

AN ORDINANCE TO AMEND CHAPTER 45 OF THE CITY CODE TO ESTABLISH A CHARGE FOR INSPECTIONS MADE PURSUANT TO THE CITY OF WILMINGTON CROSS-CONNECTION CONTROL PROGRAM

#0164

Sponsor:

**Council
Member
Oliver**

WHEREAS, Section 4462 of Title 16 of the Delaware Administrative Code entitled “Public Drinking Water Systems” contains regulations that apply to all public water systems in the State of Delaware (“Section 4462”); and

WHEREAS, the Delaware Department of Health and Social Services, Division of Public Health, has adopted Regulation 21.0 entitled “Cross-Connection Control” thereby amending Section 4462 (“Regulation 21.0”); and

WHEREAS, Regulation 21.0 imposes strict regulations on public water systems to prevent contamination of potable water systems, including, but not limited to, requiring every public water system to develop a plan for a comprehensive cross-connection control program for the elimination, prevention, and control of cross-connections; and

WHEREAS, Regulation 21.0 took effect on February 1, 2021 and mandated that all public water systems comply with its requirements by February 1, 2024; and

WHEREAS, the City’s Department of Public Works, via its Water Division, operates a public water system as such term is defined in Section 4462 and therefore is required to comply with Regulation 21.0; and

WHEREAS, pursuant to Ordinance No. 23-041, the City adopted the City of Wilmington Cross-Connection Control Program in compliance with Regulation 21.0 (the “CCC Program”); and

WHEREAS, in accordance with Section 4462, City Code Section 45-234, and the CCC Program, the City is required to inspect all properties served by the City’s potable water distribution system; and

WHEREAS, the City has hired an experienced contractor to perform the inspections that charges the City for each inspection; and

WHEREAS, there are also certain administrative costs associated with the inspections; and

WHEREAS, the City would like to pass through both the actual and administrative costs for the inspections to the owners of the approximately 400 premises being inspected annually so that such owners directly bear the costs of the inspections rather than all City ratepayers, including those not subject to the CCC Program, equally bearing such costs; and

WHEREAS, City Council deems it necessary and appropriate to amend Section 45 of the City Code to establish a charge for inspections made pursuant to the CCC Program.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF WILMINGTON HEREBY ORDAINS:

SECTION 1. Chapter 45 of the City Code is hereby amended by adding a new Section 45-243 to read as follows:

Sec. 45-243. – Charge for inspections and re-inspections.

- (a) Charge. The owner of a premises inspected or re-inspected pursuant to the CCC Program, section 45-234 of the city code, or 16 Del. Admin. C. § 4462, § 21.0 shall be charged \$180. The charge shall be added to the owner's water bill.
- (b) Amendments. The amount of the charge for inspections and re-inspections may be amended from time to time by regulation pursuant to the procedure set forth in section 8-407 of the city charter.
- (c) Interest, penalties and costs; waiver of penalties and interest; application of payments; limitation of actions. Subsections (d) through (g) and (i) of city code section 45-176 shall apply to the charge for inspections and re-inspections.

SECTION 2. Chapter 45 of the City Code is hereby amended by renumbering the Reserved Sections of Article III, Division 7 to read as follows:

Secs. 45-2434 - 45-245 - Reserved.

SECTION 3. This Ordinance shall be effective upon its passage by City Council and approval by the Mayor.

First Reading January 15, 2026
Second Reading January 15, 2026
Third Reading

Passed by City Council,

President of City Council

ATTEST: _____
City Clerk

Approved as to form this 15th
day of January, 2026.

Elizabeth D. Powers
Senior Assistant City Solicitor

Approved this ____ day of _____, 2026.

Mayor

SYNOPSIS: This Ordinance amends Chapter 45 of the City Code to establish a charge for inspections and re-inspections conducted pursuant to the City of Wilmington Cross-Connection Control Program, Section 45-234 of the City Code, and/or 16 Del. Admin. C. § 4462, § 21.0.

FISCAL IMPACT STATEMENT: The Office of Management and Budget has reviewed this Ordinance and analyzed the proposed charge. The Department of Public Works has hired an independent contractor to conduct inspections and re-inspections required pursuant to the City of Wilmington Cross-Connection Control Program, as well as Section 45-234 of the City Code, and 16 Del. Admin. C. § 4462, § 21.0. The contractor charges the City at a rate of approximately \$150.00 per inspection and the City also incurs certain related administrative costs. The Department of Public Works estimates that approximately 400 inspections will be required annually, resulting in an anticipated annual cost of \$72,000, including both the contractor's charge and the associated administrative costs. The revenue generated from the charge established by this Ordinance is projected to be approximately \$72,000 per year. Accordingly, the revenue from the charge is expected to fully offset the associated inspection and administrative costs, resulting in no net fiscal impact to the City.

W0130926