

*Ordinance 270-4*

**AN ORDINANCE TO AMEND CHAPTER 270 OF THE DAGSBORO  
TOWN CODE**

**WHEREAS**, the Town Council of the Town of Dagsboro desires to amend Chapter 270 of the Town Code.

**WHEREAS**, the Town of Dagsboro deems it appropriate, necessary, and proper for the protections of persons and property and for the preservation of the public health, welfare, and safety of its citizens to adopt regulations pertaining to Public Drinking Water Systems.

**BE IT HEREBY ENACTED** by the Town Council of the Town of Dagsboro, a majority thereof concurring in Council duly met, that the Town Code be and hereby is amended as follows:

**Section 1.** Amend Chapter 270 by adding the following (Amendments and additions are highlighted in bold below):

**Part 4 Water System Responsibilities  
Cross-Connections and Backflow Prevention  
Article VIII**

**§ 270-20. Adoption of rules.**

**The Town of Dagsboro adopts by reference the Delaware Division of Public Health of the Department of Health and Social Services, Office of Drinking Water (Division), Cross-Connection Control Rules. 16 Del. C. § 4462, State of Delaware, Regulations Governing Public Drinking Water Systems, § 21.0**

**§ 270-21. Surveys of properties.**

- A. It shall be the duty of the Town Manager to cause surveys to be made of all properties served by the public water system where cross-connections with the public water supply are deemed possible. The frequency of surveys and resurveys based on potential health hazards involved shall be as established by the Town Manager and as approved by the Mayor and Council and Division.**
- B. A representative of the Town of Dagsboro shall have the right to enter at any reasonable time any property served by a connection to the public water system of the Town of Dagsboro for the purpose of surveying the piping system or systems thereof for cross-connections. On request, the owner, lessees, or occupants of any property so served shall furnish to the survey agency any pertinent information regarding the piping system or systems on such property. The refusal of such**

information or refusal of access, when requested, shall be deemed evidence of the presence of cross-connection.

- C. Designated personnel from the Town of Dagsboro who are qualified for Cross Connection Control will make determinations of which type of backflow preventer shall be required at locations where unprotected cross connections exist. Certificate in ASSE Cross Connection Control Surveyor shall be maintained by a representative of the Town of Dagsboro.

#### **§ 270-22. Hazard Level**

Premises types that are deemed by the Town of Dagsboro to represent a high hazard to the public water system include but not limited to:

- Agriculture facilities (farms, dairies)
- Beverage bottling plants
- Car washes
- Chemical plants
- Dry cleaners (on site processing)
- Film processing plants
- Food processing plants
- Laboratories
- Medical facilities
- Metal plating industries
- Mortuaries
- Petroleum processing or storage plants
- Piers, marinas, docks, and waterfront facilities
- Radioactive material processing plants
- Wastewater treatment facilities

#### **§ 270-23. Notice of violation; water service discontinued.**

The Town Manager is hereby authorized and directed to discontinue water service after reasonable notice to any property wherein any connection in violation of this article exists and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water system. Water service to such property shall not be restored until the cross-connection(s) has been eliminated in compliance with the provisions of this article. The Town Manager shall notify the Mayor and Council of all discontinued water services.

**§ 270-24. Testing of installations.**

All testable backflow prevention assemblies shall be tested initially upon installation, repair or relocation to be sure that the assembly is working properly. Subsequent testing of assemblies shall be performed on an annual basis as required by the Town of Dagsboro and in accordance with Division requirements. Only individuals that are approved and State of Delaware certified shall be qualified to perform such testing. That individual(s) shall certify the results of his/her testing. Testing of assemblies' expense shall be responsibility of property owner. All test results shall be submitted to the Town of Dagsboro annually to ensure compliance is maintained. These records to be kept for no less than ten years.

**§ 270-25. Water labeled as unsafe.**

The potable water supply made available on the properties served by the public water supply to be protected from possible contamination as specified by this article and by the state and the Town of Dagsboro plumbing code. Any water outlet which could be used for potable or domestic purposes, and which is not supplied by the potable system must be labeled in a conspicuous manner as:



**WATER UNSAFE  
FOR DRINKING**

**§ 270-26. Effect on other provisions.**

This article does not supersede the state plumbing code and/or any Town of Dagsboro code regarding backflow prevention but is supplementary to them.

**§ 270-27. Violations and penalties.**

- A. Any person or customer found guilty of violating any of the provisions of this article or any written order of the Town of Dagsboro Water Department or a representative of the Town, in pursuance thereof, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine in accordance with**

Subsections **B** and **C** for each violation. Each day upon which a violation of the provisions of this article shall occur shall be deemed a separate and additional offense and violation for the purpose of this article.

**B.** The violation of any provision of this article shall subject the violator to a civil penalty. Each subsequent day that a violation listed in Subsection B (1) through (4) below continues shall constitute a separate and distinct offense according to the following schedule:

- (1) Unprotected cross-connection involving a private water system which is deemed an imminent hazard: \$1,000/day and/or disconnection of water services.
- (2) Unprotected cross-connection involving a private water system which is deemed a high hazard: \$750/day and/or disconnection of water services.
- (3) Unprotected cross-connection involving a private water system which is deemed a moderate hazard: \$500/day and/or disconnection of water service.
- (4) Unprotected cross-connection for which no other civil penalty is prescribed: \$250/day and/or disconnection of water services.

**C.** Each violation listed in Subsection C (1) through (5) below shall be considered a one-time violation (per incident) subject to the following schedule:

- (1) Falsifying records which are required to be submitted by this article: tester may be removed from the approved certified tester/repairer list and/or \$500.
- (2) Submitting incomplete records or failing to submit records which are required by this article: tester may be removed from the approved certified tester/repairer list and/or \$250.
- (3) Failing to test backflow assemblies as required: \$100.
- (4) Failing to maintain backflow assemblies as required: \$100.
- (5) Any other violation of the provisions of this article: \$100.

**D.** The Mayor and Council may increase any civil penalty assessed under this section by \$100 or 50% of the maximum civil penalty associated with the violation, whichever is greater, for a second violation of the same provision within a two-year

period. Water service may be terminated after a third violation of the same provision within a two-year period. Any person violating any provision of this article shall pay the Town all expenses incurred by the Town in repairing damage to the public water system caused in whole or in part by such violation and any expense incurred by the Town in investigating such violation. All such expenses are deemed to be a part of the civil penalty assessed with the violation.

E. The fines herein are subject to change by the Mayor and Council.

Synopsis

This ordinance hereby adopts the Delaware Division of Public Health of the Department of Health and Social Services, Office of Drinking Water (Division), Cross-Connection Control Rules, 16 Del.C §4462, State of Delaware, Regulations Governing Public Drinking Water Systems, § 21.0

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ORDAINED AND ENACTED into law this 22<sup>nd</sup> day of April 2024.

William B. Chandler

William Chandler, Mayor

I, Cynthia Brought, Administrator of the Town Council of the Town of Dagsboro, do hereby certify that the foregoing is a true and correct copy of the ordinance adopted by the Town Council as its meeting on April 22, 2024, at which meeting a quorum was present and voting throughout and that the same is still in force and effect. The ordinance was approved by a vote of 4 in favor, and 0 against, the Motion to approve the Ordinance.

Cynthia Brought

Cynthia Brought, Town Administrator

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This shall certify that a public hearing concerning the foregoing ordinance was published in

Coastal Plain on 4/5, 2024.  
So Certifies:

4/22/24  
Date

Cynthia Brought  
Town Administrator