

ORDINANCE NO. _____

**AN ORDINANCE AMENDING CHAPTER 213, ARTICLE I AND REPEALING
CHAPTER 213, ARTICLES II & III OF THE
TOWN OF OCEAN VIEW CODE RELATING TO THE TOWN OF OCEAN VIEW
WATER SYSTEM AND ASSOCIATED FEES AND CHARGES AND PRIVATE
WELLS**

WHEREAS, the Town Council of the Town of Ocean View has previously enacted ordinances governing the Town of Ocean View water system, associated fees and charges and private wells in Chapter 213 of the Town of Ocean View Code; and

WHEREAS, the Town of Ocean View sold its water system to Tidewater Utilities, Inc. (“Tidewater”), a private utility company on April 1, 2025; and

WHEREAS, the sale of the water system to Tidewater necessitates the amendment and repeal of certain provisions in Chapter 213 of the Town of Ocean View Code (the “Code”); and

WHEREAS the Town Council of the Town of Ocean View has the power and authority to amend and repeal Chapter 213 and deems it in the best interest of the Town to so do.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE TOWN COUNCIL OF THE TOWN OF OCEAN VIEW, as follows:

Section 1. Chapter 213, Article I of the Code shall be amended by deleting Article I in its entirety and replacing it with the following:

“§ 213-1. Private wells.

It shall be lawful to construct, install and operate a private well in the Town of Ocean View, subject to the following conditions:

A. The private well shall be used for irrigation purposes only; and

B. The private well shall have no connection to a public water system or any dwelling, building or other structure required to a public water system; and

C. The private well and all plumbing shall be inspected by the Town upon completion of the irrigation system and the installation of the well; and

D. The private well shall have received all required permits from the State of Delaware or other governmental entity having jurisdiction over private wells.

45 E. The private well shall not be prohibited by any other applicable law, rule or regulation
46 of the Town of Ocean View or any other governmental entity having jurisdiction over private
47 wells.”

48 **Section 2.** Chapter 213, Articles II & III of the Code are repealed and deleted in
49 their entirety.

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51 **Section 3.** Effective Date.
52 This Ordinance shall take effect immediately upon adoption of the Council.

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54 **Section 4.** Severability.
55 If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason
56 found to be invalid or unconstitutional, such decision shall not affect the validity of the
57 remaining portions of this Ordinance.

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59 **Section 5.** Authorization.
60 The Town Manager, or his or her designee, is hereby authorized and directed to take all
61 necessary actions to implement the provisions of this Ordinance.

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63 **Section 6.** Repeal of Conflicting Ordinances.
64 All ordinances, resolutions, or parts of ordinances or resolutions that are inconsistent with
65 the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

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67 SO ORDAINED this _____ day of _____, 2025.

68
69 TOWN OF OCEAN VIEW

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71 By: _____
72 Mayor

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74 Attest: _____
75 Town Clerk

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77 First Reading:
78 Second Reading:
79 Adopted:

80 Synopsis

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82 The purpose of this ordinance is to amend and repeal certain provisions of Chapter
83 213 of the Town of Ocean View Code related to connection to and assessment of fees for
84 the public water system that was recently sold to Tidewater Utilities, Inc and the use of
85 private wells.