

ORDINANCE  
#2020.06.4.2

**AN ORDINANCE OF THE  
BURNSVILLE TOWN COUNCIL  
ESTABLISHING  
BACKFLOW & CROSS CONNECTION CONTROL  
FOR ALL CUSTOMERS OF THE  
TOWN WATER SYSTEM**

**BE IT ORDAINED, BY THE BURNSVILLE TOWN  
COUNCIL ON THIS THE 4<sup>th</sup> DAY OF June  
2020 THE FOLLOWING:**

**INTRODUCTION**

The purpose of this Cross Connection Control Ordinance is to define the authority of the Town of Burnsville as the water purveyor in the elimination of all cross connections within its public potable water supply.

This Ordinance shall apply to all users connected to the Town of Burnsville's public potable water supply regardless of whether the user is located within the town limits or outside of the town limits.

This Ordinance will comply with the Federal Safe Drinking Water Act (P.L. 93-523), the North Carolina State Administrative Code (Title 15A, Subchapter 8C), and the North Carolina State Building Code (Volume II) as they pertain to cross connections with the public water supply.

**OBJECTIVES OF ORDINANCE**

The specific objectives of the Cross Connection Control Ordinance for the Town of Burnsville are as follows:

- a. To protect the public potable water supply against actual or potential contamination by isolating within the consumer's water system, contaminants or pollutants which could, under adverse conditions, backflow through uncontrolled cross connections into the public water system.

- b. To eliminate or control existing cross connections, actual or potential, between the consumers potable water system(s) and non-potable or industrial piping system(s).
- c. To provide a continuing inspection program of cross connection control which will systematically and effectively control all actual or potential cross connections which may be installed in the future.

## **RESPONSIBILITIES**

### **Health Agency, Water Purveyor, Plumbing Official, Consumer, Certified Tester.**

#### **1. Responsibility: Health Agency**

The North Carolina Department of Environmental Quality (DEQ) has the responsibility for promulgating and enforcing laws, rules, regulations, and policies to be followed in carrying out an effective Cross Connection Control Program.

The N.C. Division of Health Services also has the primary responsibility of insuring that the water purveyor operates the public potable water system free of actual or potential sanitary hazards, including unprotected cross connections. They have the further responsibility of insuring that the water purveyor provides an approved water supply at the service connection to the consumer's water system and, further, that he requires the installation, testing, and maintenance of an approved backflow prevention assembly on the service connection as required.

#### **2. Responsibility: Water Purveyor**

Except as, otherwise provided herein, the water purveyor's responsibility to ensure a safe water supply, begins at the source and includes all of the public water distribution system, including the service connection, and ends at the point of delivery to the consumer's water system(s). In addition, the water purveyor shall exercise reasonable vigilance to insure that the consumer has taken the proper steps to protect the public potable water system. To insure that the proper precautions are taken, the Town of Burnsville is required to determine the degree of hazard or potential hazard to the public potable water system; to determine the degree of protection required; and to ensure proper containment protection through an on-going inspection program.

When it is determined that a backflow prevention assembly is required for the protection of the public system, the Town of Burnsville shall require the consumer, at the consumer's expense, to install an approved backflow prevention assembly at each

service connection, to test immediately upon installation and thereafter at a frequency as determined by the Town of Burnsville, to properly repair and maintain such assembly or assemblies and to keep adequate records of each test and subsequent maintenance and repair, including materials and/or replacement parts.

### **3. Responsibility: Plumbing Inspections**

The Cross Connection ORC of the Town of Burnsville shall have the responsibility to not only review building plans and inspect plumbing as it is installed; but they have the explicit responsibility of preventing cross connection from being designed and built into the plumbing system within its jurisdiction. Where the review of building plans suggest or detects the potential for cross connections being made an integral part of the plumbing system, the plumbing inspector has the responsibility, under the North Carolina Building Code, for requiring that such cross connections be either eliminated or provided with backflow prevention equipment approved by the N.C. Building Code.

Cross Connection ORC's responsibility begins at the point of delivery (downstream of the first installed backflow prevention assembly) and continues throughout the entire length of the consumer's water system. The Cross Connection ORC should inquire about the intended use of water at any point where it is suspected that a cross connection might be made or where one is actually called for by the plans. When such is discovered it shall be mandatory that a suitable, approved Backflow prevention assembly approved by the North Carolina Building Code be required by the plans and be properly installed. The primary protection assembly for containment purposes only shall have approval from the Town of Burnsville, the N.C. Building Code, and the North Carolina Department of Environmental Quality (DEQ).

### **4. Responsibility: Consumer**

The consumer has the primary responsibility of preventing pollutants and contaminants from entering his potable water system(s) or the public potable water system. The consumer's responsibility starts at the point of delivery from the public potable water system and included all of his water system(s). The consumer, at his own expense, shall install, operate, test, and maintain approved backflow prevention assemblies as directed by the Town of Burnsville. The consumer shall maintain accurate records of tests and repairs made to the backflow prevention assemblies and shall maintain such records for a minimum period of three (3) years. The records shall be on forms approved by the Town of Burnsville and shall include the list of materials or replacement parts used. Following any repair, overhaul, re-piping or relocation of an assembly, the consumer shall have it tested to insure that it is in good operating condition and will prevent backflow. Tests, maintenance and repairs of backflow

prevention assemblies shall be made by a certified backflow prevention assembly tester yearly.

5. **Responsibility: Certified Backflow Prevention Assembly Tester**

When employed by the consumer to test, repair, overhaul, or maintain backflow prevention assemblies, a backflow prevention assembly tester will have the following responsibilities:

The tester will be responsible for making competent inspection and for repairing or overhauling backflow prevention assemblies and making reports of such repair to the consumer and responsible authorities on forms approved by the Town of Burnsville. The tester shall include the list of materials or replacement parts used. The tester shall be equipped with and be competent to use all the necessary tools, gauges, manometers and other equipment necessary to properly test, repair, and maintain backflow prevention assemblies. It will be the tester's responsibility to insure that original manufactured parts are used in the repair of or replacement of parts in a backflow prevention assembly. It will be the tester's further responsibility not to change the design, material or operational characteristics of an assembly during repair or maintenance without prior approval of the Town of Burnsville. A certified tester shall perform the work and be responsible for the competency and accuracy of all tests and reports. A certified tester shall provide a copy of all test and repair reports to the consumer and to the Town of Burnsville within ten (10) business days of any completed test or repair work. The consumer and ORC shall maintain such records for a minimum period of three (3) years.

All test equipment shall be checked for accuracy annually (at a minimum), calibrated, if necessary, and certified as to such calibration, employing an accuracy/calibration method acceptable to the Town of Burnsville.

All certified backflow prevention assembly testers must become re-certified every three (3) years through an approved backflow prevention certification program.

## **DEFINITIONS**

1. **Air-Gap Separation**

The term "air-gap separation" shall mean a physical separation between the free flowing discharge end of a potable water supply pipeline and an open or non-pressure receiving vessel. An approved air-gap separation shall be at least double the diameter of the supply pipe measured vertically above the overflow rim of the receiving vessel – in no cases less than 1 inch (2.54 cm).

2. **Approved**

The term “approved” as herein used in reference to a water supply shall mean a water supply that has been approved by the North Carolina Department of Environmental Quality (DEQ). The term “approved” as herein used in reference to air-gap separation, a pressure vacuum breaker, a double check valve assembly, a double check detector assembly, a reduced pressure principle backflow prevention assembly, a reduced pressure principle detector assembly, or other backflow prevention assemblies or methods shall mean an approval by the Town of Burnsville.

3. **Backflow**

The term “backflow” shall mean the undesirable reversal of flow of water or mixtures of water and other liquids, gases, or other substances into the distribution pipes of the consumer or public potable water system from any source or sources.

4. **Backflow Prevention Assembly-Approved**

The term “approved backflow prevention assembly” shall mean an assembly used for containment and/or isolation purposes that has been investigated and approved by the Town of Burnsville and has been shown to meet the design and performance standards of the American Society of Sanitary Engineers (ASSE), the American Water Works Association (AWWA), or the Foundation for Cross Connection Control and Hydraulic Research of the University of Southern California. The approval of backflow prevention assemblies by the Town of Burnsville is based on a favorable report by the foundation for Cross Connection Control and Hydraulic Research of the University of Southern California, recommending such an approval. To be approved, an assembly must be readily accessible for in-line testing and maintenance.

5. **Backflow Prevention Device – Approved**

The term “approved backflow prevention device” shall mean device used for isolation purposes that has been shown to meet the design and performance standards of the American Society of Sanitary Engineers (ASSE) and the American Water Works Association (AWWA).

6. **Backflow Prevention Assembly –Unapproved**

The term “unapproved backflow prevention assembly” shall mean an assembly that has been investigated by the Town of Burnsville and has been determined to be unacceptable for installation. Consideration for disapproval and removal from the “Approved List” shall be based upon, but not limited to, the following criteria:

- a) due to poor performance standards (significant failure rate);
- b) lack of or unavailability of repair parts; and/or,
- c) poor service or response from assembly's factory representative(s)

**7. Backflow Prevention Assembly – Type**

A “backflow prevention assembly” shall mean an assembly used to prevent backflow into a consumer or public potable water system. The type of assembly used should be based on the degree of hazard either existing or potential (as defined herein). The types are:

- a) Double Check Valve Assembly (DCVA)
- b) Double Check Detector Assembly (Fire System) (DCDA)
- c) Pressure Vacuum Breaker (PVB)
- d) Reduced Pressure Principle Assembly (RP)
- e) Reduced Pressure Principle-Detector Assembly (Fire System) (RPDA)

**8. Backflow Prevention Assembly Tester- Certified**

The term “certified backflow prevention assembly tester” shall mean a person who has proven their competency to the satisfaction of the Town of Burnsville. Each person who is certified to make competent tests, or to repair, overhaul, and make reports on backflow prevention assemblies shall be knowledgeable of applicable laws, rules, and regulations and must hold a current certificate of completion from an approved training program in the testing and repair of backflow prevention assemblies.

**9. Back-Pressure Backflow**

“Back-Pressure backflow” shall mean any elevation in the consumer water system (by pump, elevation of piping, or steam and/or air pressure) above the supply pressure at the point of delivery which would cause – or tend to cause – a reversal of the normal direction of flow.

**10. Back-Siphonage Backflow**

“Back-siphonage backflow” shall mean reversal of the normal direction of flow in the pipeline due to a negative pressure (vacuum) being created in the supply line with the backflow source subject to atmospheric pressure.

**11. Check Valve – Approved**

The term “approved check valve” shall mean a check valve that is drip-tight in the normal direction of flow when the inlet pressure is at least one (1) psi and the outlet

pressure is zero. The check valve shall permit no leakage in a direction reversed to the normal flow. The closure element (e.g. clapper, poppet, or other design) shall be internally loaded to promote rapid and positive closure. An approved check valve is only one component of an approved backflow prevention assembly – i.e., pressure vacuum breaker, double check valve assembly, double check detector assembly, reduced pressure principle assembly, or reduced pressure detector assembly.

#### **12. Consumer**

The term “consumer” shall mean any person, firm, or corporation using or receiving water from the Town of Burnsville water system.

#### **13. Consumer’s Water System**

The term “consumer’s water system” shall include any water system commencing at the point of delivery and continuing throughout the consumer’s plumbing system, located on the consumer’s premises, whether supplied by public potable water or an auxiliary water supply. The system or systems may be either a potable water system or an industrial piping system.

#### **14. Consumer’s Potable Water System**

The term “consumer’s potable water system” shall mean that portion of the privately owned potable water system lying between the point of delivery and point of use and/or isolation protection. This system will include all pipes, conduits, tanks, receptacles, fixtures, equipment, and appurtenances used to produce, convey, store, and or use potable water.

#### **15. Containment**

The term “containment” shall mean preventing the impairment of the public potable water supply by installing an approved backflow prevention assembly at the service connection.

#### **16. Contamination**

The term “contamination” shall mean an impairment of the quality of the water which creates a potential or actual hazard to the public health through the introduction of hazardous or toxic substances or through the spread of diseases by sewage, industrial fluids, or waste.

### **17. Cross Connection**

A “cross connection” shall mean any unprotected actual or potential connection or structural arrangement between a public or a consumer’s water system and any other source or system through which it is possible to introduce any contamination or pollution, other than the intended potable water with which the system is supplied. By-pass arrangements, jumper connections, removable sections, swivel or changeover devices, and other temporary or permanent devices through which or because of which, backflow, can or may occur are considered to be cross connections.

### **18. Double Check Valve Assembly**

The term “double check valve assembly” shall mean an assembly composed of two (2) independently acting, approved check valves, including tightly closing shut-off valves attached at each end of the assembly and fitted with properly located test cocks. This assembly shall only be used to protect against a non-health hazard (i.e., pollutant).

### **19. Double Check-Detector Assembly**

The term “double check-detector assembly” shall mean a specially designed assembly composed of a line-size approved double check valve assembly with a specific bypass water meter and a meter-sized approved double check valve assembly. The meter shall register (in U.S. gallons) accurately for only very low rates of flow and shall show a registration for all rates of flow. This assembly shall only be used to protect against a non-health hazard (i.e., pollutant).

### **20. Hazard – Degree Of**

The term “degree of hazard” shall be derived from the evaluation of conditions within a system which can be classified as a pollutional, (non-health) or a contamination, (health) hazard.

### **21. Hazard – Health**

The term “hazard health” shall mean an actual or potential threat of contamination of a physical, hazardous or toxic nature to the public or consumer’s potable water system to such a degree or intensity that there would be a danger to health.

### **22. Hazard – Non-Health**

The term “no-health hazard” shall mean an actual or potential threat to the quality of the public or the consumer’s potable water system. A non-health hazard is one that, if introduced into the public water supply system could be a nuisance to water customers, but would not adversely affect human health.



### **23. Hazard – Pollutational**

The term “pollutational hazard” shall mean an actual or potential threat to the quality or the potability of the public or the consumer’s potable water system but which would not constitute a health or a system hazard, as defined. The maximum degree or intensity of pollution to which the potable water system could be degraded under this definition would cause a nuisance or be aesthetically objectionable, or could cause minor damage to the system or its appurtenances.

### **24. Health Agency**

The term “health agency” shall mean the North Carolina Department of Environmental Quality (DEQ).

### **25. Industrial Fluids**

The term “industrial fluids” shall mean any fluid or solution which may be chemically, biologically, or otherwise contaminated or polluted in a form or concentration such as would constitute a health, or non-health hazard if introduced into a public or consumer potable water supply. Such fluids may include, but are not limited to: process water; chemicals in fluid form; acids and alkalis; oils, gases; etc.

### **26. Industrial Piping System – Consumer’s**

The term “consumer’s industrial piping system” shall mean any system used by the consumer for transmission of or to confine or store any fluid, solid or gaseous substance other than an approved water supply. Such a system would include all pipes, conduits, tanks, receptacles, fixtures, equipment, and appurtenances used to produce, convey, or store substances which are or may be polluted or contaminated.

### **27. Isolation**

“Isolation” is the act of confining a localized hazard with a consumer’s water system by installing approved backflow prevention assemblies. Disclaimer: The Town of Burnsville may make recommendations, upon facility inspection, as to the usages of isolation devices/assemblies, but does not assume or have responsibility whatsoever for such installations.

### **28. Point of Delivery**

“Point of delivery” shall generally be at the property line of the customer, adjacent to the public street where the Town of Burnsville’s mains are located or at a point on the customer’s property where the meter is located. The customer shall be responsible for

all water piping and control devices located on the customer's side of the point of deliver.

**29. Pollution**

The term "pollution" shall mean an impairment of the quality of the water to a degree which does not create an actual hazard to the public health but which does adversely and unreasonably affect the aesthetic qualities of such waters for domestic use.

**30. Potable Water**

The term "potable water" shall mean water from any source which has been investigated by the North Carolina Department of Environmental Quality (DEQ) which has been approved for human consumption.

**31. Public Potable Water System**

The term "public potable water system" shall mean any publicly or privately owned water system operated as a public utility, under a current North Carolina Department of Environmental Quality (DEQ) permit, to supply water for public consumption or use. This system will include all sources, facilities, and appurtenances between the source and the point of delivery such as valves, pumps, pipes, conduits, tanks, receptacles, fixtures, equipment, and appurtenances used to produce, convey, treat, or store potable water for public consumption or use.

**32. Reduced Pressure Principle Backflow Prevention Assembly**

The term "reduced pressure principle backflow assembly" shall mean an assembly containing within its structure a minimum of two (2) independently acting, approved check valves, together with a hydraulically operating, mechanically independent, pressure differential relief valve located between the check valves and at same time below the first check valve. The first check valve reduces the supply pressure a predetermined amount so that during normal flow and at cessation of normal flow, the pressure between the checks shall be less than the supply pressure. In case of leakage of either check valve, the pressure differential relief valve, by discharge to atmosphere, shall operate to maintain the pressure between the checks less than the supply pressure. The unit shall include tightly closing shut-off valves located at each end of the assembly and each assembly shall be fitted with properly located test cocks. The assembly is designed to protect against a health hazard (i.e., contaminant).

**33. Reduced Pressure Principle – Detector Assembly**

The term "reduced pressure principle-detector assembly" shall mean a specially designed assembly composed of a line-size approved reduced pressure principle

backflow prevention assembly with a specific bypass water meter and a meter sized approved reduced pressure principle backflow prevention assembly. The meter shall register (in U.S. gallons) accurately for only very low rates of flow and shall show a registration for all rates of flow. This assembly shall be used to protect against health hazard (i.e., contaminant).

**34. Service Connections**

The term “service connections” shall mean the terminal end of a service connection from the public potable water system, i.e., where the Town of Burnsville loses jurisdiction and sanitary control over the water at its point of delivery to the consumer’s water system.

**35. Vacuum Breaker – Atmospheric Type**

The term “atmospheric vacuum breaker” shall mean the terminal end of a service connection from the public potable water system, i.e., where the Town of Burnsville loses jurisdiction and sanitary control over the water at its point of delivery to the consumer’s water system.

**36. Vacuum Breaker Pressure Type**

The term “pressure vacuum breaker” shall mean an assembly containing an independently operating internally loaded check valve and an independently operating loaded air inlet valve located on the discharge side of the check valve. The assembly is to be equipped with properly located test cocks and tightly closing shut-off valves attached at each end of the assembly. The assembly is designed to protect against a health hazard (i.e., contaminant) under a backsiphonage condition only.

**37. Water Purveyor**

The term “water purveyor” shall mean the owner or operator of a public potable water system, providing an approved water supply to the public.

**38. Water Supply Approved**

The term “approved water supply” shall mean any public potable water supply that has been approved by the North Carolina Department of Environmental Quality (DEQ).

**39. Water Supply Auxiliary**

The term “auxiliary water supply” shall mean any water supply on or available to the premises other than the purveyor’s approved public potable water supply. This auxiliary water may include water from another purveyor’s public water supply or any

natural source such as well, spring, river stream, etc. These waters may be polluted, contaminated, or objectionable and constitute an unacceptable water source over which the water purveyor does not have sanitary control.

**40. Water Supply – Unapproved**

The term “unapproved water supply” shall mean a water supply which has not been approved for human consumption by the North Carolina Department of Environmental Quality (DEQ).

**41. Water – Used**

The term “used water” shall mean any water supplied by a water purveyor from a public water system to a consumer’s water system after it has passed through the point of delivery and is no longer under the control of the water purveyor.

## **RIGHT OF ENTRY**

Authorized representative(s) from the Town of Burnsville shall have the right to enter, upon presentation of proper credentials and identification, any building, structure, or premises during normal business hours, or at any time during the event of emergency, to perform any duty imposed by this Ordinance. Those duties may include sampling and testing water, or inspections and observations of all piping systems connected to the public water supply. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with the security guards so that upon presentation of suitable identification, Town of Burnsville personnel will be permitted to enter, without delay, for the purposes of performing their specific responsibilities. Refusal to allow entry for these purposes may result in discontinuance of water service. On request, the consumer shall furnish to the Town of Burnsville any pertinent information regarding the water supply system on such property where cross connections and backflow are deemed possible.

## **ELIMINATION OF CROSS CONNECTIONS: DEGREE OF HAZARD**

When cross connections are found to exist, the owner, his agent, occupant, or tenant will be notified in writing to disconnect the same within the time limit established by the Town of Burnsville. Degree of protection required and maximum time allowed for compliance will be based upon the potential degree of hazard to the public water supply system. The maximum time limits are as follows:

- a. Cross connections with private wells or other auxiliary water supplies shall be immediately disconnected.
- b. All facilities which pose a health hazard to the potable water system must have a containment assembly in the form of a reduced pressure principle backflow prevention assembly within 60 days.
- c. All industrial and commercial facilities not identified as a "health hazard" shall be considered non-health hazard facilities. All non-health hazard facilities must install, as a minimum containment assembly, a double check valve assembly within 90 days.
- d. If, in the judgement of the Town of Burnsville, an imminent health hazard exists, water service to the building or premises where a cross connection is immediately eliminated.
- e. Based upon recommendations from the Town of Burnsville, the consumer is responsible for installing sufficient internal isolation backflow prevention assemblies and/or methods (i.e., air gap, pressure vacuum breakers, reduced pressure principle backflow prevention assembly, double check valve assembly).
- f. In the event that a Town of Burnsville Connection Control Inspector does not have sufficient access to every portion of a private water system (i.e., classified research and development facilities; federal government property) to allow a complete evaluation of the degree of hazard associated with such private water systems, an approved reduced pressure principle assembly shall be required as a minimum of protection.
- g. No person shall fill special use tanks or tankers containing pesticides, fertilizers, other toxic chemicals or their residues from the public water system except at a location equipped with an air gap or an approved reduced pressure principle backflow prevention assembly properly installed on the public water supply.

## **INSTALLATION OF ASSEMBLIES**

1. All backflow prevention assemblies shall be installed in accordance with the specifications furnished by the Town of Burnsville and/or the manufacturer's installation instructions and/or in the latest edition of the North Carolina Building Code, whichever is most restrictive.
2. All new construction plans and specifications, when required by the North Carolina Building Code and the North Carolina Division of Environmental Quality (DEQ), shall be made available to the Town of Burnsville for review and approval, and to determine the degree of hazard.
3. Ownership, testing, and maintenance of the assembly shall be the responsibility of the customer.

4. All double check valve assemblies must be installed in drainable pits wherever below ground installation is necessary.
  
5. Reduced pressure principle assemblies must be installed in a horizontal position and in a location in which no portion of the assembly can become submerged in any substance under any circumstances (pit and/or below grade installations are prohibited). Double check valve assemblies may be installed in a vertical position with prior approval from the Town of Burnsville provided the flow of water is in an upward direction.
  
6. The installation of a backflow prevention assembly which is not approved must be replaced with an approved backflow prevention assembly.
  
7. The installer is responsible to make sure a backflow prevention assembly is working properly upon installation and is required to furnish the following information to the Town of Burnsville within fifteen (15) days after a reduced pressure principle backflow preventer (RP), double check-detector assembly (DCDA), pressure vacuum breaker (PVB), or reduced pressure principle detector assembly (RPDA) is installed:
  - a. Service address where assembly is located
  - b. Owner (and address, if different from service address)
  - c. Description of assembly's location
  - d. Date of installation
  - e. Installer (include name, certification number, and project permit number)
  - f. Type of assembly, size of assembly
  - g. Manufacturer, model number, serial number
  - h. Test results/reports
  
8. When it is not possible to interrupt water service, provisions shall be made for a parallel installation of backflow prevention assemblies. The Town of Burnsville will not accept an unprotected bypass around a backflow preventer when the assembly is in need of testing, repair, or replacement.
  
9. The consumer shall, upon notification, install the appropriate containment assembly not to exceed the following time frame:

Health Hazard.....60 days  
 Non-Health Hazard.....90 days

10. Following installation, all RP, DCVA, PVB, DCDA, and RPDA are required to be tested by a certified backflow prevention assembly tester within ten (10) days.

## **TESTING AND REPAIR OF ASSEMBLIES**

1. Testing of backflow prevention assemblies shall be made by a certified backflow prevention assembly tester. Such test are to be conducted upon installation and annually thereafter or at a frequency established by the Town of Burnsville. A record of all testing and repairs is to be retained by the customer. Copies of the records must be provided to the Town of Burnsville with ten (10) business days.
2. Any time that repairs to backflow prevention assemblies are deemed necessary, whether through annual or required testing or routine inspection by the owner or by the Town of Burnsville, these repairs must be completed within a specified time in accordance with the degree of hazard. In no case shall this time period exceed:

Health Hazard Facilities.....14 days

Non-Health Hazard Facilities.....21 days

3. All backflow prevention assemblies with test cocks are required to be tested annually or at frequency established by Town of Burnsville's regulations. Testing requires a water shutdown usually lasting five (5) to twenty (20) minutes. For facilities that require an uninterrupted supply of water, and when it is not possible to provide water service from two separate meters, provisions shall be made for a parallel installation of backflow prevention assemblies.
4. All certified backflow prevention assembly testers must obtain and employ backflow prevention assembly test equipment which has been evaluated and/or approved by the Town of Burnsville. All test equipment shall be registered with the Town of Burnsville. All test equipment shall be checked for accuracy annually (at a minimum), calibrated, if necessary, and certified to the Town of Burnsville as to such accuracy/calibration, employing a calibration method acceptable to the Town of Burnsville.
5. It shall be unlawful for any customer or certified tester to submit any record to the Town of Burnsville which is false or incomplete in any material respect. It shall be unlawful for any customer or certified tester to fail to submit to the Town of Burnsville any record which is required by this Ordinance.

# **FACILITIES REQUIRING PROTECTION**

Approved backflow prevention assemblies shall be installed on the service line to any premises that the Town of Burnsville has identified as having a potential for backflow.

The following types of facilities or services have been identified by the Town of Burnsville as having a potential for backflow of non-potable water into the public water supply system. Therefore, an approved backflow prevention assembly will be required on all such services according to the degree of hazard present. Other types of facilities or services not listed below may also be required to install approved backflow prevention assemblies if determined necessary by the Town of Burnsville. As a minimum requirement, all commercial services will be required to install a Double Check Valve Assembly, unless otherwise listed below.

DCVA = Double Check Valve Assembly

RP = Reduced Pressure Principle Assembly

DCDA = Double Check Detector Assembly

RPDA = Reduced Pressure Detector Assembly

AG = Air Gap

PVB = Pressure Vacuum Breaker

1. Aircraft and Missile Plants: RP
2. Automotive Services Stations, Dealerships, etc.
  - a. No Health Hazard: DCVA
  - b. Health Hazard: RP
3. Automotive Plants: RP
4. Auxiliary Water Systems:
  - a. Approved Public/Private Water Supply: DCVA
  - b. Unapproved Public/Private Water Supply: AG
  - c. Used Water and Industrial Fluids: RP
5. Bakeries
  - a. No Health Hazard: DCVA
  - b. Health Hazard: RP
6. Beauty Shops/Barber Shops
  - a. No Health Hazard: DCVA
  - b. Health Hazard: RP
7. Beverage Bottling Plants: RP



8. **Breweries: RP**
  
9. **Buildings – hotels, apartment houses, public and private buildings, or other structures having unprotected cross connections.**
  - a. **(Under five stories) No Health Hazard: DCVA**
  - b. **(Under five stories) Health Hazard: RP**
  - c. **(Over five stories) All: RP**
  
10. **Canneries, packing houses, and rendering plants: RP**
  
11. **Chemical Plants – Manufacturing, processing, compounding or treatment: RP**
  
12. **Chemically contaminated water systems: RP**
  
13. **Commercial car-wash facilities: RP**
  
14. **Commercial greenhouses: RP**
  
15. **Commercial sales establishments (department stores, malls, etc.)**
  - a. **No Health Hazard: DCVA**
  - b. **Health Hazard: RP**
  
16. **Concrete/asphalt plants: RP**
  
17. **Dairies and cold storage plants: RP**
  
18. **Dye works: RP**
  
19. **Film laboratories: RP**
  
20. **Fire Systems**
  - Systems  $\frac{3}{4}$  (inch) to 2 (inch)**
    - a. **No Health Hazard: DCDA**
    - b. **Health Hazard (Booster Pumps, Foam, Antifreeze Solution, etc.) RPDA**
  
  - Systems 2  $\frac{1}{2}$  (inch) to 10 (inch) (or larger)**
    - a. **No Health Hazard: DCDA**
    - b. **Health Hazard (Booster Pumps, Foam, Antifreeze Solution, etc.) RPDA**

- 21. Hospitals, medical buildings, sanitariums, morgues, mortuaries, autopsy facilities, nursing and convalescent homes, medical clinics, and veterinary hospitals: RP**
- 22. Industrial facilities:**
  - a. No Health Hazard: DCVA**
  - b. Health Hazard: RP**
- 23. Laundries:**
  - a. No Health Hazard: DCVA**
  - b. Health Hazard: (i.e., Dry Cleaners): RP**
- 24. Lawn irrigation systems (split taps):**
  - a. No Health Hazard: DCVA**
  - b. Health Hazard: (Booster Pumps, Chemical Systems): RP**
- 25. Metal manufacturing, cleaning, processing, and fabricating plants: RP**
- 26. Mobile home parks:**
  - a. No Health Hazard: DCVA**
  - b. Health Hazard: RP**
- 27. Oil and gas productions, storage or transmission properties: RP**
- 28. Paper and paper products plants: RP**
- 29. Pest control (exterminating and fumigation): RP**
- 30. Plating Plant: RP**
- 31. Power Plants: RP**
- 32. Radioactive materials or substances, plants or facilities handling: RP**
- 33. Restaurants**
  - a. No Health Hazard: DCDA**
  - b. Health Hazard: RP**
- 34. Restricted, classified, or other closed facilities: RP**

35. Rubber plants (natural or synthetic): RP

36. Sand and gravel plants: RP

37. Schools and colleges: RP

38. Sewage and storm drain facilities: RP

39. Swimming Pools: RP

40. Waterfront facilities and industries: RP

All assemblies and installations shall be subject to inspection and approval by the Town of Burnsville.

## **CONNECTIONS WITH UNAPPROVED SOURCES OF SUPPLY**

1. No person shall connect or cause to be connected any supply of water not approved by the North Carolina Department of Environmental Quality (DEQ) to the water system supplied by the Town of Burnsville. Any such connections allowed by the Town of Burnsville must be in conformance with the backflow prevention requirements of the Ordinance.
2. In the event of contamination or pollution of a public or consumer potable water system, the consumer shall notify the Town of Burnsville immediately in order that appropriate measures may be taken to overcome and eliminate the contamination or pollution.

## **FIRE PROTECTION SYSTEMS**

- 1. All connections for fire protection systems connected with the public water system, two (2) inches and smaller, shall be protected with an approved double check valve assembly as a minimum requirement. All fire systems using toxic additives or booster pumps shall be protected by an approved reduced pressure principle assembly at the main service connection.**
- 2. All connections for fire protection systems connected with the public water system greater than two (2) inches, shall be protected with an approved double check detector assembly as a minimum requirement. All fire protection systems using toxic or hazardous additives or booster pumps shall be protected by an approved reduced pressure principle detector assembly at the main service connection.**
- 3. All existing backflow prevention assemblies two and one-half (2 ½ ) inches and larger installed on fire protection systems (that were initially approved by the Town of Burnsville) shall be allowed to remain on the premises, as long as they are being properly maintained, tested and repaired as required by this Ordinance. If, however, the existing assembly must be replaced (once it can no longer be repaired), or in the event of proven water theft through an unmetered source, the consumer shall be required to install an approved double check detector assembly or reduced pressure principle detector assembly as required by this provision.**

# **VIOLATIONS**

## **Notification of Violation**

**1. A written notice must be presented to any customer/person who has been found to be in violation of any part of this ordinance.**

**2. Such notice must explain the violation and give the time period within which the violation must be corrected. The time period set to correct a violation shall not exceed thirty (30) days after receiving notice unless otherwise specified. If the violation has been determined by the Cross Connection ORC to be an imminent hazard the customer shall be required to correct the violation immediately.**

**3. In the event a customer is found in violation of this ordinance and fails to correct the violation in a timely manner, or to pay any civil penalty or expense assessed under this section, water service will be terminated.**

**4. The violation of any section of this ordinance may be punished by a civil penalty listed as followed:**

- **Unprotected cross connection involving a private water system, which has an imminent hazard-\$1000 per day not to exceed \$10,000.**
- **Unprotected cross connection involving a private water system which is of a moderate or severe hazard-\$500.**
- **Submitting false records or failure to submit records, which are required by this ordinance-\$250.**
- **Failure to test or maintain backflow prevention assemblies as required-\$100 per day.**

**5. Reduction of Penalty:**

- **The Cross Connection ORC may reduce or dismiss any civil penalty imposed under this section if he/she has determined that the person charged with the violation has no past history of any violations, the violation was not intentional, and the violation is cured completely in a timely manner as set by the Cross Connection ORC.**
- **No civil penalty shall be reduced if it has been determined the violation was intentional.**

**6. Any person violating any part of this ordinance must reimburse the Town of Burnsville for any expenses in repairing damage to the public water system caused by any violation and any expenses incurred for investigating a violation.**

NOW THEREFORE, it is ordained by the Burnsville Town Council that Title V of the General Code of Ordinances for the Town of Burnsville be amended to include this ordinance as Section 50.041.1 titled Backflow and Cross Connection Control. This amendment shall control and supersede any other provisions for Backflow and Cross Connection Control in the General Code of Ordinances for the Town of Burnsville. If any provision of this section is determined to be invalid, illegal, or unenforceable, it shall not affect the enforceability of any other provision of this code.

Approved this the 14<sup>th</sup> day of June, 2020.

ATTEST:



Jeanne Martin

Jeanne Martin, Town Clerk

Theresa Coletta  
Theresa Coletta, Mayor

Approved as to form:

Heather Lane  
Town Attorney