



## Engineering

Wayne Goodwin | Commissioner of Insurance  
Tim Bradley | Assistant State Fire Marshal

November 13, 2009

Dale Dawson, Executive Director  
State Board of Examiners of Plumbing,  
Heating and Fire Sprinkler Contractors  
1109 Dresser Ct.  
Raleigh, NC 27609

### RE: Public Utilities Delineation

Dale,

This letter is in response to your question regarding where the public utility ends and the NC Plumbing Code begins. To avoid any confusion, this letter replaces previous letters on this subject written by previous Deputy Commissioners including Grover Sawyer or Lee Hauser.

To give some background, North Carolina General Statute 143-138(b) exempts public utilities that meet the definition contained in G.S. 62-3. While the definition provides thresholds and criteria for a public utility, the concentration for this letter is that generally the equipment owned by the water purveyor is viewed by this department as the public utility.

There is no question regarding the equipment owned by the purveyor is part of the public utility, but the equipment purchased, installed and/or maintained by the owner is within the scope of the NC Plumbing Code and subsequently requires a permit in accordance with G.S. 153A – 357 or G.S. 160A-417. In the example of a backflow preventer; purveyors may specify the type of device allowed for connection to their system, but if it is purchased, installed and/or maintained by the owner it is within the scope of Section 608 of the NC Plumbing Code.

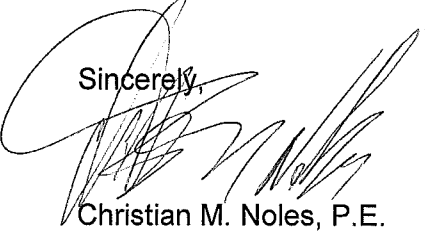
With respect to lawn irrigation systems, a system that is shared with the potable water system is addressed by Section 608.16.5 of the 2009 NC Plumbing Code. However lawn irrigation systems with a direct connection to the public utility are not prescriptively addressed by the plumbing code. Section 101.3 of the 2009 NC Plumbing Code addresses the intent of the code by providing “...*minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation and maintenance or use of plumbing equipment and systems.*”

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When delineating the public utility from the dedicated lawn irrigation systems, the same approach applies as previously stated, equipment not owned by the public utility would be installed in accordance with the NC Plumbing Code and require a permit. It should be noted that G.S. 89G- 1(4) defines elements that are not part of the irrigation system, which include water service lines, water meters and backflow preventers.

Please let us know if we can be of additional assistance.

Sincerely,



Christian M. Noles, P.E.  
Deputy Commissioner  
Office of State Fire Marshal

CMN/jnw