MINUTES FOR BOARD OF ALDERMEN MEETING

September 10th, 2024

6:30 PM

The following elected officials were present: Mayor Beaty, Alderman Milton, Alderman Martin, Alderman Cearley, Alderman Cloninger and Alderman Withers.

The following Staff members were present: Jonathan Newton, Town Manager; Robbie Walls, Police Chief; Lanny Smith, Electric Director; Tom Hunn, Town Attorney; Bill Trudnak, Public Works Director; Zack Foreman, Assistant Public Works Director; Lindsey Tysinger, Town Clerk; Anthony Smith, Development Services Director; and Alex Wallace, Parks and Recreation Director.

Mayor Beaty called the meeting to order at 6:30pm.

Approval of Agenda:

Alderman Martin made a motion to approve the agenda with additions, seconded by Alderman Cloninger and carried unanimously.

Approval of Minutes:

Alderman Milton motioned to approve the minutes from the August 20th Special Meeting, and the August 27th Work Session, seconded by Alderman Cearley and carried unanimously.

Recognition of Citizens:

The Mayor opened the floor to the Recognition of Citizens.

W.C. Friday Middle School Coaches recognized their Male and Female Student Athletes of the Month.

Chief Walls introduced two new Officers of the Dallas Police Department that have completed their training: Officer Garcia and Officer Buelin. Along with BLET Cadets A. Ward, and M. Jenkins.

Chief Walls presented Sgt. Beer with the Advanced Law Enforcement Certification.

Starletta Hairston of 407 W. Main St, Gave speech on remembering 9/11 and the upcoming anniversary. Expressed thanks to The Board, First Responders, and those who have served on the committee.

Mike Fields of 1333 Philadelphia Church Road, spoke of the upcoming 9/11 Remembrance Event. Spoke on the incident that happened at the surrounding schools, thanked the Police Department and first responders. Thanked Town Staff for their hard work.

Curtis Wilson of 438 S. Gaston St. prayed over the Board, Town Staff, first responders, and for all affected by the events of 9/11.

Consent Agenda:

Item 5A Budget Amendment –Police Department Leased Vehicles (This item was pulled off the Consent Agenda and moved to New Business Item 8A)

Public Hearings:

Item 6A System Development Fees

In July 2017, the North Carolina General Assembly authorized public water and sewer systems to implement system development fees to provide for capital improvements in those systems. These fees must be calculated and prepared by a financial professional or licensed professional engineer. Dallas contracted with Raftelis to complete the analysis required to calculate system development fees for the water and sewer utilities. Implementation of these fees would be assessed for any new development and would be used to improve and expand the water and sewer infrastructure as growth occurs. Attached is G.S. 162A Article 8, which outlines the development, implementation, and maintenance of system development fees. Also attached is the report received from Raftelis containing the calculated system development fees for Dallas. In order to implement these fees, there must be a 45-day public comment period, followed by a public hearing and vote to implement. The public comment section opened on May 1, 2024, to June 17, 2024. No comments have been received. The implementation of these fees is crucial to the future health of our water/sewer system and treatment plants. (Exhibit 6A 1-2)

Alderman Martin made a motion to go into the public hearing, seconded by Alderman Cloninger and carried unanimously

Jonathan Newton, the Town Manager, presented the item to the Board for approval.

Alderman Martin made a motion to go out of the public hearing, seconded by Alderman Milton and carried unanimously.

Alderman Milton made a motion to approve the System Development Fees, seconded by Alderman Martin and carried unanimously.

Item 6B Cruz Rezoning Z-2024-01 - 520 E. Main St – Public Hearing

Patricia Cruz & Santos A. Reyes have submitted a conventional rezoning petition to rezone parcel 132018 from Business B3-P to Residential R-6. At the meeting on June 20th, the Planning Board voted to send a recommendation to the Board of Aldermen to approve the rezoning request, along with statements of consistency and reasonableness for the rezoning. Public Ad was sent out for August 23rd, and August 30th. Adjacent letters sent out on August 20th.

Property signed August 5th. All supporting documentation for the application is attached, including minutes from the Planning Board meeting, and consistency and reasonableness statements. (Exhibit 6B 1-6)

Alderman Martin made a motion to go into the public hearing, seconded by Alderman Cearley and carried unanimously.

Anthony Smith, the Development Services Director, presented the item to the Board for approval.

Alderman Martin made a motion to go out of the public hearing, seconded by Alderman Cloninger and carried unanimously.

Alderman Milton made a motion to approve the rezoning with the consistency and reasonableness statement, seconded by Alderman Martin and carried unanimously.

New Business:

~~*Item 8A*~~ *System Development Fees (Combined with Item 6A Public Hearing; See item 6A.)*

Item 8A Budget Amendment –Budget Amendment – SRO New position

During the August 27th Work Session, Chief Robbie Walls made a request to the board that he needs an additional officer to be solely an SRO officer. Due to our prior SRO officer leaving, the option has been opened to the officers to see of any interest. No current staff has shown interest and therefore, the Town needs a new position to fill the SRO vacancy. A budget amendment is attached that will cover: salary, fringes, gear and equipment. (Exhibit 8A 1)

Alderman Cloninger made a motion to approve the SRO position but to delay the purchasing or lease of a car until the Police Chief and Town Manager decide to purchase, seconded by Alderman Martin. Alderman Withers voted against.

Item 8B BackFlow Prevention and Cross Connection Policy

Bill Trudnak (Public Works Director) and Zack Foreman (Asst. Public Works Director) would like to adopt a Backflow prevention and cross connection policy. They have worked diligently on this policy, piggybacking off of other policies in place, with mending it to fit Dallas' needs. This is a request from the State for now, but could become a requirement, eventually. Attached you will find the updated policy for the meeting that was held on August 27th. (Exhibit 8B 1-14)

Alderman Cloninger made a motion to approve the updated policy, seconded by Alderman Martin and carried unanimously.

Item 8C Parks and Recreation

Alderman Milton discussed land acquisition to the Town and adding parks to have more green space. See if Staff can look into State Parks & Rec for grants to help add more parks to Dallas.

Item 8D Discussion of Software

Mayor Beaty discussed the need for new software that is more reliable for the Police Department, and that can also offer better communication between surrounding agencies.

Item 8E Power Bill and Change of Dates

Mayor Beaty stated that she has received numerous phone calls from citizens about the dates on power bills and not receiving the bills on time. Town Manager, Jonathan Newton mentioned speaking with the 3rd party company about this issue. Mayor Beaty inquired on changing the due dates and keeping the late fee. Town Manager Newton would like to speak with Town Staff on this to decide the best outcome and bring back to an upcoming Work Session.

Item 8F Bathrooms at Cloninger Park

Alderman Martin has had parents reach out to him about wanting bathrooms at the parks.

Parks & Recreation Directory Alex Wallace spoke on reaching out to a company that installs pre-built bathrooms, would get a quote and bring back to the upcoming Work Session.

Manager's Report:
Town Manager, Jonathan Newton updated the Board and Town Staff on the last concert of our Summer Concert Series happening on Saturday, 9/14. Development Servies have moved from Town Hall to the offices in the Courthouse downstairs. Newton received an email from Donna with the Aquatic Center; they should be starting on site.

Alderman Martin made a motion to adjourn, seconded by Alderman Cearley and carried unanimously (7:40).

_____ _____

Hayley Beaty, Mayor Lindsey Tysinger, Town Clerk

TOWN OF DALLAS - WATER AND SEWER SERVICE FEES

STANDARD TAP AND PRIVILEGE FEES

	3/4" WATER TAP	4" SEWER TAP
Privilege Fee	$659	$659
Residential Tap Inside	$1,221	$1,736
Residential Tap Outside	$1,346.10	$1,864
Commercial Tap	Cost	Cost
Road Bore Fee	$395	$395
Water Tap >1"	Cost	
Sewer Tap > 5' in depth and/or 20' in lateral length		Cost

IRRIGATION TAPS

Residential Outside Yard Meter w/Tee	$395
Residential Outside Yard Meter 3/4" Tap	$1,221
Residential Outside Yard Meter 1"	$1,221
Residential Irrigation Tap >1"	Cost
Commerical Irriagation Tap	Cost

UNAUTHORIZED METER ACCESS/UNSAFE METER USE	$200.00
DAMAGED METER REPAIR/REPLACEMENT	Cost

System Development Fees			
Meter Size	**Meter Ratio**	**Water**	**Sewer**
3/4"	1.00	$2,417	$1,380
1"	1.67	$4,028	$2,300
1.5"	3.33	$8,057	$4,600
2"	8.33	$20,142	$11,500
3"	16.67	$40,283	$23,000
4"	33.33	$80,567	$46,000
6"	53.33	$128,907	$73,600
8"	93.33	$225,587	$128,800
10"	183.33	$443,117	$253,000

1) System Development Fees shall be based on water meter size. If only sewer service is requested, then fee will be based on estimated water service size.
2) System Development Fees for Multi-Family development shall be based on ¾" meters for each unit within the complex, not on a master meter size or other method of calculation.
3) Fire Flow shall not be metered and shall not be assessed a System Development Fee.
4) System Development Fees for irrigation services shall only include water fees. Combination services shall be reviewed by the Town and calculated at the time of the request for service.

Effective: January 1, 2024

Public Hearing Notice

There will be a public hearing on Tuesday, Septmeber 10th, 2024 at 6:30pm, held at the Historic Dallas Court house, 131 N. Gaston St. Dallas, NC 28034. For the purpose of discussing and adopting proposed System Development Fees for the Town of Dallas, pursuant to G.S. § 162A-209.

Publication Dates

L00000000 EXHIBIT 6A-2

Town of Dallas Zoning Map Amendment (Rezoning) Application

Physical Property Address 520 E Main St Dallas NC 28034

Tax Parcel Number 132018 Lot Size 6,969

Current Zoning B-3P Requested Zoning R-6

Conventional ✓ Conditional ____

Property Owner(s) Patricia Cruz Rueda & Santos A. Reyes (3 Flags Towing & Transportation Inc)

Owners Address 1001 Baker Blvd, Gastonia NC 28052

Phone Number 704-923-7751/980-888-2341 Email Address Pati.Cruz94@gmail.com
(attach separate sheet if necessary)

If different than owner:
Applicant Name ____

Applicant Address ____

Phone Number ____ Email Address ____
(attach separate sheet if necessary)

Signature of Applicant Patricia Cruz Rueda

Signature of Owner Patricia Cruz Rueda

Staff Only:

Date of completed application ____ Received by ____

Planning Board Meeting Date ____

Public Hearing Meeting Date ____

EXHIBIT 6B-1

Letter of intent

We would like to request a rezoning for 520 E Main St Dallas NC since the zone is currently B3-P and we would like to build a single-family home in zone R-6.

Thank you for your consideration.

Patricia Cruz Rueda

Santos Alfredo Reyes

3Flags Towing & Transportation Inc.

Minutes
Town of Dallas
Planning Board
Meeting of June 20th, 2024

The meeting was called to order at 6:30 pm by Chairman Wilson.

Chairman Wilson led the invocation and Pledge of Allegiance.

Members present: Curtis Wilson – Chairman, Glenn Bratton – Co-Chairman, Troy Traversie, Thomas Smith, Bradley Goins.

Also present: Anthony Smith – Development Service Director, Lindsey Tysinger – Planner, Johnny Denton – Town Engineer, Santos A. Reyes – 3 Flags Towing & Transportation Inc. Owner of 520 E. Main St. Dallas, NC 28034.

Approval of Agenda: A motion was made to approve the agenda by Smith, seconded by Bratton, and the motion passed unanimously.

Approval of Minutes: A motion was made to approve the March 21st 2024 and May 16th, 2024 minutes with corrections by Smith, seconded by Bratton, and the motion passed unanimously.

Old Business: No Old Business to discuss.

New Business: 10A - Cruz Rezoning Z-2024-01

Smith presented the Cruz Rezoning to the Planning Board. Smith pointed out there is an access driveway to 519 E Thornburg, although it is not a Town maintained road. The Planning Board discussed with Staff and the owner of the property about the surrounding zones, and the permitted uses of the current zone. A motion was made to approve the Rezoning with the Consistency Statement by Smith, seconded by Traversie, and the motion passed unanimously.

STATEMENTS OF CONSISTENCY AND REASONABLENESS FOR ZONING MAP AMENDMENT

The proposed rezoning of parcel 132018 to R-6 from B3-P is consistent with the 2030 Comprehensive Land Use Plan. The property is designated on the Future Land Use Map as Mixed-use neighborhood. There is also R-6 in the surrounding area and this will increase development potential of the property and is therefore a reasonable request and in the Town's best interest.

Staff Report

Tysinger informed the Planning Board of the new position she will be taking on as Town Clerk. Bratton asked if the development on S Rhyne has fell through, Tysinger responded there has not been any movement with that development on S. Rhyne.

Adjournment

Having no further business, a motion to adjourn was made by Bratton, seconded by Smith, and the motion passed unanimously. The meeting adjourned at 6:56pm.

_____	_____
Lindsey Tysinger, Planner	Curtis Wilson, Chairman

Public Hearing

The public will take notice that the Board of Aldermen for the Town of Dallas will hold a public hearing on Tuesday September 10th at 6:30pm at the Historic Dallas Courthouse. 131 N. Gaston St. Dallas, NC 28034. This hearing will be held for a conventional rezoning request for parcel# 132018, #Z-2024-01, by applicant Patricia Cruz & Santos A. Reyes. The rezoning request is to rezone the property from Business B3-P to Residential R-6. All interested persons are invited and encouraged to attend. For those persons requiring special assistance, please contact Town Hall at 704-922-3176, at least 48 hours prior to the commencement of the meeting. For questions or further information, please contact Anthony Smith at (704) 922-3176 x230 or email asmith@dallasnc.net

Publication Dates

L00000000 EXHIBIT 6B-5

STATEMENTS OF CONSISTENCY AND REASONABLENESS FOR ZONING MAP AMENDMENT

The proposed rezoning of parcel 132018 to R-6 from B3-P is consistent with the 2030 Comprehensive Land Use Plan. The property is designated on the Future Land Use Map as Mixed-use neighborhood. There is also R-6 in the surrounding area and this will increase development potential of the property and is therefore a reasonable request and in the Town's best interest.

STATEMENTS OF CONSISTENCY AND REASONABLENESS AGAINST ZONING MAP AMENDMENT

The proposed rezoning of parcel 132018 to R-6 from B3-P is consistent with the 2030 Comprehensive Land Use Plan. The property is designated on the Future Land Use Map as Mixed-use neighborhood. However, rezoning to Residential will affect future development and will not be in the Town's best interest.

Statement Adopted: _____

_____ _____

Curtis Wilson, Chairman Date

Town of Dallas
Budget Amendment

Date: September 10, 2024

Action: General Fund Amendment

Purpose: To appropriate funds for a new position - SRO Officer

Number: PD-001

Fund	Dept	Line Item	Item Description	Original Amount	Amended Amount	Difference
10	5100	0200	Salaries	$1,413,054	$1,470,365	$57,311
10	5100	0201	Bonus	$39,300	$39,700	$400
10	5100	0202	Overtime	$60,000	$61,000	$1,000
10	5100	0221	401K PD	$66,677	$69,613	$2,936
10	5100	0250	Social Security	$93,766	$97,407	$3,641
10	5100	0251	Medicare	$21,930	$22,781	$851
10	5100	0260	Retirement	$216,181	$224,424	$8,243
10	5100	0270	Insurance	$209,158	$220,986	$11,828
10	5100	1100	Telephone	$28,582	$30,082	$1,500
10	5100	3100	Vehicle Fuel	$70,000	$73,750	$3,750
10	5100	3400	Equipment	$58,130	$72,160	$14,030
10	5100	3600	Uniforms	$24,425	$26,745	$2,320
10	5100	3300	Supplies	$19,500	$19,575	$75
10	5100	3500	Furnishing	$3,900	$4,100	$200
10	3999	0000	Fund Balance Appropriated	$296,476	$404,561	$108,085

Approval Signature
(Town Manager)

BACKFLOW PREVENTION AND CROSS-CONNECTION CONTROL[1]

Purpose.

(a) The purpose of this cross-connection control division is to define the authority of the town as the water purveyor in the elimination of all cross-connections within its public potable water supply.

(b) This division shall apply to all users connected to the town public potable water supply regardless of whether the user is located within the town limits or outside of the town limits.

(c) This division complies with the Federal Safe Drinking Water Act (PL 93-523), the North Carolina State Administrative Code (15A NCAC 18C .0400), and the North Carolina State Building Code (Volume II) as they pertain to cross-connections with the public water supply.

Objectives.

The specific objectives of this cross-connection control division for the town are as follows:

(1) To protect the public potable water supply of the town 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.

(2) To eliminate or control existing cross-connections, actual or potential, between the consumer's potable water system and non-potable or industrial piping system.

(3) 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.

(4) To comply with all applicable federal and state regulations.

Responsibilities.

(a) *Health agency:* The North Carolina Department of Environment and Natural Resources (NCDENR) - Division of Environmental Health has the responsibility for promulgating and enforcing laws, rules, regulations and policies to be followed in carrying out an effective cross-connection control program. NCDENR has the primary responsibility of ensuring that the water purveyor operates the public potable water system free of actual or potential sanitary hazards, including unprotected cross-connections. NCDENR has 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 water purveyor requires the installation, testing, and maintenance of an approved backflow prevention assembly on the service connection when required.

(b) *Water purveyor (town):* Except as otherwise provided in this division, the water purveyor's (town) 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. In addition, the town shall exercise reasonable vigilance to ensure that the consumer has taken the proper steps to protect the public potable water system. To ensure that the proper precautions are taken, the town 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 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, 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.

(c) *Plumbing inspection:* The plumbing inspection departments of the town and Gaston County (county) 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-connections from being designed and built into the plumbing system within its jurisdiction. Where the review of building plans suggests or detects the potential for cross-connections being made an integral part of the plumbing system, the plumbing inspector has the responsibility, under the state building code, for requiring that such cross-connections be either eliminated or provided with backflow prevention equipment approved by the state building 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 is discovered it shall be mandatory that a suitable backflow prevention assembly, approved by the state 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, the state building code, and NCDENR.

(d) *Consumer:*

(1) The consumer has the primary responsibility of preventing pollutants and contaminants from entering their potable water system and/or the public potable water system. The consumer's responsibility starts at the point of delivery from the public potable water system and includes all of his/her water system. The consumer, at his/her own expense, shall install, operate, test and maintain approved backflow prevention assemblies as directed by the town. The consumer shall maintain accurate records of tests and repairs made to backflow prevention assemblies and shall maintain such records for a minimum period of five years. The records shall be on forms approved by the town 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 ensure 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.

(2) Town shall require all new water connections and any changes of use/occupancy to have an approved backflow prevention assembly installed. As older connections are reviewed for compliance, hazards are identified and need is determined by utilities staff. The consumer/customer shall be responsible for installing backflow prevention assemblies or bringing the existing installations up to current standards.

(e) ***Certified backflow prevention assembly testers****:* When employed by the consumer to test, repair, overhaul, or maintain backflow prevention assemblies, a certified backflow prevention assembly tester will have the following responsibilities:

(1) All certified testers must have a thorough understanding of the Town of Dallas Backflow Ordinance and adhere to test procedures for double check valves and reduce pressure principle assemblies as listed in the current procedures from the University of Southern California Foundation for Cross-Connection and Hydraulic Research Manual of Cross-Connection Control.

(2) The certified 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 town. The certified tester shall include the list of materials or replacement parts used.

(3) The certified 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 certified tester's responsibility to ensure that original manufactured parts are used in the repair of or replacement of parts in a backflow prevention assembly.

(4) It will be the certified 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.

(5) 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 cross-connection control personnel within ten business days of any completed test or repair work. A certified tester shall maintain such records for a minimum period of five years.

(6) All certified backflow prevention assembly testers must obtain and employ backflow prevention assembly test equipment, which has been evaluated and/or approved by town. All test equipment shall be checked for accuracy annually (at a minimum) and calibrated. Calibration records shall be maintained by the certified tester for a minimum of five years. Copies of these records shall be forwarded to the town for their files on an annual basis.

Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(1) *Air-gap separation* —means a physical separation between the free flowing discharge end of a potable water supply pipeline and an open and 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 one inch (2.54 cm).

(2) *Approved* means —as used in reference to a water supply, a water supply that has been approved by the state department of environment and natural resources; or, as 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 means an approval by the Town of Dallas.

(3) *Backflow* —means 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" means an assembly used for containment and/or isolation purposes that has been investigated and approved by the town 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 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/testing within the town water system.

(5) *Backflow prevention assembly—Unapproved:* The term "unapproved backflow prevention assembly" means an assembly that has been investigated by town and has been determined to be unacceptable for installation within the town's water system. Consideration for disapproval and removal from the "approved list" shall be based upon, but not limited to the following criteria:

a. Device has not 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.

b. Due to poor performance standards (i.e., significant failure rate);

c. Lack of or unavailability of repair parts; and/or

d. Poor service or response from assembly's factory representative.

(6) *Backflow prevention assembly—Type* means 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: The types are:

a. Double check valve assembly (DCVA).

b. Double check detector assembly (fire system) (DCDA).

c. Reduced pressure principle assembly (RP).

d. Reduced pressure principle detector assembly (fire system). (RPDA).

e. Air Gap (AG).

(7) *Backflow prevention assembly tester—Certified.* The term "certified backflow prevention assembly tester" means a person who has proven his competency to the satisfaction of the town. 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, shall be a licensed plumber or have at least two years of experience under and be employed by a state licensed plumber or plumbing contractor, or have equivalent qualifications acceptable to the town and must hold a certificate of completion from an approved training program in the testing and repair of backflow prevention assemblies.

(8) *Backflow prevention device—Approved.* The term "approved backflow prevention device" means a 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).

(9) *Backpressure backflow* —means 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* —means 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," means a check valve that is drip-tight in the normal direction of flow when the inlet pressure is at least one psi and the outlet pressure is zero. The check valve shall permit no leakage in a direction reverse 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., double check valve assembly, double check detector assembly, reduced pressure principle assembly, or reduced pressure detector assembly.

(12) *Town*—The Town of Dallas.

(13) *Consumer/customer* —means any person, firm, or corporation using or receiving water from the town's water system.

(14) *Consumer's potable water system*— means 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) *Consumer's water system* —means 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.

(16) *Containment*— means preventing the impairment of the public potable water supply by installing an approved backflow prevention assembly at the service connection.

(17) *Contamination* —means 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 disease by sewage, industrial fluids or waste.

(18) *Cross-connection*— means 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. Bypass 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 considered being cross-connections.

(19) *Double check detector assembly* —means 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) *Double check valve assembly* —means an assembly composed of two independently acting, approved check valves, including tightly closing shutoff 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).

(21) *Hazard—Degree of.* The term "degree of hazard" is derived from the evaluation of conditions within a system which can be classified as either a "pollutant" (non-health) or a "contamination" (health) hazard.

(22) *Hazard—Health.* The term "health hazard" means 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.

(23) *Hazard—Non-health.* The term "non-health hazard" means 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.

(24) *Hazard—Pollutional.* The term "pollutional hazard" means 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.

(25) *Health agency* —means the state department of environment and natural resources.

(26) *Industrial fluids*— means 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 system. Such fluids may include, but are not limited to, process waters; chemicals in fluid form; acids and alkalis; oils, gases, etc.

(27) *Industrial piping system—Consumer's.* The term "consumer's industrial piping system" means 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.

(28) *Isolation* —means the act of confining a localized hazard within a consumer's water system by installing approved backflow prevention assemblies. Disclaimer: The town 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.

(29) *Point of delivery*— means generally at the property line of the customer, adjacent to the public street where the town 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.

(30) *Pollution* — means 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.

(31) *Potable water* —means water from any source which has been investigated by the state department of environment and natural resources and which has been approved for human consumption.

(32) *Public potable water system* —means any publicly or privately-owned water system operated as a public utility, under a current state department of environment and natural resources 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.

(33) *Reduced pressure principle backflow prevention assembly* —means an assembly containing within its structure a minimum of two 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 is 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 shutoff 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).

(34) *Reduced pressure principle detector assembly* —means 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-size 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 a health hazard (i.e., contaminant).

(35) *Service connections* —means the terminal end of a service connection from the public potable water system, i.e., where the town loses jurisdiction and sanitary control over the water at its point of delivery to the consumer's water system.

(36) *Water purveyor* —means the owner or operator of a public potable water system, providing an approved water supply to the public.

(37) *Water supply—Approved.* The term "approved water supply," means any public potable water supply, which has been investigated and approved by the state department of environment and natural

resources. The system must be operating under a valid health permit. In determining what constitutes an approved water supply, the state department of environment and natural resources has reserved the final judgment as to its safety and potability.

(38) *Water supply—Auxiliary.* The term "auxiliary water supply" means any water supply on or available to the premises other than the purveyor's approved public potable water supply. These auxiliary waters may include water from another purveyor's public potable water supply or any natural source such as a well, spring, river, stream, etc., "used water", or industrial fluids. These waters may be polluted, contaminated, or objectionable and constitute an unacceptable water source over which the water purveyor does not have sanitary control.

(39) *Water supply—Unapproved.* The term "unapproved water supply" means a water supply which has not been approved for human consumption by the state department of environment and natural resources.

(40) *Water—Used.* The term "used water," means 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.

(a) Authorized representatives from the town 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 division. 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 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 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.

(b) Upon request, the consumer shall furnish to the town any pertinent information regarding the public or private water system, irrigation system, or service connection on such property where cross-connections and backflow are deemed possible.

Elimination of cross-connections.

(a) No water service connection to any private water system shall be installed or maintained by the town unless the potable water supply is protected as required by this division and other applicable laws. Service of water to any premises shall be discontinued by the town if a backflow prevention assembly, required by this division, is not installed, tested, and maintained in accordance with this division or if a backflow prevention device has been removed, by-passed, or if an unprotected cross-connection exists on the premises. Service will be restored after all such conditions or defects are corrected in accordance with this division.

(b) No customer shall allow an unprotected cross-connection to be made or to remain involving the customer's private water system.

(c) No connection shall be made to an unapproved auxiliary water supply unless the public water supply is protected against backflow by an approved backflow prevention device.

(d) All customers shall maintain in good operating condition any backflow prevention assembly, which is part of the customer's private water system and is required by this division.

(e) 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.

(f) The town shall not be liable for damages, losses, claims, etc., arising from discontinuance of water service, damages or excessive water bills related to discharges from backflow prevention assemblies, or thermal expansion/freezing, for any reason.

(g) When unapproved devices or cross-connections are found to exist, the owner, his agent, occupant, or tenant will be notified in writing to disconnect the cross-connection within the time limit established by the town. 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 time limits are as follows:

(1) Cross-connections with private wells or other auxiliary water supplies: Immediate disconnection.

(2) If, in the judgment of the town, 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.

(3) 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 30 days.

(4) Severe hazards without existing backflow prevention but without imminent threat: 30 days to six months.

(5) Moderate hazards without existing backflow prevention, but without imminent threat: 30 days to one year.

(6) Low hazards without existing backflow prevention: 30 days to two years.

(7) Existing, but nonconforming backflow devices without imminent threat: 30 days to two years.

(8) Water mains served by the town water supply but not maintained by the town should be considered cross-connections, with degree of hazard to be determined by the town. Degree of protection shall be based upon the degree of hazard, as determined by the town.

(h) In the event that a town cross-connection control inspector does not have sufficient access to every portion of a private water system (e.g., 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.

Installation of assemblies.

(a) All proposed connections to town's water system shall apply to Town of Dallas for review, determination of degree of hazard and approval.

(b) All new construction plans and specifications, when required by the state building code and the state department of environment and natural resources, shall be made available to the town for review and approval, and to determine the degree of hazard.

(c) The installation or replacement of a backflow prevention assembly shall be performed only by a licensed plumber (irrigation contractor) or licensed utility contractor.

(d) All backflow prevention assemblies shall be installed and maintained on the customer's premises as part of the customer's private water system at or near the service connection, or at the building or facility and before service line is connected to any other pipes.

(e) All backflow assemblies shall in accordance with the standard details/specifications furnished by the town and/or the manufacturer's installation instructions and/or in the latest edition of the state building code, whichever is most restrictive.

(f) All new construction plans and specifications, when required by the state building code and the state department of environment and natural resources, shall be made available to the town for review and approval, and to determine the degree of hazard.

(g) Installation, ownership, testing, and maintenance of the assembly shall be the responsibility of the customer.

(h) All double check valve assemblies must be installed in drainable pits wherever below ground installation is necessary, in accordance with detailed specifications provided by the town.

(i) 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 cross-connection control department provided the flow of water is in an upward direction.

(j) The installation of a backflow prevention assembly, which is not approved, must be replaced with an approved backflow prevention assembly.

(k) Following installation, all reduced pressure principle backflow preventers (RP), double check valve assemblies (DCVA), double check detector assemblies (DCDA), or reduced pressure principle detector assemblies (RPDA) are required to be tested by a certified backflow prevention assembly tester within ten days.

(l) 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 cross-connection control program within ten days after a reduced pressure principle backflow preventer (RP), double check valve assembly (DCVA), double check detector assembly (DCDA), or reduced pressure principle detector assembly (RPDA) is installed:

(1) Service address where assembly is located.

(2) Owner and address, if different from service address.

(3) Description of assembly's location.

(4) Date of installation.

(5) Installer, include name, plumbing company represented, plumber's license number, and project permit number.

(6) Type of assembly, size of assembly.

(7) Manufacturer, model number, serial number.

(8) Test results/report.

(9) Certified tester certificate number.

(10) Water meter serial number.

(m) When it is not possible to interrupt water service, provisions shall be made for a parallel installation of backflow prevention assemblies. Parallel assemblies on a by-pass line are to be the same size as the primary assembly. The town will not accept an unprotected bypass around a backflow preventer when the assembly needs testing, repair or replacement.

Testing and repair of assemblies.

(a) Testing of backflow prevention assemblies shall be made by a certified backflow prevention assembly tester approved by the town or may be contracted out to the town cross-connection control at the customer's expense. Such tests are to be conducted upon installation and annually thereafter. A record of all testing and repairs is to be retained by the customer for a minimum of five years. Copies of the records must be provided to the town cross-connection control within ten business days after the completion of any testing and/or repair work.

(b) 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, these repairs and retesting of the devices must be completed within a specified time in accordance with the degree of hazard. In no case shall this time period exceed:

(1) *Health hazard facilities:* Within 14 days of notice, unless specified otherwise by the town.

(2) *Non-health hazard facilities:* Within 21 days of notice, unless specified otherwise by the town.

(c) All backflow prevention assemblies with test cocks are required to be tested annually. Testing requires a water shutdown usually lasting five to 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.

(d) All certified backflow prevention assembly testers must obtain and employ backflow prevention assembly test equipment, which has been evaluated and/or approved by town. All test equipment shall be checked for accuracy annually (at a minimum) and calibrated. Calibration records shall be maintained by the certified tester for a minimum of five years. Copies of these records shall be forwarded to the town for their files within ten days of testing.

(e) It shall be unlawful for any customer or certified tester to submit any record to the town, which is false or incomplete in any material respect. It shall be unlawful for any customer or certified tester to fail to submit to any record, which is required by this division. Such violations may result in any of the enforcement actions outlined in section 44-120.10 of this division.

Facilities requiring protection.

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

(b) The following types of facilities or services have been identified 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. Facilities or services not listed below may also be required to install approved backflow prevention assemblies; however, the appropriate device shall be determined on a case by case basis by the town. If the degree of hazard cannot be determined (due to confidential activities, unknown connections, etc.) a reduced pressure assembly (RP) shall be required as a minimum. As a minimum requirement, all commercial services will be required to install a double check valve assembly, unless otherwise listed as follows:

Key:

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 carwash 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/photo laboratories: RP

(20) Fire systems, fire trucks:

a. Systems three-fourths inch to two inches:

1. No health hazard: DCDA (Fire trucks do not require detector assembly.)

2. Health hazard: (booster pumps, foam, antifreeze solution, etc.): RP (Fire trucks do not require detector assembly.)

(21) Systems 2½ inches to ten inches or larger:

a. No health hazard: DCDA (Fire trucks do not require detector assembly.

b. Health hazard (booster pumps, foam, antifreeze solution, etc.): RPDA (Fire trucks do not require detector assembly.)

(22) Hospitals, medical buildings, sanitariums, morgues, mortuaries, autopsy facilities, nursing and convalescent homes, medical clinics, and veterinary hospitals: RP

(23) Industrial facilities:

a. No health hazard: DCVA

b. Health hazard: RP

(24) Laundries:

a. No health hazard: DCVA

b. Health hazard: (i.e., dry cleaners): RP

(25) Lawn irrigation systems: RP

(26) Metal manufacturing, cleaning, processing, and fabricating plants: RP

(27) Mobile home parks:

a. No health hazard: DCVA

b. Health hazard: RP

(28) Oil and gas production, storage or transmission properties: RP

(29) Paper and paper products plants: RP

(30) Pest control (exterminating and fumigating): RP

(31) Plating plants: RP

(32) Power plants: RP

(33) Radioactive materials or substances plants or facilities handling: RP

(34) Restaurants:

a. No health hazard: DCVA

b. Health hazard: RP

(35) Restricted, classified, or other closed facilities: RP

(36) Rubber plants (natural or synthetic): RP

(37) Sand and gravel plants: RP

(38) Schools and colleges: RP

(39) Sewage and storm drain facilities: RP

(40) Swimming pools: RP

(41) Truck wash facilities: RP

(42) Waterfront facilities and industries: RP

(43) Agricultural meter: RP

(44) Etc.

(c) All assemblies and installations shall be subject to inspection and approval by the town.

(d) Modification of degree of hazard: Any consumer/customer making a modification that may change the degree of hazard shall notify the town utilities department before any modification is made. If the town determines that such modification requires a different backflow prevention device, the new device shall be installed before the modification is made.

(e) Any use of municipal fire hydrants for supplying water to construction sites must be metered. The contractor or authorized entity must obtain the necessary permits and ensure that a water meter, equipped with a Reduced Pressure Zone (RPZ) backflow preventer, is installed between the hydrant and the water distribution system. This backflow prevention device is mandatory to protect the public water supply from contamination.

All water meters and RPZ backflow preventers used for construction site water supply must be calibrated and tested annually by a licensed technician. Documentation of calibration and test results must be provided to the Town Public Works Department or appropriate regulatory authority upon request. Failure to comply with these requirements may result in enforcement actions by the Town.

Fire protection systems.

(a) All connections for fire protection systems connected with the public water system, two inches and smaller, shall be protected with an approved double check valve assembly as a minimum requirement. All fire systems using toxic additives and/or booster pumps shall be protected by an approved reduced pressure principle detector assembly at the main service connection.

(b) All connections for fire protection systems connected with the public water system greater than two inches shall be protected with an approved double check detector assembly as a minimum requirement. All fire protection systems using toxic or hazardous additives and/or booster pumps shall be protected by an approved reduced pressure principle detector assembly at the main service connection.

(c) All existing backflow prevention assemblies 2½ inches and larger installed on fire protection systems that were initially approved by the town shall be allowed to remain on the premises, as long as they are being properly maintained, tested and repaired as required by this Code. However, if 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.

Enforcement and violations.

Any consumer or other person who fails to comply with any provisions of this division, or who fails to comply with any notice or order made hereunder, or who shall install or alter a private water system in violation of this division or any detailed specifications or plans submitted and approved hereunder, or any certificate or permit issued hereunder, or who shall fail to comply with such a notice or order within the time fixed therein, or who shall submit a false or fraudulent report, or who fails to submit a report shall be in violation of this section for each occurrence or noncompliance and shall be subject to enforcement as provided in this section.

(1) A written notice of violation shall be given to any person who is determined to be in violation of this division. Such notice shall be personally delivered, or delivered by certified mail, return receipt requested.

(2) Such notice shall set forth the violation and the time period within the violation must be corrected. The violation must be corrected within the time period specified in the notice. If the town determines that the violation is occurring on a consumer's private water system and that such violation has created or contributed to the existence of an imminent health hazard, the consumer may be required to correct the violation immediately.

(3) Water service may be suspended or terminated to a consumer if the consumer fails to correct a violation in a timely manner or fails to pay a civil penalty or expense assessed under this division. Suspension or termination of water service without prejudice to the town's ability to assert any other remedy available to the town against the consumer or any other person responsible for the violation.

(4) The violation of any provision of this division shall subject the violator to a civil penalty. Each subsequent day that a violation continues shall constitute a separate and distinct offense. The offender shall be issued a written citation by delivery in person or mailed by certified or registered mail. The offender must pay the civil penalty within 72 hours of receipt of written citation.

a. Unprotected cross-connection involving a private water system, which is a health hazard, $1,000.00 per day not to exceed $10,000.00.

b. Unprotected cross-connection involving a private water system, which is a non-health hazard, $500.00 per day not to exceed $5,000.00.

c. Falsifying records that are required to be submitted by this division, $500.00 per violation.

d. Failing to test or maintain backflow prevention assemblies as required, $100.00 per violation.

(5) The town may increase any civil penalty assessed by 50 percent of the maximum civil penalty associated with the violation for a second violation of the same provision within a two-year period. The town may increase any civil penalty by doubling the amount of the penalty for a third violation of the same provision within a two-year period. Water service may be terminated after a third violation of the same period within a two-year period.

(6) Any person violating any provision of this division shall pay to the town all expenses incurred by the town in repairing any 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.

(7) The utilities director may reduce or dismiss any civil penalties imposed under this division if the utilities director has determined that the customer charged with the violation has no past history of violation and the violation is corrected in a timely manner as set forth by the utilities director. Civil penalties shall not be reduced if has been determined that the violation was intentional.

(8) If a certified backflow prevention assembly technician submits falsified records to the town, the town reserves the right to accept or reject the certified backflow prevention assembly technician's report in the future and require certification from some other certified backflow prevention assembly technician.

(9) Enforcement of this program shall be administered by the public utilities director or his/her designee.