

Town of Seabrook, New Hampshire
Municipal Cross-Connection Ordinance

January 2007

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**MUNICIPAL CROSS-CONNECTION ORDINANCE
TOWN OF SEABROOK, NEW HAMPSHIRE**

Be it enacted by the Board of Selectmen of the Town of Seabrook , Rockingham County, State of New Hampshire, acting in their capacity as the Board of Water Commissioners, as follows:

ARTICLE I - GENERAL PROVISIONS

Section 1.1 Purpose

This Ordinance sets forth uniform requirements for the control and management of cross-connections between the Public Water System (PWS) of the Town of Seabrook and potential sources non-potable contamination. It enables the Town to comply with applicable State and local laws, including New Hampshire Administrative Rules Env-Ws 364 *Backflow Prevention*, and Seabrook Code, Section 258, Article VII, Section 7.1, *Cross-Connection Control Program*.

Cross-connections between water supplies and non-potable sources of contamination represent one of the most significant threats to health in the water supply industry. This program is designed to accomplish the following:

- A. To protect the Seabrook, New Hampshire public potable water supply from contamination by isolating, within its customers' internal distribution systems, contaminants that could backflow or backsiphon into the public water system.
- B. To promote the elimination or control of existing cross-connections, actual or potential, between the customer's in-plant potable and non-potable water systems by isolating those contaminants that could backflow or backsiphon into the customer's internal distribution system.
- C. To provide for the maintenance of a continuing program of cross-connection control that will systematically and effectively prevent the contamination of potable water systems via cross-connections.
- D. To supplement the regulations promulgated and revised by the New Hampshire Department of Environmental Services as listed in Section II.
- E. To have the best cross-connection program of any potable water system in the State of New Hampshire, and to enforce the same.

Section 2.2 Authority

- A. New Hampshire Administrative Rules Env-Ws 364 *Backflow Prevention*
- B. Seabrook Code, Section 258, Article VII, Section 7.1, *Cross-Connection Control Program*

Section 2.3 Responsibilities of the Water Superintendent

- A. The Water Superintendent is responsible for protecting the public potable water distribution system from contamination due to the backflow or backsiphonage of contaminants through the water service connection.

- B. The Water Superintendent shall determine if an approved backflow prevention device is required at the town's water service connection to any customer's premises.
- C. The Water Superintendent shall, directly or through a designated representative, give notice in writing to any such customer to install an approved backflow prevention device at each water service connection to his premises and provide cross connection permit applications to the owner.
- D. Within 90 days of approval of the application by the Water Superintendent, the owner shall install an approved device or devices at his own expense.
- E. Failure, refusal, or inability on the part of the owner to install the required device(s) within 90 days shall constitute grounds for discontinuing water service to the premises until such time as the required device(s) has/have been properly installed.

Section 2.4 Definitions

- A. Air Gap: The unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture, or other device and the flood level rim of the receptacle.
- B. Approved Backflow Prevention Device: A backflow prevention device that is listed on the current "approved" list that is maintained by the State of New Hampshire.
- C. Approved Source: A source of water utilized by a public water system for distribution to the public for consumption purposes and which is approved by the NHDES Water Supply Division for said use following a required and/or approved treatment process.
- D. Auxiliary Water Supply: Any water supply on, or available to, a premises other than the Town's approved public potable water supply.
- E. Backflow: The flow of water or other liquids, mixtures, or substances into the distribution pipes of a potable water supply from any source or sources other than the intended source.
- F. Backflow Prevention Device: A device or means designed to prevent backflow or back siphonage. Most commonly categorized as air gap, reduced pressure principle device, double check valve assembly, pressure vacuum breaker, atmospheric vacuum breaker, hose bib vacuum breaker, residential dual check, double check with intermediate atmospheric vent, and barometric loop.
 - 1. Air Gap (approved for both high and low hazard protection)

An unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture, or other device and the flood level rim of the receptacle. Physically defined as a distance equal to twice the diameter of the supply side pipe but never less than one inch.
 - 2. Reduced Pressure Zone Principle Backflow Prevention Device or "RPZ" (approved for both high and low hazard protection)

An assembly consisting of two (2) independently operating approved check valves together with a hydraulically operating, mechanically independent pressure differential relief valve located between the two (2) check valves and below the first check valve. These units are

located between two tightly closing, resilient-seated shut off valves as an assembly and equipped with properly located resilient-seated test cocks for the testing of the check valves and the relief valve.

3. Double Check Valve Assembly or “DCA” (approved for low hazard protection only)

An assembly of two independently operating spring-loaded check valves with tightly closing shut off valves on each side of the check valves, plus properly located test cocks for the testing of each check valve.

4. Pressure Vacuum Breaker or “PVB” (approved for low hazard protection only)

A device containing one or two independently operating spring-loaded check valves and an independently operating spring-loaded air inlet valve located on the discharge side of the check or checks. The device includes tightly closing shut off valves on each side of the check valves plus properly located test cocks for the testing of each of the check valve(s).

5. Atmospheric Vacuum Breaker (approved for low hazard protection only)

A device which prevents back siphonage by creating an atmospheric vent when there is either a negative pressure or sub-atmospheric pressure in a water system.

6. Hose Bibb Vacuum Breaker (approved for low hazard protection only)

A device which is permanently attached to a hose bibb and which acts as an atmospheric vacuum breaker.

7. Residential #7 Dual Check (approved for low hazard protection only)

An assembly of two independently operating, spring-loaded check valves without tightly closing shut off valves and test cocks. Generally employed immediately downstream of the water meter to act as a containment device. This is a non-testable device.

8. Backflow Preventer with Intermediate Atmospheric Vent (approved for low hazard protection only)

A device having two (2) independently operating check valves separated by an intermediate chamber with a means for automatically venting it to the atmosphere. The check valves are force loaded to a normally closed position and the venting means is force loaded to a normally open position.

9. Barometric Loop

A loop of pipe rising at least 35 feet at its topmost point above the highest fixture it supplies. It is utilized in water supply systems to protect against back siphonage (only).

- G. Backflow Prevention Device Inspector - Certified: A person who has proven his competency to inspect and test backflow prevention devices by the possession of a valid backflow prevention device certification issued by the New England Water Works Association, or other equivalent certification approved by NHDES.

- H. Back Pressure: Pressure created by mechanical means or other means causing water, liquids, or other substances to flow or move in a direction opposite of what is intended.
- I. Back Siphonage: The flow of water or other liquids, mixtures, or substances into the distribution pipes of a potable water system from any source other than its intended source, that is caused by negative or reduced pressure in the potable water system.
- J. Check Valve: A self-closing device which is designed to permit the flow of fluids in one direction and to close if there is a reversal of flow.
- K. Containment: The method and philosophy of backflow prevention which requires a backflow preventer at the water service entrance.
- L. Contaminant: As defined in RSA 485:1-a, II, any physical, chemical, biological or radiological substance or matter in water.
- M. Cross Connection: Any actual or potential physical connection or arrangement between two otherwise separate systems, one of which contains potable water and the other of which contains water of unknown or questionable safety and/or steam, chemicals, gasses, or other contaminants whereby there may be a flow of an unapproved water or other substance to a potable water system.
- N. Customer (or Owner): Any person who has legal title to, or license to operate or habitate in a property at which a cross-connection inspection is to be made or at which a cross-connection is present.
- O. Department: The Water Department of the Town of Seabrook, New Hampshire.
- P. Division: Division of Water, New Hampshire Department of Environmental Services.
- Q. Fixture Isolation: A method of backflow prevention in which a backflow preventer is located to correct a cross-connection at an in-plant location rather than at the water service entrance.
- R. High Degree of Hazard: A condition where, if a backflow were to occur, the resulting effect on the water supply could cause injury, illness or death if consumed by humans. The foreign substance may be hazardous to humans from a chemical, biological, physical, or radiological standpoint. The effects of the contaminant may result from short- or long-term exposure.
- S. Low Degree of Hazard: A condition where, if a backflow were to occur, the resulting effect on the water supply would be a change in aesthetic qualities. The foreign substance must be non-toxic and non-hazardous to humans.
- T. Person: As defined in RSA 485:1-a, XIII, any individual, partnership, company, public or private corporation, political subdivision or agency of the state, department, agency or instrumentality of the United States, or any other legal entity.
- U. Permit: A document issued by the Department that allows the use of a backflow preventer.
- V. Potable Water: Water from a source that has been approved by the Division for human consumption.

W. Public Water System: As defined by RSA 485:1-a, XV, a system for the provision to the public of piped water for human consumption, if such system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year. Such term includes any collection, treatment, storage, and distribution facilities under control of the operator of such system and used primarily in connection with such system, and any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system.

Any water system which meets all of the following conditions is not a public water system:

- (a) Consists only of distribution and storage facilities (and does not have any collection and treatment facilities);
- (b) Obtains all of its water from, but is not owned or operated by, a public water system; and
- (c) Does not sell water to any person.

X. Supplier: Any person who controls, owns, or generally manages a public water supply system.

Y. Water Service Entrance: The point in the customer's water system beyond the sanitary control of the Department; generally considered to be the outlet end of the water meter and always before any unprotected branch.

Z. Water Superintendent: The Superintendent of the Seabrook, New Hampshire Water Department, or his designated representative, who is vested with the authority and responsibility for implementation of a cross-connection control program and for enforcement of the provisions of the Municipal Water System Ordinance and these regulations.

AA. Water Utility: The suppliers of water.

Section 2.5 Administration

A. The Department will operate a cross-connection control program, to include keeping of necessary records, which fulfills the requirements of the Division's Backflow Prevention Regulations and is approved by the Division.

B. The Owner shall allow his property to be inspected for possible cross-connections and shall follow the provisions of the Department's program and the Division's regulations if a cross connection is permitted.

C. If the Department requires that the public supply be protected by containment, the Owner shall be responsible for water quality beyond the outlet end of the containment device and should utilize fixture isolation for that purpose. The owner may utilize public health officials or personnel from the Department, or their delegated representatives, to assist him in the survey of his facilities and to assist him in the selection of proper fixture outlet devices and the proper installation of these devices.

D. Both the Department and the Owner shall attempt to eliminate all cross-connections.

ARTICLE II - REQUIREMENTS

Section 2.1 Department

- A. On new commercial and industrial installations, the department will provide on-site evaluation and/or inspection of plans in order to determine the type of backflow preventer, if any, that will be required. The Department will provide an application for the installation of a Backflow Prevention Device to the Owner, issue permits, and perform inspection and testing. A fee and a signed application are required before any installation work can be done.
- B. All new residential water services will be required to install a residential #7 dual check device immediately downstream of the water meter.
- C. The Owner shall be informed that the installation of a residential dual check valve results in a potential closed plumbing system within the residence. As such, provisions shall be made by the Owner to provide for thermal expansion within the closed loop system, i.e., the installation of thermal expansion devices and/or pressure relief valves.
- D. The Department shall recommend that all new and retrofit installations of reduced pressure zone principle devices and double check valve backflow preventers include the installation of strainers located immediately upstream of the backflow device. The installation of strainers will preclude fouling of backflow devices due to both foreseen and unforeseen circumstances occurring to the water supply system such as water main repairs, water main breaks, fires, periodic flushing and cleaning of mains, etc. These occurrences may stir up debris within the water main that will cause fouling of backflow devices installed without the benefit of strainers.
- E. The department will not allow any cross-connection to remain unless it is protected by an approved backflow preventer for which a permit has been issued and which will be regularly tested to insure satisfactory operation.
- F. The Department shall inform the Owner by letter, of any failure to comply, by the time of the first re-inspection. The Department will allow an additional fifteen days for the correction. In the event that the Owner fails to comply with the necessary correction by the time of the second re-inspection, the Department will inform the Owner by letter, that the water service to the Owner's premises will be terminated within a period not to exceed five (5) days. In the event that the Owner informs the Department of extenuating circumstances as to why the correction has not been made, a time extension may be granted by the Department, but in no case will exceed an additional thirty (30) days.
- G. If the Department determines at any time that a serious threat to the public health exists, the water service will be terminated immediately.
- H. The Department shall have on its staff or shall have a delegated representative, who is a certified backflow prevention device tester.

Section 2.2 Owner

(NOTE: Homeowners are permitted to work on their own residential plumbing . A licensed plumber with a valid New Hampshire license is required for work on all industrial, commercial, and rented residential plumbing.)

- A. The Owner shall be responsible for the elimination or protection of all cross-connections on his premises.
- B. The Owner, after having been informed by a letter from the Department, shall at his expense, install, maintain, and test, or have tested, any and all backflow preventers on his premises.
- C. The Owner shall correct any malfunction of the backflow preventer, which is revealed by periodic testing.
- D. The Owner shall inform the Department of any proposed or modified cross-connections and also of existing cross-connections of which the Owner is aware but has not been found by the Department.
- E. The Owner shall ensure the protection of the “in-plant” water supply by the installation of other approved backflow prevention devices, where necessary, or by fixture isolation.
- F. The Owner shall not install a by-pass around any backflow preventer unless there is a backflow preventer of the same type on the bypass. Owners who cannot shut down operation for testing of the device(s) must supply additional devices necessary for testing to take place.
- G. The Owner shall install backflow devices with the minimum requirements as provided in Section X, in a manner approved by the Water Department, or its Designee and in accordance with approved plumbing regulations.
- H. The Owner shall install only backflow preventers approved by the Department and the Division.
- I. Any Owner having a private well or other private water source shall not connect (“hard pipe”) to the Department’s system. The Owner may be required to install a backflow preventer at the service entrance if a private water source is maintained, even if it is not cross-connected to the Department’s system.
- J. In the event the Owner installs plumbing to provide potable water for domestic purposes which is on the Department’s side of the backflow preventer, such plumbing must have its own backflow preventer installed.
- K. The Owner shall be responsible for the payment of all fees for permits, annual or semi-annual device testing, re-testing in the case that the device fails to operate correctly, and second re-inspections for non-compliance with Department or Division rules and regulations.

ARTICLE III - DEGREE OF HAZARD

The Department recognizes the threat to the public water system arising from cross-connections. These threats are classified as follows:

Section 3.1 Low-Hazard

If a backflow were to occur, the resulting effect on the water supply would, at the most, be a change in its aesthetic qualities. The foreign substance(s) must be non-toxic to humans. All threats classified as “low-hazards” will require, at a minimum, the installation of approved double check valve assemblies.

Section 3.2 High-Hazard

If a backflow were to occur, the resulting effect on the water supply could cause illness, injury or death if consumed by humans. The foreign substances may be hazardous to humans from a physical, chemical, biological, and/or radiological standpoint. The effects of the contaminants may result from short- or long-term exposure. All threats classified as “high-hazard” will require the installation of approved reduced pressure zone principle backflow prevention devices or air gaps.

ARTICLE IV - PERMITS

The Department shall not permit a cross-connection within the public water supply system unless it is considered necessary and that it cannot be eliminated.

- A. Cross-connection permits that are required for backflow prevention devices are obtained from the Department. A fee shall be established for the initial permit and a fee shall be established for the renewal of each backflow prevention device permit.
- B. The permit shall contain the information required in Env-Ws 364, Backflow Prevention.
- C. Permits shall be renewed every five (5) years and are non-transferable. Permits are subject to revocation for cause by the Department and become immediately revoked if the Owner should so change the type of cross-connection or degree of hazard associated with the service.
- D. A permit is not required when fixture isolation is achieved with the utilization of a non-testable backflow preventer.

ARTICLE V - EXISTING IN-USE BACKFLOW PREVENTION DEVICES

Any existing backflow preventer shall be allowed by the Department to continue in service unless the degree of hazard is such as to supercede the effectiveness of the present backflow preventer, or result in an unreasonable risk to the public health. Where the degree of hazard has increased, as in the case of a residential installation converting to a business establishment, an existing backflow preventer must be upgraded to a reduced pressure zone principle device, or a reduced pressure zone principle device must be installed in the event that no backflow device is present.

ARTICLE VI - INSTALLATION

Section 6.1 Reduced Pressure Zone Backflow Prevention Device

- A. The reduced pressure zone backflow prevention device shall be installed on the Owner’s side of the water meter on the potable water supply line.
- B. For “in-plant” protection, drinking and domestic water lines, lines for safety showers, and lines for eye-wash units must be taken off the upstream side of the reduced pressure zone backflow prevention device.
- C. The reduced pressure zone backflow prevention device shall be located so as to permit easy access and provide adequate and convenient space for maintenance, inspection, and testing. The device must be protected from freezing, flooding, and mechanical damage.

- D. The reduced pressure zone backflow prevention device and shut-off valves must be installed in a horizontal alignment between three and four feet from the floor to the bottom of the device and a minimum of 12 inches from any wall, unless the device is approved by the Water Department or its Designee, for vertical installations.
- E. Tightly closing valves must be installed at each end of the device and must be immediately accessible unless otherwise approved by the Water Department or its Designee.
- F. If a drain is to be provided for a relief valve port, there must be an approved air gap separation between the port and the drain line. To be approved, the air gap must be at least twice the internal diameter of the discharge line, or two (2) inches minimum.
- G. Pit installations shall be approved only as, but not limited to the requirements provided in Section X(C) below.

Section 6.2 Double Check Valve Assemblies

- A. The double check valve assembly shall be installed on the Owner's side of the water meter on the potable water supply line.
- B. For "in-plant" protection, drinking and domestic water lines, lines for safety showers, and lines for eye wash units must be taken off the upstream side of the double check valve assembly.
- C. The double check valve assembly shall be located so as to permit easy access and provide adequate and convenient space for maintenance, inspection, and testing. The device must be protected from freezing, flooding, and mechanical damage.
- D. The double check valve assembly and shut-off valves must be installed in a horizontal alignment and the top of the double check valve assembly must be between 30 inches and 53 inches from the floor to the bottom of the device and a minimum of 12 inches from any wall, unless the device is approved by the Water Department or its Designee.
- E. Tightly closing valves must be installed at each end of the device and be immediately accessible unless otherwise approved by the Water Department or its Designee.
- F. Double check valve assemblies must be provided with suitable connections and appurtenances for testing.
- G. Pit installations shall be approved only as, but not limited to the requirements provided in Section X(C) below.

Section 6.3 Pit Installations

No backflow prevention device shall be installed in pits except as specifically approved by the Water Department, or its Designee, and must comply with all OSHA standards where applicable for work in confined spaces and then only as follows:

- A. The pit interior shall be a minimum of ten (10) feet long, six (6) feet wide, and must have a clear height seven (7) feet high.

- B. The pit must be watertight.
- C. The pit opening and manhole cover must be at least 30 inches in diameter.
- D. The foothold inserts must be of steel, aluminum, or other material approved by the Water Department, or its Designee, must be a maximum of 12 inches apart, and must be installed so that the top foothold is within 12 inches of the manhole cover and the bottom opening is within 12 inches of the pit floor.
- E. An adequate drain must be installed and the drain line shall not be connected to a sewer. The drain must run to "daylight" and be easily located for inspection. The drain must have heavy a "rodent proof" mesh over the outlet. If a drain cannot be run to daylight, a sump pump with audible/visible alarm must be used.
- F. The pit floor shall be pitched toward the drain.
- G. If build in a roadway, the pit shall be reinforced to meet AASHTO H-20 loading requirements.

ARTICLE VII - PERIODIC TESTING

- A. Reduced pressure principle backflow devices shall be tested and inspected at least semiannually (twice a year).
- B. Testable Double Check Valve Assemblies and Pressure Vacuum Breakers shall be tested and inspected at least semiannually (twice per year) excluding seasonal devices (i.e., irrigation DCAs and PVBs).
- C. Testing of reduced pressure principle backflow devices, testable double check valve assemblies, and testable pressure vacuum breakers shall be performed by a New Hampshire certified backflow prevention device tester.
- D. Any backflow preventer, which fails during a periodic test, shall be repaired or replaced. When repairs are necessary, upon completion of the repair, the device shall be re-tested at Owner's expense to ensure correct operation. High hazard situations shall not be allowed to continue unprotected if the backflow preventer fails the test and cannot be repaired immediately. In other situations, a compliance date of not more than seven (7) days after the test date shall be established. The Owner is responsible for spare parts, repair tools, or a replacement device. Parallel installation of two (2) devices is an effective means of insuring that uninterrupted water service during testing and repair of devices is maintained; and is strongly recommended when the Owner desires such continuity.
- E. Backflow devices will be tested more frequently than specified in "A" above, in cases where there is a history of test failures and the Department feels that due to the degree of hazard involved, additional testing is warranted. Cost of the additional testing will be borne by the Owner.
- F. Failure to test a backflow prevention device as required, or failure to repair a device when needed shall result in termination of the water service.

ARTICLE VIII - RECORDS AND REPORTS

Section 8.1 Records

The Department will initiate and maintain the following:

- A. Master files on customer cross-connection tests and/or inspections.
- B. Master files on cross-connection permits.
- C. Copies of permits and permit applications.
- D. Copies of lists and summaries supplied to the Division.

Section 8.2 Reports

The Department will submit the following to the Division:

- A. Initial listing of low-hazard cross-connections on New Hampshire Department of Environmental Services, Water Supply Division Low-Hazard form X-1 (L).
- B. Initial listing of high-hazard cross-connections on New Hampshire Department of Environmental Services, Water Supply Division High-Hazard form X-1 (H).
- C. Annual update lists of Items 1 and 2, above.
- D. Annual summary of cross-connection inspections on New Hampshire Department of Environmental Services, Water Supply Division form X-2.

ARTICLE IX - FEES AND CHARGES

The Department will publish a list of fees and charges for the following services or permits:

- A. Initial Cross-Connection Permit
- B. Renewal of Cross-Connection Permit
- C. Testing fees
- D. Re-testing fees
- E. Fee for second re-inspection
- F. Charges for after hours inspections or tests.

ARTICLE X - VALIDITY

- A. If a provision of this Ordinance is found to be in conflict with any provision of zoning, building, safety or health or other Ordinance or code of the Town, the State of New Hampshire, or the Federal government existing on or subsequent to the effective date of this Ordinance, that provision

which in the judgment of the Town establishes the higher standard of safety and protection shall prevail.

- B. The validity of any article, section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance that can be given effect without such invalid part or parts.

ARTICLE XI - INTERPRETATION OF REQUIREMENTS

Section 11.1 Interpretation

The provisions of this Ordinance with respect to the meaning of technical terms and phrases, the classification of different plumbing devices, the regulations with respect to installing, inspecting, or testing backflow prevention equipment, and other technical matters shall be interpreted and administered by the Water Superintendent acting in and for the Town of Seabrook, New Hampshire through the Board of Water Commissioners.

Section 11.2 Appeals

Any party aggrieved by any decision, regulation or provision under this Ordinance, as amended, from time to time, shall have the right to appeal said decision to the Water Superintendent, who shall issue a decision within 30 calendar days of the appeal. If said appeal is denied by the Water Superintendent, then the aggrieved party shall have the right to appeal to the Seabrook Town Manager and/ then to the Board of Water Commissioners.

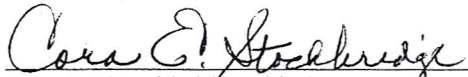
ARTICLE XII - MODIFICATIONS

The Town reserves the right to adopt, from time to time, additional rules and regulations as it shall deem necessary and proper relating to control and management of cross-connections, which additional rules and regulations, to the extent appropriate, shall be a part of these regulations.


ARTICLE XIII - ORDINANCE IN FORCE

This Ordinance shall be in full force and effect immediately following its passage, approval, and publication, as provided by law. The adoption of this Ordinance specifically repeals any previously adopted Cross Connection Ordinance or rules of the Town of Seabrook.

Duly enacted and ordained this 31st day of January 2007 by the Board of Water Commissioners of the Town of Seabrook in Rockingham County, State of New Hampshire, at a duly noticed and duly held session of the said Board of Water Commissioners.


Cora E. Stockbridge, Chairman


Richard A. McCann, Vice Chairman


Robert S. Moore, Clerk