major components have been removed so that it cannot be operated or is in such a state of disrepair as to be incapable of being operated.

INOPERABLE TRAILER – Any trailer which has been wrecked so as to be incapable of being operated or which has no registration plates, prohibiting it from being legally operated on public streets of the Town of Laurel.

TRAILER - Includes a mobile home, park trailer, travel trailer, house trailer, office trailer, camping trailer, boat/marine trailer or any vehicle without motive power designed to carry property or passengers wholly on its own structure and to be drawn by a motor vehicle.

§ 165-2. Purpose; applicability. (Amended 3-18-19)

It is the purpose of this chapter to eliminate the storing, keeping or maintaining of dismantled or inoperable motor vehicles or dismantled or inoperable trailer(s) on private property within the corporate limits of the Town of Laurel; provided, however, that the provisions of this chapter shall not be applicable to any motor vehicle stored within an enclosed building or on the premises of a duly licensed business enterprise operated in a lawful place and manner when necessary to the operation of such business enterprise, or a storage place or depository maintained in a lawful place and manner for seasonal use vehicles, such as snowmobiles, motorcycles, motor scooters and nonmotorized campers. Such business enterprises shall also include auto junkyards, auto repair and auto body shops.

§ 165-3. Construal or provisions.

This chapter is declared to be remedial and shall be construed to secure the beneficial intent and purposes thereof, which are to eliminate dangerous conditions detrimental to public good and to

protect the public health, safety and general welfare of the property owners and residents of the Town of Laurel.

§ 165-4. Prohibited acts. (Amended 3-19-18)

It shall be unlawful for the owners of any property or the tenant of any owner to store or maintain or permit the storing or maintaining of any dismantled or inoperable motor vehicle or dismantled or inoperable trailer(s) on private property within the corporate limits of the Town of Laurel where the storing or maintaining of such motor vehicles is prohibited, and the storing or maintaining of any dismantled or inoperable motor vehicles or dismantled or inoperable trailer(s) in the Town of Laurel, where the storing or maintaining of such motor vehicles is prohibited,

§ 165-4

VEHICLES, INOPERABLE

§ 165-7

is hereby declared to be detrimental to the public health, safety and general welfare of the property owners and residents of the Town of Laurel and a common and public nuisance.

§ 165-5. Receipt of notice; removal. (Amended 6-16-14 & 3-19-18)

It shall be unlawful for any person owning or having custody or possession of any dismantled or inoperable motor vehicle which is not in a fully enclosed building, to store or maintain or permit the storing or maintaining of a dismantled or inoperable motor vehicle or dismantled or inoperable trailer(s) to continue on private property within the Town of Laurel where the storage or maintenance of such motor vehicles or trailer(s) is prohibited for more than a period of ~~ten (10)~~ **seven (7)** days after receipt of notice requiring such removal, and where storing or maintenance of such motor vehicles or trailer(s) is prohibited the storage or maintenance on private property of such motor vehicles or trailer(s) is declared to be a common and public nuisance and may be abated or removed and penalties imposed as provided in this chapter.

§ 165-6. Inspection by Manager. (Amended 3-19-18)

The Town Manager or his designee on routine inspection or upon receipt of a complaint may investigate any property where the maintaining or storing of a dismantled or inoperable motor vehicle or dismantled or inoperable trailer(s) is located and record the make, model, style and identification numbers of such motor vehicle or motor vehicles, or trailer(s).

§ 165-7. Notice of removal. (Amended 3-19-18)

Whenever the Town Manager or his designee finds or is notified that any dismantled or inoperable motor vehicle or dismantled or inoperable trailer(s) has been stored or permitted to remain on private property where the storage or maintaining of such motor vehicles or trailer(s) is prohibited, the Town Manager or his designee shall send by certified mail with return receipt requested and postage prepaid, a notice to the owner of record of the property as shown on the tax

assessment records of the town, to remove the dismantled or inoperable motor vehicle within ten (10) days following receipt of such notice. Such notice shall contain the following information:

- A. The nature of the complaint.
- B. Description and location of the motor vehicle trailer(s).
- C. A statement that the motor vehicle or motor vehicles or trailer(s) shall be removed from the premises within ten (10) days following date of receipt of the notice.
- D. A statement that removal from the location specified in the notice to another location where such storage or maintenance is not permitted is prohibited and shall subject the person to such additional penalties.

§ 165-7

VEHICLES, INOPERABLE

§ 165-9

- E. A statement of penalties for noncompliance with such notice.

§ 165-8. Action on failure to remove. (Amended 3-19-18)

Upon failure of the property owner to remove the said motor vehicle or trailer(s) as specified in the notice, the Town Manager or his designee be and he is hereby authorized to proceed to institute an action in the corporate name in any court of competent jurisdiction in the State of Delaware to have the said motor vehicle or trailer(s) removed.

§ 165-9. Violations and penalties.

- A. Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction in a court of competent jurisdiction, shall be fined not less than fifty dollars (\$50) nor more than five hundred dollars (\$500) or imprisoned for a term of thirty (30) days, or both, and shall pay the costs of prosecution. For the purpose of this chapter, each day or part thereof that a violation continues shall be deemed to be a separate offense.
- B. In addition to any other remedy provided for in this chapter and because the purpose of this chapter is to safeguard and protect the public health, safety and general welfare of the property owners and residents of the Town of Laurel, the Town Manager or his designee is hereby authorized to bring an action in the court of competent jurisdiction to enjoin any violation of any provision of this chapter.

WATER

Chapter 170

WATER

ARTICLE I
Sprinkling

- § 170-1. **Hours for sprinkling.**
- § 170-2. **Ban on sprinkling during emergencies.**
- § 170-3. **Violations and penalties.**

ARTICLE II

Water Meters

- § 170-4. **Meters required for commercial and apartment buildings, and all other nonresidential facilities.**
- § 170-4.1. **Meters required for new residential, commercial and/or renovated water systems.**
- § 170-4.2 **Meters required for all residential properties.**
- § 170-5. **Installation of meters.**
- § 170-6. **Location of meter.**
- § 170-7. **Meter readings.**
- § 170-8. **Violations and penalties.**

ARTICLE III

Tampering with Cutoff Valve

§ 170-9. **Service reestablishment regulations.**

§ 170-10. **Violations and penalties.**

ARTICLE IV
Water Area Impact Charge

§ 170-11. **Purpose.**

§ 170-12. **Definitions.**

§ 170-13. **Computation of area impact charge.**

ARTICLE V
Water Service Discontinuance

§ 170-14. **Discontinuance of service.**

§ 170-15. **Interest added to late payments.**

§ 170-16. **Service reestablishment charge.**

§ 170-17. **Collection of charges before reestablishment of service.**

ARTICLE VI
Rates

§ 170-18. **Rates established.**

§ 170-19. **Definitions.**

ARTICLE VII
Reserve Fund

§ 170-20. **Purpose.**

§ 170-21. **Water fund surpluses.**

ARTICLE VIII
Private Wells

- § 170-22. Private wells prohibited.
- § 170-23. Abandonment of illegal private wells required.
- § 170-24. Certain entities exempted.

ARTICLE IX
Source Water Protection
[Adopted 10-19-2009 by Ord. No. 2009-14]

- § 170-25. Purpose.
- § 170-26. Definitions.
- § 170-27. Source Water Protection Areas (SWPA).
- § 170-28. Prohibited Uses.
- § 170-29. Wellhead Protection Areas (WHPA).
- § 170-30. Ground-Water Recharge Potential Areas.
- § 170-31. Boundary Determination for SWPA.
- § 170-32. Redevelopment.
- § 170-33. Environmental Impact Assessment Report.
- § 170-34. Nonconforming uses.
- § 170-35. Wells

[HISTORY: Adopted by the Town Council of the Town of Laurel as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Sprinkling
[Adopted 6-16-1959 by Ord. No. 151]

§ 170-1. Hours for sprinkling. [Amended 7-7-1969 by Ord. No. 200]

From the date of passage of this act, it shall be unlawful to use water for sprinkling lawns, gardens or shrubbery, at any hours other than from 7:00 a.m. to 10:00 a.m. and from 6:00 p.m. to 8:00 p.m.

§ 170-2. Ban on sprinkling during emergencies. [Added 7-7-1969 by Ord. No. 200]

In the event of an emergency of any kind which may endanger the Town of Laurel's water supply, such as drought, fire, etc., the Mayor of the Town of Laurel shall have the authority to ban

§ 170-2

WATER

§ 170-4

any use of water for the above-mentioned purposes, and the Police Chief or officer in charge shall carry out the instructions of the Mayor pertaining to this article.

§ 170-3. Violations and penalties. [Amended 6-3-1996 by Ord. No. 100]

Any person violating this article, upon conviction thereof, shall forfeit, in addition to the cost, a fine of not less than \$50 nor more than \$500 or be imprisoned for 30 days, or both.

ARTICLE II

Water Meters¹

[Adopted 9-17-1979 by Ord. No. 731]

§ 170-4. Meters required for commercial and apartment buildings, and all other non-residential facilities. (Amended 1-5-04)

A. All commercial buildings, all apartment buildings, all other licensed rental residential properties, and all other nonresidential facilities utilizing the public water supply of Mayor and Council of Laurel shall be equipped with an adequate water meter furnished by the Mayor and Council of Laurel, with payment for such water meter to be made by the owner of the premises; provided however, that the water service shall be supplied by the Mayor and Council of Laurel to each such property which is required to have a water meter pursuant to the provisions hereof at a charge for each fixture at such rate or rates as shall be determined by the Town Council from time to time until the water meter shall be installed.

B. All commercial buildings and non-residential facilities shall be metered by June 30, 2004. All apartment buildings and other licensed residential properties shall be metered by June 20, 2004.

§ 170-4.1. Meters required for new residential, commercial and/or renovated water systems. [Added 12-7-1998]

All newly constructed residential, commercial and/or renovated water systems utilizing the public water supply of Mayor and Council of Laurel shall be equipped with an adequate water meter furnished by the Mayor and Council of Laurel, with payment for such water meter to be made by the owner of the premises; provided, however, that the water service shall be supplied by the Mayor and Council of Laurel to each such property which is required to have a water meter.

¹ Editor's Note: See also Ch. 110, Plumbing.

§ 170-4.2 Meters required for all residential properties. (Added 2-2-04)

Water meters are required for all residential properties within the corporate limits by January 1, 2011.

§ 170-5. Installation of meters.

Water meters shall be supplied by the owners of buildings required to be equipped with such meter within 120 days from the date of notice sent to such owner or owners by certified mail with return receipt requested. Water service shall be discontinued to the property of any owner required by the terms of this article to install the water meter within the time specified herein or who does not arrange with the Town Manager for an extension of such time; provided, however, that no water service shall be discontinued to any property until after five days' written notice, in advance, to the owner of such property sent by certified mail with return receipt requested and postage prepaid.

§ 170-6. Location of meter. [Amended 2-21-1984 by Ord. No. 731]

Each water meter installed after the approval date of this Article shall be located outside the building, in a vault with an accessible lid. The Plumbing Official shall approve the location, vault, lid and other related materials prior to installation. Water meters shall be accessible and unobstructed at all times.

§ 170-7. Meter readings.

All water meters shall be read by the Town Manager or his representative at such time or times as are determined necessary by the Town Council.

§ 170-8a. Failure to install (Added 7-7-03)

Failure to install required meters by the dates established in this ordinance shall result in the town to contract with a licensed plumber to install the meter, with all costs being borne by the property owner and an administrative fee of 25% being levied. The property owner shall pay any costs incurred by the town within thirty days. Any non-payment of the bill by the property owner, the town shall levy an interest charge of 24% per annum and a lien shall be placed on the property.

§ 170-8b. Violations and penalties. [Amended 6-3-1996 by Ord. No. 1000]

In addition to any other remedies specified herein, any owner of property who shall violate any provisions of this Article shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$50 nor more than \$500 or imprisoned for 30 days, or both, and shall pay

the cost of prosecution. For the purposes of this Article, each day that a violation continues shall be
§ 170-8 WATER § 170-12

deemed to be a separate offense.

ARTICLE III
Tampering with Cutoff Valve
[Adopted 8-18-1986 by ord. No. 254]

§ 170-9. Service reestablishment regulations. (Amended 3-21-16)

It shall be unlawful for any person, other than a duly authorized employee of the Town of Laurel, to reestablish or disconnect water service or to cause water service to be reestablished or disconnected to any property, for any reason to include but not limited to nonpayment.

§ 170-10. Violations and penalties. [Amended 6-3-1996 by ord. No. 100]

Any person violating any of the provisions of § 170-9 of this article shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than \$50 nor more than \$500 or imprisoned for 30 days, or both, and shall pay the costs of prosecution. In addition to paying all unpaid water service charges or sewer service charges, together with interest thereon, and any charges established by Mayor and Council of Laurel for reestablishing water service to a property whose water service has been discontinued for nonpayment of said service charges.

ARTICLE IV
Water Area Impact Charge
[Adopted 3-20-1989 by Ord. No. 738]

§ 170-11. Purpose.

The purpose of this article is to establish appropriate provisions for the construction and expansion of the water distribution system of the town and to be assured that the cost of such construction and expansion is borne by those who receive the benefit thereof.

§ 170-12. Definitions.

As used in this article the following terms shall have the meanings indicated:

AREA IMPACT CHARGE – That one-time fee, rate, charge or assessment imposed by the Town Council on an owner or owners of a new, existing, remodeled, restored or enlarged residential, commercial, institutional or industrial structure or structures, or any combination thereof, to which water service is provided or to be provided by the Town of Laurel, which had not previously been served by the Town of Laurel and

which, while not requiring the expansion of the water distribution system or the construction of new facilities, contributed to the decreasing of an adequate reserve for furnishing water service within the area served by the Town of Laurel. The impact charge shall be payable at the time or times prescribed by the Town Council.

WATER CAPITAL RESERVE ACCOUNT – Includes an account established in a bank or trust company into which shall be deposited all funds received from the payment of the area impact charge and from which funds shall be expended only for the purpose of paying the principal of and interest on any bonds issued for the construction, installation, repair, maintenance, or replacement of water lines, the making of emergency repairs, major renovations, or extensions or expansions, or any combination thereof, to the water distribution system, including repair and renovations to the wells, as determined by the Town Council.

§ 170-13. Computation of area impact charge. (Amended 11-21-16)

- A. When a new, existing, remodeled, restored or enlarged residential, commercial, institutional or industrial structure or structures, or any combination thereof, is connected or is to be connected to the water distribution system decreasing the reserve for furnishing water service to the residents and property owners of the Town of Laurel, although not requiring the construction of new facilities or the expansion or enlargement of existing facilities, the area impact charge shall be calculated in terms of an equivalent dwelling unit (EDU). Each EDU can be used to express the effect on the water service caused by one dwelling place. One EDU is equivalent to 250 gallons per day. Such rate is to be established by and with the approval of the Council. Following the initial year, impact charge per EDU is to be reviewed annually by the Council. Such review is to take place in time to have any change in rate effective by the start of the Town of Laurel’s fiscal year, that being the first day of July of each year. Equivalent dwelling units (EDU) may be determined as outlined below:

- (1) House or dwelling with one kitchen and one or more baths and bedrooms 1.0 EDU
- (2) Mobile homes/manufactured homes with one kitchen and one or more baths and bedroom 1.0 EDU
- (3) Apartment with one kitchen and with one or more baths and bedrooms 1.0 EDU

(4)	Efficiency unit with kitchen, bedroom and living space in one room and one bath	0.5	EDU
(5)	Motel or hotel room without kitchen and with bath	0.33	EDU
(6)	Gas station with one service bay	2.0	EDU
(7)	Each additional gas station service bay in excess of one	1.0	EDU
(8)	Retail store .10 GPD/SF, 250 GPD = 1 EDU	1.0	EDU (minimum)
(9)	Laundromat 300 GPD/Washer, 250 GPD = 1 EDU	4.0	EDU (minimum)
(10)	Office units .3 GPD/SF, 250 GPD = 1 EDU	1.0	EDU (minimum)
(11)	Barbershop	1.0	EDU
(12)	Beauty shop, not attached to residence, two chairs or less Each additional chair	1.5 0.5	EDU EDU
(13)	Beauty shop, attached to and formed part of residence, two chairs or less Each additional chair	0.5 0.25	EDU EDU
(14)	Manufacturing business or industry per requested/approved daily water volume 250 GPD = 1 EDU	1.0	EDU (minimum)
(15)	Supermarkets .2 GPD/SF, 250 GPD = 1 EDU	2.0	EDU (minimum)

§ 170-13

WATER

§ 170-16

(16)	Church .1 GPD/SF, 250 GPD = 1 EDU	1.0	EDU (minimum)
------	--------------------------------------	-----	------------------

- | | | |
|------|--|----------------------|
| (17) | Public meeting hall
.1 GPD/SF, 250 GPD = 1 EDU | 1.0 EDU
(minimum) |
| (18) | Restaurant, club, tavern per 20
seats or fraction thereof | 1.0 EDU |
- B. Equivalent dwelling units will be assigned to establishments not covered by item Nos. 1 through 18 above.
- C. The cost of all service lines from the interceptor sewer pipeline or collection sewer pipeline shall be entirely that of the owner.

170-13D.

Notwithstanding any of the other provisions contained in this Chapter or the Town Code, those persons or entities expanding existing or erecting new residential or commercial improvements within the DDD shall, upon application and approval by the Town, be entitled to a one time percentage reduction in their water impact fees, based upon the number of EDU's allotted to such improvements, as follows:

- 1 to 3 EDU's – 40%
- 4 to 7 EDU's – 50%
- 8 or more – 60%

ADDITIONAL REQUIREMENTS

No person or entity shall be entitled to his or her partial exemption of impact fees until or unless his, her or it, are current with the respect to payment of taxes and other town obligations relating to any property which such individual or entity owns within the Town of Laurel, as more fully set forth in Chapter 1, Article III, of the Code of the Town of Laurel.

ARTICLE V

Water Service Discontinuance

[Adopted 7-19-1993 by Ord. No. 120]

§ 170-14. Discontinuance of service.

The Town Manager be and he or she is hereby authorized and directed to discontinue water service to any property whose water service charge or sewer service charge is unpaid by the end of

the billing period, provided that five calendar days' written notice is given to the owner whose water service is to be discontinued directed to the owner at his or her last known address.

§ 170-15. Interest added to late payments.

The Town Manager be and he or she is hereby authorized and directed to add to any water and sewer bill, which is unpaid by the end of the billing period, interest at the rate of 18% per annum, said interest to be computed from the beginning of the billing period.

§ 170-16. Service reestablishment charge.

A charge of \$25 is hereby established for reestablishing water service to a property whose water service has been discontinued for nonpayment of the water service charge or for nonpayment of the sewer service charge.

§ 170-17

WATER

§ 170-20

§ 170-17. Collection of charges before reestablishment of service.

The Town Manager is hereby directed to collect all arrearages, together with interest thereon, and all charges for reestablishing service prior to reestablishing water service which has been discontinued for nonpayment of the water service charge or the sewer service charge.

ARTICLE VI

Rates

[Adopted 4-17-2000; amended 5-21-2001]

§ 170-18. Rates established.

The Mayor and Council of the Town of Laurel set rates for providing water service to citizens of Laurel as:

Rates of EDU's

EDU	Rate
Per EDU	\$3000

§ 170-19. Definitions.

An "EDU" shall mean, by definition, an equivalent dwelling unit.

ARTICLE VII

**RESERVE FUND
(Adopted 8-2-04)**

§ 170-20. Purpose.

The purpose of this article is to establish appropriate provisions for the reserving of surpluses in the water fund and to not allow surpluses in the water fund to be used for any other purpose other than on water related projects or to subsidize rates.

§ 170-21

WATER

§ 170-25

§ 170-21. Water fund surplus.

The Mayor and Council shall establish a reserve water fund to contain budgeted reserve water fund revenue and surplus revenue that may occur after each fiscal year of municipal budget cycle.

ARTICLE VIII

Private Wells

[Adopted 9-15-2008 by Ord. No. 2008-10]

§170-22. Private wells prohibited.

With the exception of private wells constructed and used solely for the purpose of operating a geothermal heating and cooling system, the construction and operation of private water wells are prohibited within the boundaries of the Town of Laurel. This restriction includes, but is not limited to, potable water wells and agricultural wells.

§170-23. Abandonment of illegal private wells required.

Any prohibited private well operating within the boundaries of the Town of Laurel shall be disconnected, capped, and abandoned by the property owner within thirty (30) days from the enactment of this ordinance, or within such further time period as may be directed by the Town Manager or a designated agent of the Town.

§170-24. Certain entities exempted. (Added 7-20-09)

The provisions of this article shall in no way be construed to apply to the Town of Laurel and the State of Delaware, including its administrative agencies and organizations which include, but are

not limited to, the Laurel School District and the Delaware Department of Natural Resources and Environmental Control.

ARTICLE IX
Source Water Protection
[Adopted 10-19-2009 by Ord. No. 2009-14]

§170-25. Purpose.

The purpose of the Source Water Protection Area Ordinance is to ensure the protection of the public drinking water supply from contamination. The Town of Laurel herein adopts overlay maps delineating, as source water protection areas: wellhead protection and excellent ground-water recharge potential areas. To ensure the protection of these drinking water supplies, this ordinance establishes a zoning overlay to be known as the Source Water Protection Overlay. The purpose of

§ 170-25

WATER

§ 170-26

the Source Water Protection Overlay is to protect public health and safety by minimizing contamination of aquifers, preserving, and protecting existing and potential sources of drinking water supplies. It is the intent to accomplish this through both public education and public cooperation, as well as by creating appropriate land use regulations that may be imposed in addition to those currently imposed by existing zoning *districts* or other state and county regulations.

The Source Water Protection Overlay is superimposed on current zoning districts. It shall apply to all new construction, redevelopment, subdivision or expansion of existing buildings and new or expanded uses. Applicable activities/ uses allowed in a portion of one of the underlying zoning districts that fall within the Source Water Protection Overlay must additionally comply with the requirements of this district. Uses prohibited in the underlying zoning districts shall not be permitted in the Source Water Protection Overlay District. Nothing in this article is intended to inhibit planned and orderly growth, development, or redevelopment.

§170-26. Definitions

This section defines words, terms, and phrases found in this article.

Aboveground Storage Tank (AST) An AST is a single containment vessel greater than 250 gallons as defined in the Delaware *Regulations Governing Aboveground Storage Tanks*. ASTs with a storage capacity greater than 12, 499 gallons containing petroleum or hazardous substances, and ASTs with a storage capacity greater than 39,999 gallons containing diesel, heating fuel or kerosene are subject to the design, construction, operation, and maintenance requirements of the Delaware AST regulations.

Applicant: A person, firm, or government agency that executes the necessary forms to obtain approval or a permit for any zoning, subdivision, land development, building, land disturbance, or other activity regulated.

Aquifer: A geological formation, group of formations or part of a formation composed of rock, sand, or gravel capable of storing and yielding groundwater to wells.

CERCLA Hazardous Substances are defined in terms of either those substances specifically designated as hazardous under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), otherwise known as the Superfund law, or those substances identified under other laws. In all, the Superfund law includes references to four other laws to designate more than 800 substances as hazardous, and identify many more as potentially hazardous due to their characteristics and the circumstances of their release.

Contamination Any physical, chemical, biological, or radiological substance that enters the hydrological cycle through human action and may cause a deleterious effect on ground water resources; it shall include but is not limited to hazardous waste, limiting nutrients, and sanitary
§ 170-26 WATER § 170-26

sewage.

Delineation The process of defining and/or mapping a boundary that approximates the areas that contribute water to a particular water source used as a public water supply.

Environmental Impact Assessment Report (EIAR): A report required by this ordinance that assesses the environmental characteristics of a source water protection area and determines what effects or impacts will result if the area is altered or disturbed by a proposed action that would increase impervious cover beyond the recommended 30% threshold.

Excellent Ground-Water Recharge Potential Area: Those areas with high percentages of sand and gravel that have "excellent" potential for recharge as determined through a Stack Unit Mapping Analysis delineated by the Delaware Geological Survey and presented in the Report of Investigations No. 66, Ground-water Recharge Potential Mapping in Kent and Sussex Counties, Delaware, Geological Survey, 2004.

Geologist: An individual who is registered in the State of Delaware to practice the profession of geology.

Ground Water: The water contained in interconnected pores located below the water table in an unconfined aquifer or located in a confined aquifer.

Hazardous Substance UST System means an underground storage tank system that contains a hazardous substance defined in 101(14) of the CERCLA (but not including any substance regulated as a hazardous waste under RCRA Subtitle C) or any mixture of such substances and petroleum, and which is not a petroleum UST system.

Hazardous Waste A solid waste, or combination of solid wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause or significantly

contribute to an increase in mortality or an increase in serious irreversible or incapacitating irreversible, illness, or pose a substantial present or potential a hazard to human health or the environment when improperly treated, stored, transported, or dispose of, or otherwise managed, Without limitation, included within this definition are those hazardous wastes described in Sections 261.31, 261.32, and 261.33 of the Delaware Regulations Governing Hazardous Waste.

Impervious Cover Surfaces providing negligible infiltration such as pavement, buildings, recreation facilities (e.g. tennis courts, swimming pools, etc.), and covered driveways.

Non-Conforming Use is an existing use of a lot or a building that was legal at the time of its creation that is not permitted by this chapter in the district in which it is located.

§ 170-26

WATER

§ 170-26

Natural Condition: Open space that is essentially unimproved and set aside, dedicated, designated, or reserved for public or private use.

Passive Recreation refers to recreation that involves existing natural resources and has a minimal impact because they do not require the alteration of existing topography. Such passive recreation shall include but not be limited to non-motorized vehicles, hiking, bicycling, picnicking, and bird-watching.

Public Water Supply Well: Any well from which the water is used to serve a public water system as defined by Section 22.146 (Public Water Systems) in the Delaware State Regulations Governing Public Drinking Water Systems.

Public Drinking Water System. A community, non-community, or non-transient non-community water system, which provides piped water to the public for human consumption. The system must have at least 15 service connections or regularly serve at least 25 individuals daily for at least 60 days.

On-site Wastewater Treatment and Disposal System: conventional or alternative, wastewater treatment and disposal systems installed or proposed to be installed on land of the owner or on other land to which the owner has the legal right to install the system.

Redevelopment: Any proposed expansion, addition, or major facade change to an existing building, structure, or parking facility.

Runoff: That portion of precipitation or snow melt that has not evaporated or infiltrated into the soil, but flows on land or impervious surfaces.

Sanitary Landfill: A land site at which solid waste is deposited on or into the land as fill for the purpose of permanent disposal, except that it will not include any facility that has been approved for the disposal of hazardous waste under the Delaware Regulations Governing Hazardous

Waste.

Site plan approval: is a process for the review and approval of a development plan prior to the issuance of a development.

Source Water: refers to any aquifer from which water is drawn either periodically or continuously by a public water system.

Source Water Assessment Area: The area delineated by DNREC Source Water Assessment and Protection Program that contributes water to a public water supply system.

§ 170-26

WATER

§ 170-26

Source Water Assessment Plan: The October 1999 U.S. EPA approved plan for evaluating the sources of public drinking water in Delaware for their vulnerability and susceptibility to contamination.

Source Water Assessment Report (SWAP): The identification and evaluation of the sources of water within the state used by public water systems in an effort to determine the vulnerability and susceptibility to contamination.

Stormwater: The runoff of water from the surface of the land resulting from precipitation or snow or ice melts

Stormwater Management:

A) For water quantity control, a system of vegetative, structural, and other measures that may control the volume and rate of stormwater runoff which may be caused by land disturbing activities or activities upon the land; and

B) For water quality control, a system of vegetative, structural, and other measures that control adverse effects on water quality that may be caused by land disturbing activities or activities upon the land.

Source Water Protection Area: Wellhead Protection Areas and Excellent Ground-Water Recharge Potential Areas

Vacant Property: Lands or buildings that are not actively used for any purpose as designated in the underlying zoning district/overlay for one year.

Underground Storage Tank (UST). An UST is one or a combination of Tanks including underground Pipes, the volume of which is 10% or more belowground, as defined in the Delaware *Regulations Governing Underground Storage Tank Systems*. The following USTs are not subject to the design, construction, operation, and maintenance requirements of the Delaware UST Regulations: Residential Heating Fuel, Agricultural, and Residential Motor Fuel USTs less than 1,100 gallons and any UST less than 110 gallons.

Wastewater: Water-carried waste from septic tanks, water closets, residences, building, industrial establishments, or other places, together with such groundwater infiltration, subsurface water, and mixtures of industrial wastes or other wastes as may be present.

Water Quality: Those characteristics of stormwater runoff from an impervious surface or a land disturbing activity that relate to the chemical, physical, biological, or radiological integrity of water.

§ 170-26

WATER

§ 170-28

Water Quantity:

- 1) Those characteristics of stormwater runoff that relate to the volume of stormwater runoff to downstream-gradient areas resulting from land disturbing activities.
- 2) Those characteristics of stormwater that relate to the volume of stormwater that infiltrates the land surface and enters the underlying aquifer.

Wellhead: The upper terminal of a well, including adapters, ports, seals, valves, and other attachments

Wellhead Protection Areas (WHPA): Surface and subsurface areas surrounding public water supply wells or well fields where the quantity or quality of ground water moving toward the wells or well fields may be adversely affected by land use activity.

Wellhead Protection Plan: The March 1990 U.S. EPA approved plan for protecting the quality of drinking water derived from public water supply wells in Delaware.

Wellhead Protection (WHP) Zone 1 is the surface area extending to a one-hundred fifty (150) foot radius around the wellhead.

Wellhead Protection (WHP) Zone 2 is the remaining surface area of the delineated wellhead protection area outside Zone 1.

§170-27. Source Water Protection Areas (SWPA)

Source Water Protection Areas include Wellhead Protection Areas and Excellent Ground Water Recharge Potential Areas. All such areas are as depicted on the Source Water Protection Area maps located in Town Hall and adopted by the Mayor and Council as part of the 2009 update to the Town of Laurel Comprehensive Plan. These maps are also available in GIS overlays from Delaware Department of Natural Resources and Environmental Control, Division of Water Resources, Source Water Assessment and Protection Program.

These areas shall be managed as required by the following sections to protect public drinking water resources from activities and substances that may harm water quality and subtract from

overall water quantity.

§170-28. Prohibited Uses

Activities shall be subject to the land use restrictions contained within this ordinance that will protect the quality and quantity of ground water supplies. All uses not permitted in the underlying zoning district are prohibited.

§ 170-28

WATER

§ 170-29

Land Use	Source Water Protection Areas		
	ZONE 1	ZONE 2	Excellent Recharge
Aboveground Storage Tanks	NO	YES	YES
Automobile body/repair shop	NO	YES	YES
Chemical processing/storage facility	NO	NO	NO
Confined animal feeding operations	NO	NO	NO
Dry cleaner	NO	NO	NO
Electrical/electronic manufacturing facility	NO	YES	YES
Equipment maintenance/fueling areas†	NO	Conditional	Conditional
Fleet/trucking/bus terminal†	NO	Conditional	Conditional
Gas station†	NO	Conditional	Conditional
Hazardous Waste	NO	NO	NO
Dry wells/sumps*	NO	NO	NO
Injection wells**†	NO	NO	Conditional
Irrigated nursery/greenhouse stock†	NO	Conditional	YES
Junk/scrap/salvage yard†	NO	Conditional	Conditional
Machine shop†	NO	Conditional	Conditional
Manure Storage	NO	NO	NO
Metal plating/finishing/fabricating facility†	NO	Conditional	Conditional
Mines/gravel pit	NO	NO	NO
On-Site Wastewater Treatment and Disposal Systems	NO	NO	NO
Underground storage tanks†	NO	Conditional	Conditional
Vessel Storage†	NO	Conditional	YES
Wood preserving/treating facility	NO	NO	NO

*Dry wells/sumps: Dry wells/sumps are prohibited except for single-family residences directing gutter downspouts to a drywell.

**Injection wells: Injection wells are prohibited in Zones 1 and 2, except those used in the remediation of ground water contamination that inject oxygen-releasing compounds.

†For land uses identified as “Conditional” in a particular Source Water Protection Area, said conditions shall be established by the Planning and Zoning Commission as recommended by the Public Works Director or the Town Engineer and approved by the Town Manager or his or her designee.

§170-29. Wellhead Protection Areas (WHPA)

The DNREC Source Water Assessment and Protection Program delineates wellhead protection areas to ensure the integrity of public drinking water. Deep wells drilled into confined aquifers and low

volume wells in unconfined aquifers have, at a minimum, a one-hundred and fifty foot radius wellhead protection area. The wellhead protection area surrounding public supply wells in unconfined aquifers that pump more than 50,000 gallons per day are delineated using a mathematical model. This type of well draws large quantities of water and can have much larger wellhead protection areas. Zone classifications have been created to manage land use within the wellhead protection area. They are defined as:

§ 170-29

WATER

§ 170-29

- A. Wellhead Protection (WHP) Zone 1 is the surface area extending in a one-hundred and fifty (150) foot radius around the wellhead.

WHP Zone 1 Requirements:

- 1) Parcels of land within a WHP Zone 1 wellhead protection area will be preserved in a natural condition with the exception of impervious surface limited to building and access associated with the well and distribution and treatment facilities and their maintenance.
- 2) Aboveground Storage Tanks: Aboveground storage tanks for materials used in the treatment facility operation are permitted, with spill containment.
- 3) Underground Storage Tanks: Underground storage tanks are prohibited.
- 4) Stormwater Runoff: Stormwater runoff will be diverted away from the wellhead. Stormwater infiltration practices designed to handle runoff are prohibited.
- 5) Wastewater Treatment and Disposal Systems: On-site Wastewater and Disposal Systems shall not be permitted.

- B. Wellhead Protection (WHP) Zone 2 is the remaining surface area of the wellhead protection area outside Zone 1. Land use restrictions within Zone 2 are required to insure adequate protection of public drinking water supply.

WHP Zone 2 Requirements :

- 1) Impervious cover: Wellhead Protection Areas with Zone 2 should not exceed 30% impervious cover. New development in this Zone may exceed the 30% impervious cover threshold within Wellhead protection Areas, but shall in no case exceed 50% impervious cover, provided the applicant submits an Environmental Impact Assessment Report. Any Environmental Impact Assessment Report is subject to review and approval by the Town, Town's Engineer and DNREC. No property located within Zone 2 shall be subdivided or otherwise altered in size and shape in a manner that creates a property that violates the provisions of this section.

- 2) Stormwater: Stormwater shall be treated by an approved stormwater quality management practice in accordance with current requirements of the Delaware Sediment and Stormwater Regulations dated October 11, 2006 or as later revised.
- 3) Roof Drain Discharge: For all new construction, all structures shall be required to discharge roof drains onto permeable surfaces.

§ 170-29

WATER

§ 170-30

- 4) Underground Storage Tanks: Underground storage tanks with a capacity greater than 110 gallons containing petroleum, and Residential and Agricultural USTs with a capacity greater than 1,100 gallons containing heating fuel or motor fuel shall be permitted in a designated wellhead area if the USTs are designed, constructed, maintained, and operated in accordance with the Delaware *Regulations Governing Underground Storage Tank Systems*, or as later revised. Regulated USTs must be constructed with secondary containment of the tanks and piping and must have continuous monitoring for releases.

Underground storage tanks with a capacity greater than 110 gallons containing a hazardous substance as defined in CERCLA shall be permitted in designated wellhead area if the USTs are designed, constructed, maintained and operated in accordance with the Delaware Regulations Governing Underground Storage Tank Systems. Regulated USTs must be constructed with secondary containment of the tanks and piping and must have continuous monitoring for releases.

- 5) Aboveground Storage Tanks: Aboveground storage tanks with a capacity greater than 12,499 gallons containing petroleum or hazardous substances, and ASTs with a storage capacity greater than 39,999 gallons containing diesel, heating fuel or kerosene shall be permitted in a delineated wellhead area if the ASTs are designed, constructed, operated and maintained with the applicable requirements in of the Delaware *Regulations Governing Aboveground Storage Tanks*.
- 6) Wastewater Treatment and Disposal Systems: On-site Wastewater Treatment and Disposal Systems shall not be permitted.

§170-30. Ground-Water Recharge Potential Areas.

- A. Impervious Cover: The excellent ground-water recharge potential area should not exceed 30% impervious cover. New development in this Area may exceed the 30% impervious cover threshold within the excellent ground-water recharge potential area, but shall be no more than 50% impervious cover, provided the applicant is able to demonstrate that there will be no reduction in groundwater recharge via an Environmental Impact Assessment Report. Any Environmental Impact Assessment Report is subject to review and approval by the Town, Town's Engineer and DNREC. No property located within a designated excellent ground-water recharge potential area shall be subdivided or otherwise altered in size and shape in a manner that creates a property that violates the provisions of this section.

B. Stormwater: Stormwater shall be treated by an approved stormwater quality management practice in accordance with current requirements of the *Delaware Sediment and Stormwater Regulations* dated October 11, 2006 or as later revised. For all new construction, all structures shall be required to discharge roof drains onto permeable surfaces.

C. Underground Storage Tanks: Underground storage tanks with a capacity greater than 110 gallons containing petroleum, and Residential and Agricultural USTs with a capacity greater than 1,100 gallons containing heating fuel or motor fuel shall be permitted in a excellent ground-water recharge potential area if the USTs are designed, constructed, maintained and operated in accordance with the Delaware *Regulations Governing Underground Storage Tank Systems*. Regulated USTs must be constructed with secondary containment of the tanks and piping and must have continuous monitoring for releases.

Underground storage tanks with a capacity greater than 110 gallons containing a hazardous substance as defined in CERCLA shall be permitted in designated wellhead area if the USTs are designed, constructed, maintained and operated in accordance with the Delaware Regulations Governing Underground Storage Tank Systems. Regulated USTs must be constructed with secondary containment of the tanks and piping and must have continuous monitoring for releases.

D. Aboveground Storage Tanks: Aboveground storage tanks with a capacity greater than 12,499 gallons containing petroleum or hazardous substances, and ASTs with a storage capacity greater than 39,999 gallons containing diesel, heating fuel or kerosene shall be permitted in a delineated excellent ground-water recharge potential area if the ASTs are designed, constructed, operated and maintained with the applicable requirements in of the Delaware *Regulations Governing Aboveground Storage Tanks*.

E. Wastewater Treatment and Disposal Systems: On-site Wastewater Treatment and Disposal Systems shall not be permitted in an excellent ground-water recharge potential area.

§170-31. Boundary Determination for SWPA

A. All subdivision and land development plans depicting development or land disturbance submitted for Town review shall be evaluated for the existence of source water protection areas. All such areas are as depicted on Source Water Protection Area maps located in Town Hall as adopted as part of the update and implementation of the 2009 update to the Town of Laurel Comprehensive Plan. These maps are also available in GIS overlays. Maps/overlays are available from Delaware Department of Natural Resources and Environmental Control (DNREC), Division of Water Resources, Source Water Assessment and Protection Program (SWAPP). If a SWPA exists within a proposed development site, the boundaries of these areas shall be delineated on the plan by the applicant's State of Delaware Professional Engineer or Professional Geologist.

- B. DNREC SWAPP may, when based on sound science and information, revise and update the overlay maps of wellhead protection areas.

§ 170-31

WATER

§ 170-32

- C. The Delaware Geological Survey (DGS) may, when based on sound science and information, revise and update the overlay maps of excellent ground-water recharge potential areas.

- D. When there appears to be a conflict between the mapped boundary and actual site conditions, the applicant may engage the services of Professional Geologist to prepare a report intended to determine more accurately the precise boundary of the Source water Protection Area. The Report shall include:

- 1) A detailed topographic layout of the subdivision and/or area to be developed and prepared by a State-registered professional land surveyor or Professional Geologist; Evidence derived from a site-specific investigation that may include aquifer testing, test borings, test pits, observation wells, groundwater elevations, and topography surveys as appropriate for the type of source water protection area that clearly demonstrate that the area in question does not meet the definition of a source water protection area as defined.
- 2) Any challenges to the delineations of the excellent ground-water recharge potential areas must follow the methods used in the Delaware Geological Survey publication: *Report of Investigations No. 66, Ground-Water Recharge Potential Mapping in Kent and Sussex Counties, Delaware*. The challenge must be approved by DGS and DNREC SWAPP.
- 3) Notwithstanding any other section of this Chapter, if an owner initiates a precise boundary delineation pursuant to this section, any and all time review limitations shall be stayed pending the submission of the complete report contemplated by this section. Following submission of the report and all supporting documents, the Department shall have ninety (90) days to finally approve or disapprove the exploratory sketch plan submission or such further time as deemed necessary by the Department, but not to exceed an additional ninety (90) days.

§170-32. Redevelopment.

- A. Impervious Cover Restrictions: Site Modifications that require Site Plan Approval should attempt to maintain or reduce the amount of impervious cover on the site when compared to pre-redevelopment conditions, as feasible.
- B. Stormwater: Sites that do not meet the impervious cover restrictions must employ infiltration practices, where feasible. Stormwater shall be treated by an approved stormwater quality management practice in accordance with current requirements of the Delaware Sediment and Stormwater Regulations dated October 11, 2006 or as later revised.

- C. Abandoned or Vacant Property: Impervious cover restrictions in this section do not apply to vacant or abandoned property. These properties must comply with the source water protection area zoning district regulations.

§170-33. Environmental Impact Assessment Report.

New development in Laurel may exceed the 30% impervious cover threshold within Excellent Ground Water Recharge Potential Areas and WHP Zone 2, but be no more than 50% impervious, provided the applicant submits an Environmental Impact Assessment Report, including a climatic water budget, and includes in the development plan systems to augment recharge that assure water quality as well as quantity. The environmental impact assessment must document that post-development recharge will be no less than predevelopment recharge when computed on an annual basis. Any Environmental Impact Assessment Report is subject to review and approval by the Town, Town's Engineer and DNREC. No property located within WHP Zone 2 or within a designated excellent ground-water recharge potential area shall be subdivided or otherwise altered in size and shape in a manner that creates a property that violates the provisions of this section.

The loss of recharge due to impervious cover may be offset by constructing recharge basins that convey pretreated rooftop runoff for infiltration to ground water. Refer to the document entitled *Ground-Water Recharge Design Methodology* for the details of how to design recharge facilities in Delaware source water protection areas.

- A. Where required by the terms of this section, a Delaware Registered Professional Engineer or Professional Geologist shall prepare an Environmental Impact Assessment Report, containing the following elements of planning, design, construction, and maintenance of ground-water recharge facilities, as determined applicable by the Town:
- 1) Site description of proposed development within the water resource protection area
 - 2) Climatic water balance comparing predevelopment and post-development recharge potential
 - 3) Subsurface exploration including borings, test pits, and infiltration tests
 - 4) Drawings of pre-development and post-development conditions
 - 5) Design of ground-water recharge facilities that assure water quality as well as quantity
 - 6) Construction and maintenance considerations
 - 7) Recommended ground-water monitoring plan

- 8) Water management agreement between the applicant and the town, city, or county providing for monitoring and maintenance of the recharge system. The applicant will abide by the Ground Water Management Agreement as written in DNREC *Supplement to the Source Water Protection Guidance Manual for the Local Governments of Delaware: Ground-Water Recharge Design Methodology*, dated May 2005 or as later revised.

§170-34. Nonconforming uses.

Nonconforming uses may continue in wellhead protection area, and excellent ground-water recharge potential areas in the form in which they existed at the time of the adoption of this ordinance, unless they pose a direct hazard to the city's water supply, as determined by the water and waste water department upon advice from the Delaware Division of Public Health, or are causing some foreign substances (oil, salts, chemicals, or other substances) to be introduced into the city's water supply, as determined by the water and waste water department upon advice from DNREC's Division of Air and Waste Management and/or Division of Water Resources. In the latter case, the building department shall issue a mandatory cease and desist to stop the offending activity within the area. Nonconforming existing underground or above-ground storage of oil, petroleum, and petroleum products shall require secondary containment pursuant to the State of Delaware regulations governing underground storage tanks or for above-ground storage of petroleum products secondary containment facilities capable of capturing the material stored on the site, for existing facilities that are proposed either to be upgraded or replaced.

§170-35. Wells.

- A. The replacement of any existing public water supply well that was not required to meet this wellhead protection requirement at the date of its original installation and that has failed shall be exempt from meeting this wellhead protection requirement.
- B. No private potable water well or private agricultural well will be permitted within the boundaries of the Town of Laurel, as established in Article VIII of this Chapter. Private wells are permitted for geothermal heating and cooling and must be approved by DNREC and Town of Laurel prior to installation. Only closed-loop geothermal wells shall be permitted in the Town of Laurel, provided said wells are grouted, well loops are welded, and any coolant used in the operation of the geothermal system contains no toxic substance.
- C. Development plans (conceptual, preliminary, final) that have been submitted to the Town of Laurel's Planning & Zoning Commission prior to adoption of this ordinance shall attempt compliance with the spirit of the ordinance as deemed practical.

Chapter 175

ZONING

Amended by Ord. 2021-2 & Ord. 2021-3 4/5/21

[A comprehensive revision of the zoning regulations of the town was under review by the Town Council at the time of completion of this volume. Upon approval and adoption by the town, it will be included here.]

Please refer to the Town of Laurel's Zoning Ordinance in reference to the Traditional Neighborhood Development Zone (TND) and Large Parcel Development Overlay District (LPD-OD).

APPENDIX

Chapter A180**CABLE TELEVISION FRANCHISE****§ A180-1. Grant of franchise.****§ A180-2. Franchise agreement.**

[HISTORY: Adopted by the Town Council of the Town of Laurel 7-2-1962 as Ord. No. 163. Amendments noted where applicable.]

§ A-180.1. Grant of franchise. [Amended 4-19-1982 by Ord. No. 732]

The Mayor and Council of the Town of Laurel hereby grants to General Television of Delaware, Inc. a corporation of the State of Delaware, a franchise for the construction, installation, maintenance and operation of a Community Television Antenna under the conditions and terms of a franchise agreement dated the 19th day of April, A.D. 1982, and attached hereto and incorporated herein.

§ A-180-2. Franchise agreement.

In consideration of the mutual covenants hereinafter expressed, the parties hereto agree as follows:

- A. The party of the first part does hereby grant to the parties of the second part a franchise for the construction, installation, maintenance and operation of a Community Television Antenna, hereinafter referred to as CATV, subject to the following terms, conditions and restrictions hereinafter expressed, and the parties of the second part do hereby accept the grant of such franchise for the construction, installation, maintenance and operation of a Community Television Antenna, CATV, subject to the terms, conditions and restrictions hereinafter expressed.
- B. The parties of the second part agree that, in consideration for the granting of this franchise by the party of the first part, the picture transmitted to the various subscribers serviced by the party of the second party shall be of metropolitan quality for each of the major networks, Columbia Broadcasting System, National Broadcasting Company, and American National Broadcasting Company, Channel 5, Washington, D.C., and Channel 16, Salisbury, Maryland. In the event that either the said Channel 5 or Channel 16 gain other numerical listing, the party of the second part agrees that the picture transmitted by said new channel shall take the place of said

Channel 5 or Channel 16 as the case may be under the terms of this Agreement. In the event that the party of the second part fails to transmit and maintains a picture of metropolitan quality, the party of the first part may terminate the franchise granted by the Agreement upon the giving of written notice of termination to the party of the second part. The notice of termination shall grant to the party of the second part not less than ninety (90) days within which to remove its equipment, whether such equipment be above or under ground. It is agreed, however, that after the termination of franchise pursuant to the terms of this subsection, for collection of outstanding accounts until such accounts are collected. Any such notice required to be given pursuant to this subsection shall be given by registered mail with return receipt requested.

- C. The party of the second part agrees to pay to the party of the first part as annual fee equal to three percent (3%) of all the monthly service charges collected by the party of the second part (to include basic monthly revenues as well as premium revenues), provided that the annual payment paid to the party of the first part by the party of the second part shall be not less than three hundred dollars (\$300) per annum. The said annual payment shall be made on or before July 1 of each year, with the first such annual payment to be made on or before July 1, 1983 for the period beginning June 1, 1982. For the purpose of determining the annual payment, it is mutually agreed that the annual period shall be measured from June 1 to May 31 during the term of this Agreement. The party of the second part agrees that if the annual payment is not made in accordance with the terms of this Agreement, the party of the first part may, at its option, terminate this franchise. It is mutually agreed that any notice of termination given to the party of the second part pursuant to this subsection shall be in accordance with and under the terms and conditions specified in Subsection B of § A180-2 of this Agreement, as amended. **[Amended 4-19-1982 by Ord. No. 732]**
- D. The party of the second part agrees to furnish the party of the first part on an annual basis a current active subscriber list on or before July 1 of each year. **[Amended 4-19-1982 by Ord. No. 732]**
- E. This franchise shall be for a term of fifteen (15) years from the date of execution of this Agreement; provided, however, that the term shall be automatically extended for additional five-year periods unless either party to this Agreement gives the other party written notice of termination one hundred twenty (120) days prior to the date of expiration. Any such notice of termination required to be given under this subsection shall be given by registered mail with return receipt requested. **[Amended 4-19-1982 by Ord. No. 732]**

- F. For the purpose of carrying into effect the privileges granted in Subsection A above, the party of the first part agrees that the party of the second part is authorized to use the streets, alleys, sidewalks, bridges and public grounds of the party of the first part for the installation of necessary equipment. Before any equipment is installed in or on any street, alley, sidewalk, bridge or public ground within the limits and territory of the party of the first part, the party of the second part shall receive the written concurrence by the Mayor. Failure to secure such concurrence may, in the discretion of the party of the first part, result in termination of the franchise. Any such termination shall be accomplished in accordance with Subsection C above.
- G. For the purpose of carrying into effect the privileges granted in Subsection A above, the party of the first part agrees that the party of the second part is authorized to make necessary excavations in the streets, but such excavations shall be done with reasonable dispatch and with the least practicable interference with, or inconvenience to, the rights of the public and individuals. Prior to making any excavation, the party of the second part shall secure the written concurrence of the City Engineer or other city official appointed by the Mayor. Failure to secure such concurrence may, in the discretion of the party of the first part, result in termination of the franchise heretofore granted. Any such termination shall be accomplished in accordance with the procedure outlined in Subsection C above.
- H. The privileges herein granted are upon the express conditions that the party of the second part shall be liable for all damages or injury to persons or property caused by the negligence or mismanagement of the party of the second part or of its agents, employees or servants, while engaged in constructing or operating the franchise. Should the party of the first part be sued for any such negligence or mismanagement, the party of the second part shall be notified of such suit, and thereupon, it shall be their duty to defend or settle the suit, and should judgment go against the party of the first part in such case, the party of the first part shall recover the amount thereof, with costs, including a reasonable attorney's fee, from the party of the second part. The record of judgment against the party of the first part in any such case shall be conclusive evidence to entitle the party of the first part to so recover against the party of the second part. For the purpose of protecting the party of the first part from any damages incurred by said party of the first part for negligence or mismanagement by the party of the second part, its agents, employees or servants, the party of the second part agrees to carry liability insurance in the following minimum amounts underwritten by an insurance company selected by the representative of the party of the first part selected by the Mayor: for bodily injury, one hundred thousand dollars (\$100,000) for any one parson; for each occurrence, three hundred thousand dollars (\$300,000); and for property damage, fifty thousand dollars (\$50,000). Failure to carry insurance in the required amounts or failure to secure the written approval of the representative

of the party of the first part may, in the discretion of the party of the first part, result in termination of this Agreement in the manner and under the terms and conditions specified in Subsection B above.

I. The party of the second part agrees that all construction and maintenance of the transmission-distribution system, including house connections, shall be in accordance with the provisions of the National Electrical Safety Code, prepared by the National Bureau of Standards, the National Electrical Code of the National Board of Fire Underwrites and all applicable ordinances and regulations heretofore or hereafter adopted by the party of the first part concerning electrical installations.

J. Charges. **[Amended 4-19-1982 by Ord. No. 732]**

(1) It is mutually agreed by the parties hereto that the following charges may be made by the party of the second part to each subscriber for the services set forth in this subsection in order that the subscriber shall have available the service to be provided by the party of the second part pursuant to the terms of this Agreement, as amended.

Regular installation for one outlet	\$20.00
Underground installation for one outlet	35.00
Each additional outlet	10.00 each
Reconnection, moving cable, relocation of cable	7.50 each
Monthly service charge for one outlet	7.30
For each additional outlet	2.10

(2) It is mutually agreed by the parties hereto that the various charges set forth in this subsection do not include any tax imposed by the State of Delaware or other governmental authority on gross receipts. The party of the first part agrees that any such tax may be added to the charges set forth in this subsection without additional authority from the party of the first part.

K. This Agreement shall be binding upon and inure to the benefit of the parties hereto, their respective heirs, executors, administrators, successors and assigns.

- L. In witness thereof, the party of the first part has caused this Agreement to be executed by its Mayor, attested by its Secretary with its corporate seal thereunto affixed pursuant to an ordinance passed by the Town Council of Laurel and approved by the Mayor, and the party of the second part has caused this Agreement to be executed by its Mayor, attested by its Secretary with its corporate seal affixed pursuant to a resolution passed by its Board of Directors.

§ A181-1

GAS FRANCHISE

§ A181-2

Chapter A181

A18005

GAS FRANCHISE

§ A181-1. Grant of franchise.

§ A181-2. Franchise rights, duration.

§ A181-3. Definitions.

§ A181-4. Execution

[HISTORY: Adopted by the Town Council of the Town of Laurel 9-20-1982 as Ord. No. 361. Amendments noted where applicable.

§ A181-1. Grant of franchise.

The Mayor and Council of the Town of Laurel hereby grants to the Chesapeake Utilities Corporation, a corporation of the State of Delaware, a franchise for the construction, installation, maintenance and operation of a gas distribution system under the conditions and terms of a franchise agreement dated the 20th day of September, A.D. 1982, and attached hereto as Exhibit “A” and incorporate herein.

§ A181-2. Franchise rights; duration.

Be it ordained, by the Town Council of the Town of Laurel, that the franchise and right be, and it is hereby granted to Chesapeake Utilities Corporation, its successors and assigns, (hereinafter “grantee”) to construct, operate and/or maintain a gas distribution system and to lay, construct, extend, maintain, renew, replace and/or repair gas pipes and gas mains over, along, under and/or across any of the public streets, avenues, roads, alleys, lanes, parks and/or other public places and ways in the Town of Laurel, in the State of Delaware, and to use and occupy said streets, avenues, roads, alleys, lanes, parks and other public places and/or ways for the purpose of therein layings construction, extending, maintaining, renewing, replacing and/or repairing mains and pipes and all appurtenances and appendages thereto used and/or for the transmission, distribution, storage and/or sale of gas within and/or through the present or future corporate limits of the Town of Laurel, such franchise and right to continue for twenty-five (25) years from and after the date upon which this franchise shall become effective.

§ A181-3

GAS FRANCHISE

§ A181-5

§ A181-3. Conditions of franchise.

And be it further ordained by the Town Council of the Town of Laurel that said franchise and right is granted subject to the following conditions:

- A. The grantee shall be entitled to charge for gas furnished by it, such rates as shall be legally fixed by the Public Service Commission of the State of Delaware.
- B. The grantee, prior to making any opening upon any of the streets, alleys or public ways of the Town of Laurel, shall obtain the required permits from the town and/or the state, and repairs to any street or public way shall be in accordance with the existing excavating ordinance¹ and/or state highway requirements, and shall not unnecessarily obstruct or impeded traffic upon the streets, avenues and public ways of said town.
- C. Said grantee shall save and keep harmless the said Mayor and Council of the Town of Laurel from any and all liability by reason of damage or injury to any person or persons whatsoever, on account of negligence of the grantee in the installation and/or maintenance of its mains and pipelines along said streets, alleys and public ways, provided that the grantee shall have been notified in writing of any claim against the said Mayor and Council of the Town of Laurel on account thereof and shall have been given ample opportunity to defend the same.

§ A181-4. Definitions.

And be it further ordained by the Town Council of the Town of Laurel that whenever the word “grantee” appears in this franchise, it is intended to designate and shall be held to mean Chesapeake Utilities Corporation, a body corporate of the State of Delaware, its successors and assigns. Whenever the word “gas” appears in this franchise, it is intended and shall be held to include manufactured, natural and/or mixed gas.

§ A-181-5. Execution.

In witness whereof, the parties hereto have caused this agreement to be executed by their proper corporate officers and their respective corporate sales to be hereunto affixed, the day and year first above written, and to be effective upon such date except as otherwise herein provided.

¹ Editor’s Note: See Ch. 141, Streets and Sidewalks, Art I, Excavation.