

**ORDINANCE TO AMEND THE CODE OF THE TOWN OF SELBYVILLE, CHAPTER 195, WATER, ARTICLE IV, PROCEDURES FOR WATER SERVICE PIPE CONNECTIONS, §§ 195-42, 195-45 AND 195-46, ALL REGARDING THE TOWN'S ADOPTION OF AN UPDATED CROSS-CONNECTION CONTROL PROGRAM.**

**WHEREAS**, in February, 2012, the Mayor and Town Council determined that it was in the best interests of the Town and its citizens to adopt a comprehensive and effective cross-connection control program to insure that the potable public water supply of the Town is of a high quality, to insure that public health is protected, and to comply with the safe drinking water regulations imposed by the State of Delaware; and

**WHEREAS**, certain Cross-Connection Control (CCC) regulations found in 16 Del.C. § 4462, State of Delaware, *Regulations Governing Public Drinking Water Systems*, § 21.0 took effect on February 1, 2021; and

**WHEREAS**, because all public water systems governed by the CCC regulations must comply with said regulations by February 1, 2024, the Mayor and Town Council have determined that certain amendments to the Code of the Town of Selbyville, Chapter 195, Water, Article IV, Procedures for Water Service Pipe Connections, §§ 195-42, 195-45 and 195-46, are necessary.

**NOW THEREFORE BE IT ORDAINED** by the Mayor and Town Council of the Town of Selbyville, in session met, a quorum pertaining at all times thereto, that the Code of the Town of Selbyville, Chapter 195, Water, Article IV, Procedures for Water Service Pipe Connections, §§ 195-42, 195-45 and 195-46, are amended as follows:

**ITEM 1:**

**§ 195-42. Backflow prevention**, be and is hereby amended by revising the existing subparagraphs thereof as follows (deleted language is stricken through; new language is underlined):

- A. Backflow prevention devices shall be installed in the water service pipe to every building served by the Town of Selbyville if it is determined, at the sole discretion of the Town pursuant to its Cross-Connection Control Plan, that such backflow prevention device is necessary to protect the potability of the Town's water supply. The device shall be located immediately as the water service pipe enters the building and shall be accessible for service. As a minimum requirement, the backflow prevention device shall consist of a manual shutoff valve followed by a spring-loaded check valve and a pressure-relief valve drain on the downstream side of the check valve. The pressure-relief valve drain shall be piped full size with no valve or trap to a location where emergency water spillage will create no problem.

- B. All testable backflow prevention assemblies shall be tested initially upon installation, repair and or relocation to be sure that the assembly is working properly. Subsequent testing of assemblies shall be conducted on an annual basis as required by the Town of Selbyville and in accordance with ~~the International Plumbing Code~~ Delaware Department of Health and Social Services (DDHSS), Division of Public Health (Division) requirements. Only individuals who are approved by the Town of Selbyville and who are certified by the American Society of Sanitary Engineers shall be qualified to perform such testing. That individual(s) shall certify the results of his/her testing.

**ITEM 2:**

**§ 195-45. Powers and authority of inspection**, be and is hereby amended revising the existing subparagraph D. thereof as follows (deleted language is stricken through; new language is underlined):

- D. The Engineer or any duly authorized ~~employee~~ representative of the Town shall cause inspections to be made of all properties served by the public potable water supply for the purpose of identifying any existing cross connections with the Town's public water supply. The frequency of inspections and reinspections based on potential health hazards involved shall be as established by the Cross-Connection Control Plan of the Town and as approved by the Division. Any fees or charges established by the Town pursuant to the regulations or requirements established herein may be changed from time to time by resolution of the Town Council.

**ITEM 3:**

**§ 195-45. Powers and authority of inspection**, be and is hereby amended by adding new subparagraphs E., F., and G. to the end thereof, which shall read as follows:

- E. That the Town of Selbyville is hereby authorized and directed to discontinue water service after reasonable notice to any property wherein any connection in violation of this ordinance 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 ordinance.
- F. That this ordinance does not supersede the state plumbing code and any plumbing ordinances imposed by the Town but, rather, this ordinance is supplementary to the foregoing.
- G. That any person or customer found guilty of violating any of the provisions of this ordinance or any written order of the Town of Selbyville, in pursuance

thereof, shall be subject to monetary penalties in such amount per violation as shall be set annually by resolution of the Town Council. Each day upon which a violation of the provisions of this ordinance shall occur shall be deemed a separate and additional violation for the purpose of this ordinance. Penalties assessed pursuant to this subparagraph shall be considered civil penalties and any action brought for the recovery of the penalties by the Town shall be brought in any civil court of competent jurisdiction.

**ITEM 4:**

**§ 195-46. Cross Connection Control Plan adopted**, be and is hereby amended by revising the existing paragraph thereof as follows (deleted language is stricken through; new language is underlined):

The Town hereby adopts by reference the “Town of Selbyville Cross-Connection Control Plan”, ~~2012 version~~ in conformance with the Delaware Department of Health and Social Services, Division of Public Health, 16 Del. C. § 4462, Section 21.0 Cross Connection Control, as the same may be updated and amended from time to time by resolution of the Town Council. Compliance with the "Cross-Connection Control Plan" and the cross-connection program contained therein is hereby required. The Town of Selbyville shall use the AWWA Manual M-14 as a guide in developing said plan.

I, Deborah L. McCabe, Secretary of the Town Council of the Town of Selbyville, do hereby certify that the foregoing is a true and correct copy of an Ordinance passed by the Mayor and Town Council at its Regular Meeting held on January 8, 2024, at which a quorum was present and voting throughout and that the same is still in full force and effect.

Date: 1/8/24

Deborah L. McCabe  
Deborah L. McCabe, Secretary