

**AN ORDINANCE TO AMEND THE DURHAM CITY CODE OF ORDINANCES CHAPTER 70, ARTICLE VII,
SECTION 70-586 & 70-593**

WHEREAS, the City of Durham operates a water supply system that serves the City of Durham and certain surrounding areas; and

WHEREAS, a cross-connection allowing non-potable water or other foreign substances to contaminate the drinking water supply presents an imminent health hazard to residential and non-residential users; and

WHEREAS, the public cost of restoring the public water supply after contamination presents the possibility of a substantial financial liability; and

WHEREAS, the program shall, at a minimum, comply with the Federal Safe Drinking Water Act, the North Carolina Drinking Water Act, the North Carolina Stet Building Code, and regulations issued thereunder; and

WHEREAS, the Department of Water Management shall promulgate standards that promote the containment and isolation contamination caused by cross connections; and

WHEREAS, the standards may address all activities necessary for operation of the City program; and

WHEREAS, the City has determined that it would be beneficial to implement a designated electronic reporting system managed by a currently contracted vendor, as published at www.durhamnc.gov.

BE IT ORDAINED BY THE DURHAM CITY COUNCIL:

SECTION 1. The Durham City Code Chapter 70, Article VII, Section 70-586 Inspection and testing of backflow devices is hereby amended by enacting the revisions below;

Sec. 70-586. - Inspection and testing of backflow devices.

(a) Annual testing. A user or permit-holder shall have all permitted backflow preventers inspected and tested annually on such schedule as may be required by the standards. The test shall be conducted by a certified tester. The certified tester, or the user if the certified tester fails to do so, shall report the results of the test to the cross connection control administrator within 15 days of testing. Testing must be performed with equipment *approved* by the City of Durham. The *user or permit holder shall* cause such maintenance, repairs, or replacements to be made, rendering the assembly fully operational. Failure of the *user or permit holder* to perform required testing and maintenance *shall* be cause for the premises to be deemed an immediate public health hazard.

(b) Other testing. Inspection and testing shall be conducted after installation or repair of any backflow preventer. Any person that installs, removes, relocates, or repairs a backflow preventer shall report such action to the cross connection control administrator within 15 days of the action and the cross connection control administrator shall inform that person if additional inspection, permits, or testing is required. If the person who conducted the work

fails to make such report within 20 days of the inspection or testing, the user shall report this information to the administrator.

(c) Any certified tester who performs an operational test on any assembly connected to the City's public water supply *shall* file a report regarding the results of that operational test using the City's designated electronic reporting system managed by the currently contracted vendor as published at www.durhamnc.gov. Certified testers *shall* supply all testing information required by the City and the designated electronic reporting system to included but not limited to test values for assembly, size, make, model, serial number and location of assembly, name and address of *owner* as recorded on notice, by-pass reading meter number for fire services, and meter number for domestic and irrigation services. The fee for any report filed using the electronic reporting system *shall* be established by City Council and the current fee will be shown in the City's fee schedule. In addition, certified testers *shall* comply with all requirements set by the standards. Failure to comply *may* result in revocation of certified tester status pursuant to the standards.

SECTION 2. The Durham City Code Chapter 70, Article VII, Section 70-593 Fees is hereby amended by enacting the revision below;

Sec. 70-593. - Fees.

Fees for the activities authorized under this article, including fees for manuals, permits, city inspections, city re-inspections, city testing, electronic reporting, training classes, and certifications of testers will be established by the city.

SECTION 3. This Ordinance shall be effective upon passage by the Durham City Council.

APPROVED BY
CITY COUNCIL

MAR 18 2019

CITY CLERK

Travis Seidman