ORDINANCE
O-10-24

AN ORDINANCE AMEDING TITLE V: PUBLIC WORKS
Chapter 51: WATER
BACKFLOW AND CROSS-CONNECTIONS

WHEREAS, the Back Flow and Cross-Connections section of the Lincolnton Code of Ordinances needs to be updated; and

WHEREAS, the City of Lincolnton Water Resources Department has asked that the current section be revised and brought into compliance; and

WHEREAS, Ordinances are the written laws of a municipality, which have been adopted by its governing body and can be amended or repealed through the adoption of a new ordinance.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Lincolnton that the Back Flow and Cross-Connections section of the Lincolnton Code of Ordinances be updated as follows:

CROSS-CONNECTION CONTROL ORDINANCE
City of Lincolnton (Lincolnton, NC)

§51.45 INTRODUCTION

The purpose of this Cross-Connection Control Ordinance is to define the authority of the City of Lincolnton (Lincolnton NC) as the water purveyor (hereinafter the "City") in the elimination of all cross-connections within its public potable water supply.

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

§51.46 OBJECTIVES OF ORDINANCE

The specific objectives of the Cross-connection Control Ordinance for the City of Lincolnton are as follows:

a. To protect the public potable water supply against actual or potential contamination by isolating within each 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 each consumer's potable water system 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 that may be installed in the future.

§51.47 RESPONSIBILITIES

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

1. Responsibility: Health Agency

The North Carolina Department of Environmental Quality (Division of Health Services) 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 the purveyor 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, it is the City's responsibility to take reasonable steps to prevent foreseeable risks to a safe water supply, beginning at the purveyor's raw water intake and ending at the point of delivery to each consumer's water system. In addition, the City is required to 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 City 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 City 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 City, 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

By contractual arrangement between the City of Lincolnton and Lincoln County Department of Planning, Permitting and Development (the "Building Department") has the responsibility to review building plans and inspect plumbing as it is installed; pursuant to this ordinance the City delegates to the Building Department the explicit authority to prevent cross-connections from being designed and built into the plumbing system within its jurisdiction. Where the review of building plans suggests or specifies designs with 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 pursuant to the Code.

The plumbing inspector'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 plan inspector 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 actual or potential cross-connection is discovered it shall be mandatory that a suitable backflow prevention assembly, approved by the North Carolina Building Code, the Division of Environmental Quality and/or the City as applicable, be required by the plans and be properly installed.

4. Responsibility: Consumer

The consumer has the primary responsibility of preventing pollutants and contaminants from entering the consumer's potable water system and the public potable water system. The consumer's responsibility starts at the point of delivery from the public potable water system and includes all components of the consumer's water system or systems. The consumer, at the consumer's own expense, shall install, operate, test, and maintain approved backflow prevention assemblies as directed by the City or the County's Building Department. 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 City 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.

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 inspections 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 City of Lincolnton. 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 City and the County's Building Department. 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 City within ten (10) business days of any completed test or repair work. A certified tester shall maintain such records for a minimum period of three (3) years.

All certified backflow prevention assembly testers must obtain and employ backflow prevention assembly test equipment that has been evaluated and/or approved by the City and the Building Department. All test equipment shall be registered with the City, and shall be checked for accuracy at least annually, calibrated if necessary, and certified as to such calibration, employing an accuracy/calibration method acceptable to the City.

All certified backflow prevention assembly testers must be certified or recertified within the prior 24 months through an approved backflow prevention certification program before submitting an acceptable verification pursuant to this ordinance.

§51.48 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 case 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 City.

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 City 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 City 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, and shall successfully complete a one-year field evaluation within the City of Lincolnton’s water system.

5. Backflow Prevention Device, Approved

The term “approved backflow prevention device” shall mean a device used for isolation purposes that has been investigated by the City and found to be acceptable, based upon it meeting the design and performance standards of the American Society of Sanitary Engineers (ASSE), the American Water Works Association (AWWA), or other equivalent association.

6. Backflow Prevention Assembly, Unapproved

The term “unapproved backflow prevention assembly” shall mean an assembly that has been investigated by the City 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) 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, Types

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 City. 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 a 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 City's 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 a 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, 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 that creates a potential or actual hazard to the public health through the introduction of hazardous or toxic substances or through the spread of disease by sewage, industrial fluids, or waste.

17. Cross-connection

The term “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. pollutants).

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 that can be classified as either a pollutant (non-health) hazard or a contamination (health) hazard.

21. Hazard, Health

The term “health hazard” 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 “non-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, Pollutant

The term “pollutant 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 that 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.

25. Industrial Fluids

The term “industrial fluids” shall mean any fluid or solution that 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 system. Such fluids may include, but are not limited to: process waters; 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 that are or may be polluted or contaminated.

27. Isolation

“Isolation” is the act of confining a localized hazard within a consumer’s water system by installing approved backflow prevention assemblies.

28. Point Of Delivery

“Point of delivery” shall generally be at the property line of the customer, adjacent to the public street where the City’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 delivery.

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 water for domestic use.

30. Potable Water

The term “potable water” shall mean water from any source that has been investigated by the North Carolina Department of Environmental Quality and 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 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 prevention 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 the 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 connection" shall mean the terminal end of a service connection from the public potable water system, i.e., where the City loses jurisdiction and sanitary control over the water at its point of delivery to the consumer's water system.

35. Vacuum Breaker, Atmospheric

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

36. Vacuum Breaker, Pressure

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. This 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.

39. Water Supply, Auxiliary

The term "auxiliary water supply" shall mean any water supply on or available to the premises other that the purveyor's approved public potable water supply. Auxiliary water supplies 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.

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.

§51.49 RIGHT OF ENTRY

Authorized representative(s) from the City of Lincolnton 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 an emergency, to perform any duty imposed by this Ordinance. Those duties may include sampling and testing of water, or inspections and observations of all piping systems connected to the public water supply. Where a user has security measures in force that 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, City 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 City any pertinent information regarding the water supply system on such property where cross-connections and backflow are deemed possible.

§51.50 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 City. 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 judgment of the City, an imminent health hazard exists, water service to the building or premises where a cross-connection exists may be terminated unless an air gap is immediately provided, or the cross-connection is immediately eliminated.

e. Based upon recommendation from the City, 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). Disclaimer: The City of Lincolnton 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.

f. In the event that the City Water Resources Director or designee does not have sufficient access to every portion of a private water system (i.e. classified research and development facilities; federal government property, etc.) 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.

§51.51 INSTALLATION OF ASSEMBLIES

1. All backflow prevention assemblies shall be installed in accordance with the specifications furnished by the City 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 Department of Environmental Quality, shall be made available to the City of Lincolnton 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 City, provided the flow of water is in an upward direction.
6. Any installed unapproved backflow prevention assembly 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 City 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; and
   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 City of Lincolnton 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 assemblies are required to be tested by a certified backflow prevention assembly tester within ten (10) days.

§51.52 TESTING AND REPAIR OF ASSEMBLIES

1. Testing of backflow prevention assemblies shall be made by a certified backflow prevention assembly tester. Such tests are to be conducted upon installation and annually thereafter, or at a frequency established by the City. A record of all testing and repairs is to be retained by the

customer. Copies of the records must be provided to the City within ten (10) business days after the completion of any testing and/or repair work.

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 City, 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 City'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 City. All test equipment shall be registered with the City. All test equipment shall be checked for accuracy annually (at a minimum), calibrated if necessary, and certified to the City as to such accuracy/calibration, employing a calibration method acceptable to the City.

5. It shall be unlawful for any customer or certified tester to submit any record to the City 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 City any record which is required by this Ordinance.

§51.53 FACILITIES REQUIRING PROTECTION

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

The following types of facilities or services have been identified by the City 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 City. 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: RI.
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: RI.
18. Dye works: RI.
19. Film laboratories: RI.
20. Fire systems

Systems ¾-inch to 2-inch
a. No Health Hazard: DCDA
b. Health Hazard (Booster Pumps, Foam, Antifreeze Solution, etc.) RPDA
Systems 2 ½-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: RI
27. Oil and gas production, 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 City.

§51.54 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 to the water system supplied by the City. Any such connections allowed by the City 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 City immediately in order that appropriate measures may be taken to overcome and eliminate the contamination or pollution.

§51.55 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 City and/or Lincoln County, as applicable) 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.

§51.56 ENFORCEMENT

1. The owner, manager, supervisor, or person in charge of any installation found not to be in compliance with the provisions of this Ordinance shall be notified in writing with regard to the corrective action(s) to be taken. The time for compliance shall be in accordance with this Ordinance.

2. The owner, manager, supervisor, or person in charge of any installation which remains in non-compliance after the time prescribed in the initial notification, shall be considered in violation of this Ordinance, and may be issued a civil citation by the City. Said citation shall specify the nature of the violation and the provision(s) of this Ordinance violated, and further notify the offender that the civil penalty for said violation is as set forth in paragraph (3) below and is to be paid to the City and payment remitted at City Hall within thirty (30) days. If the penalty prescribed herein is not paid within the time allowed, the City of Lincolnton may initiate a civil action in the nature of a debt and recover the sums set forth in paragraph (3) below plus the cost of the action.

3. Any offender who shall continue any violation beyond the time limit provided for in the aforementioned notification shall be subject to a civil penalty of up to $1,000.00 per violation. Each day in which a violation of any provision of this Ordinance shall occur or continue shall constitute a separate and distinct offense.

4. If, in the judgment of the City, any owner, manager, supervisor, or person in charge of any installation is found to be in non-compliance with the provisions of this Ordinance neglects their responsibility to correct any violation, it may result in discontinuance of water service until compliance is achieved.

5. Failure of a customer (or certified tester on behalf of a customer) to submit any record required by this Ordinance, or the submission of falsified reports/records may result in a civil penalty of up to $1,000.00 per violation assessed against the customer. If a certified backflow prevention assembly tester submits falsified records to the City, the City shall take the necessary actions to revoke certification to test backflow prevention assemblies within the potable water system for a time period not to exceed five (5) years. The tester will then be required to complete an approved certification course to acquire a new certification. Falsification made to records/reports after becoming re-certified shall result in the permanent revocation of backflow testing certification, in addition to a civil penalty (as stated herein).

6. Enforcement of this program shall be administered by the Director of Water Resources or his authorized representative.

7. Requests for extension of time shall be made in writing to the Director of Water Resources or his authorized representative. All other appeals shall be made in accordance with the following procedures:

(A) Adjudicatory Hearings. A customer assessed a civil penalty under this section shall have the right to an adjudicatory hearing before a hearing officer designated by the Director of Water Resources upon making written demand, identifying the specific issues to be contended, to the Director of Water Resources within 30 days following notice of final decision to assess a civil

penalty. Unless such demand is made within the time specified herein, the decision on the civil penalty assessment shall be final and binding.

(B) Appeal Hearings. Any decision of the City hearing officer made as a result of an adjudicatory hearing held under Paragraph (A) of this Section may be appealed by any party to the City Manager upon filing a written demand within ten (10) days of receipt of notice of the decision. Hearings held under this section shall be conducted in accordance with the City's hearing procedures. Failure to make written demand within the time specified herein shall bar further appeal. The City Manager shall make a decision on the appeal within 90 days of the date the appeal was filed and shall transmit a written copy of his or her decision by registered or certified mail.

(C) Official Record. When a final decision is issued under Section (B) above, the City shall prepare an official record of the case that includes:

(1) All notices, motions, and other like pleadings;

(2) A copy of all documentary evidence introduced:

(3) A certified transcript of all testimony taken, if testimony is transcribed. If testimony is taken and not transcribed, then a narrative summary of any testimony taken;

(4) A copy of the final decision of the City Manager.

(D) Any customer against whom a final decision of the City of Lincolnton is entered, pursuant to the hearing procedure under Section (B) above, may appeal the order or decision by filing a written petition for judicial review within 30 days after receipt of notice by certified mail of the order or decision to the General Court of Justice of Lincoln County or of the county where the order or decision is effective, along with a copy to the City. Within 30 days after receipt of the copy of the petition of judicial review, the City shall transmit to the reviewing court the original or a certified copy of the official record, as outlined

This ordinance shall be effective upon adoption.

This the 1st day of August, 2024.

By: _____
Mayor

ATTEST:

_____
City Clerk