

WATER MAINS

**Local Law Establishing and Setting Forth Rules and Regulations
Governing Installation of Water Mains, Together with Specifications
Therefore and Other Matters in all Water Districts and Within any Extensions
Thereof in the Town of Kirkwood, Broome, County, New York**

Adopted April 6, 1965

Entire Ordinance Revised February 5, 1985

Be it enacted by the Town Board of the Town of Kirkwood as follows:

SECTION 1. Purpose

That pursuant to the applicable sections of the town Law and other statutes, the Town Board of the Town of Kirkwood does hereby establish and set forth the following rules and regulations governing installation of water mains, together with specifications therefore, and other matters in connection therewith.

SECTION 2. Title

That this Local Law shall be known and cited as “A Local Law Establishing and Setting Forth Rules and Regulations Governing Installation of Water Mains, Together with Specifications Therefore and Other Matters in All Water Districts and Within Any Extensions Thereof in the Town of Kirkwood, Broome County, New York.”

SECTION 3. Applicability

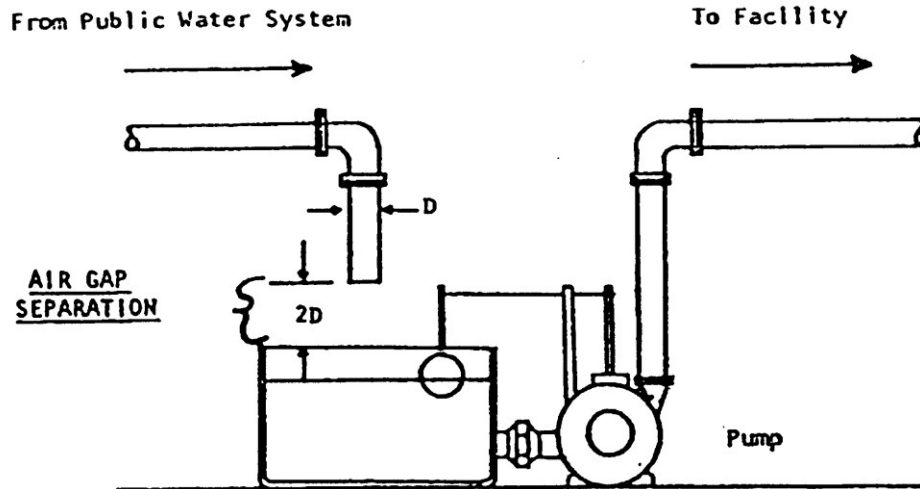
These regulations shall apply to all water districts of the Town of Kirkwood now or hereafter established and to the customers thereof. No water service connections or facilities shall be made or installed except in conformity with the provisions of these regulations.

SECTION 4. Definitions
(Amended August 1, 1995 by LL No. 5-1995)

When used in this local law, the following words, terms and phrases shall have the meanings ascribed to them in this section:

1. Applicant. The owner of property or agent applying for water service.
2. Aesthetically objectionable facility. One in which substances are present, which if introduced into the public water supply system could be a nuisance to other water customers, but would not adversely affect human health. Typical examples of such substances are: food-grade dyes, hot water, stagnant water from fire lines in which no chemical additives are used, etc.
3. Air gap separation. 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. The differential distance shall be at least double the diameter (D) of the supply pipe. In no case shall the air gap be less than 1 inch. (See illustration on next page).

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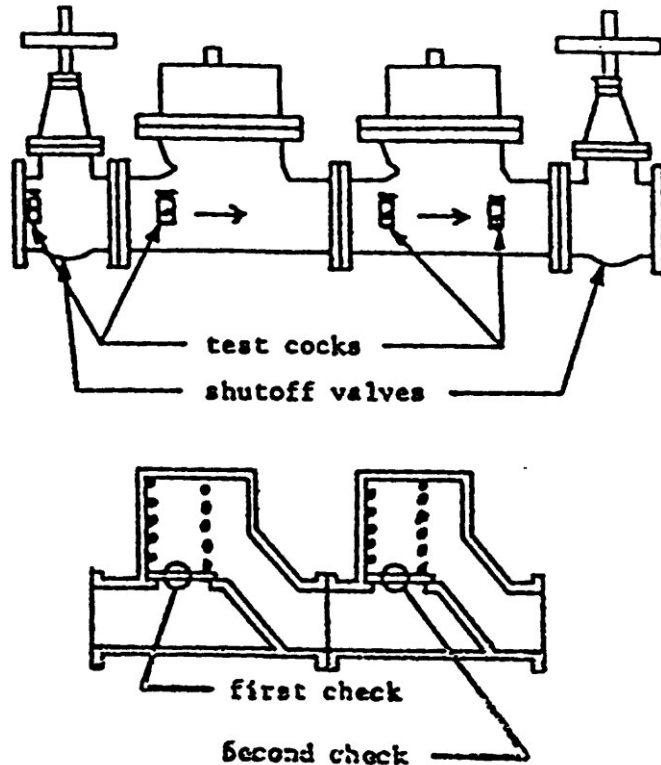


4. Approved backflow prevention device. An acceptable air gap, reduced pressure zone device or double check valve assembly as used to contain potential contamination within a facility.

5. Approved check valve. A check valve that seats readily and completely. It must be carefully machined to have free moving parts and assured watertightness. The face of the closure element and valve seat must be bronze, composition, or other non-corrodible material which will seat tightly under all prevailing conditions of field use. Pins and bushings shall be of bronze or other non-corrodible, non-sticking material, machined for easy, dependable operation. The closure element, e.g. clapper, shall be internally weighted or otherwise internally equipped to promote rapid and positive closure in all sizes where this feature is obtainable.

6. Approved double check valve assembly. Two single independently acting check valves, including tightly closing shutoff valves located at each end of the assembly and suitable connections for testing the watertightness of each check valve. (See illustration on next page).

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7. Approved reduced pressure principle back flow prevention device. A device incorporating two or more check valves and an automatically operating differential relief valve located between the two checks, two shutoff valves, and equipped with necessary appurtenances for testing. The device shall operate to maintain the pressure in zone between the two check valves, less than the pressure on the public water supply side of the device. This device must also be approved as a complete assembly and must be acceptable to the New York State Department of Health and listed as acceptable in the most recently promulgated transmittal letter of the Environmental Health Manual as the same is published from time to time hereafter.

8. Approved Water Supply. Any water supply approved by the New York State Department of Health.

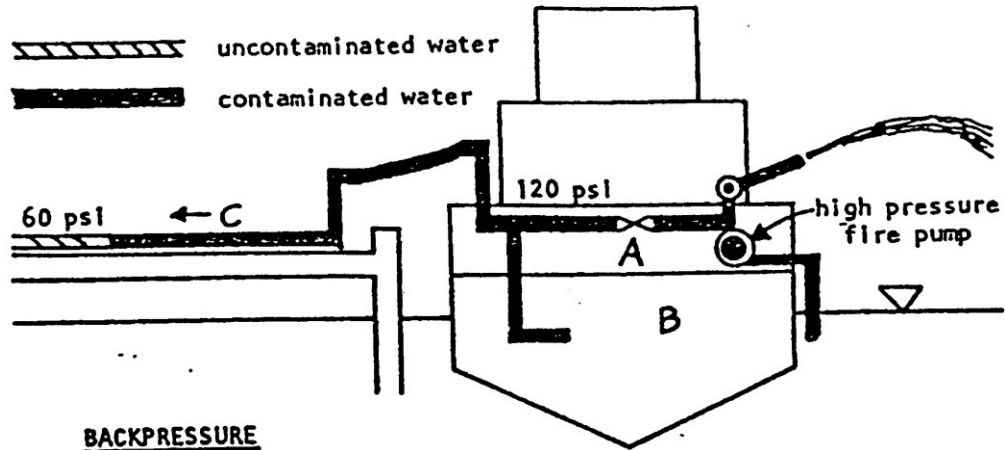
8a. Automatic Meter Reading ("AMR") Technology. The technology of automatically collecting, consumption, diagnostic, and status data from water meter devices and transferring that data to a central database for billing, troubleshooting, and analyzing. All provisions of this Local Law that reference "water meters" or "meters" shall apply equally where AMR technology has been or will be installed. (Added 3/4/14 by LL #1-2014).

9. Auxiliary Supply. Any water supply on or available to the premises other than the approved public water supply.

10. Backflow. A flow condition, induced by a differential in pressure, that causes the flow of water or other liquids and/or gases into the distribution pipes of a public water supply from any source other than its intended source.

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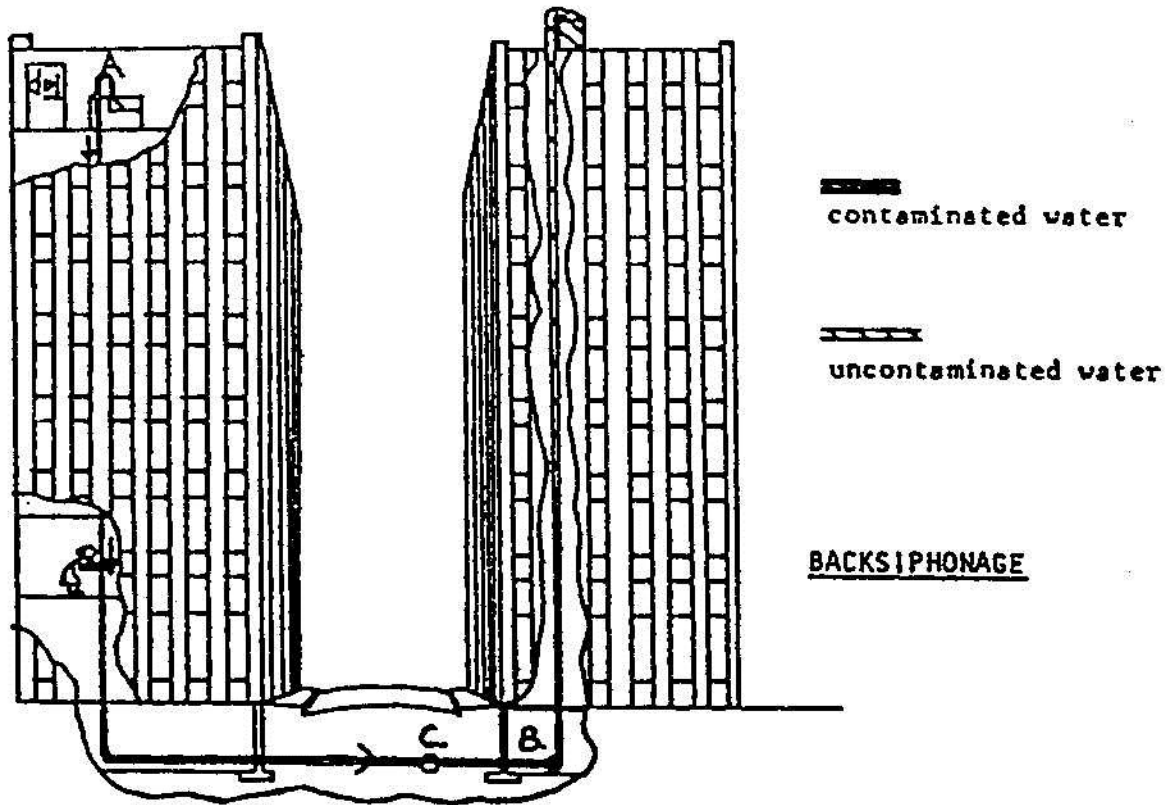
11. Backpressure. The resulting backflow of contamination, polluted, or otherwise unacceptable quality water from a plumbing fixture or other customer source(s) into a public water supply system due to a greater pressure within the customer's water system. (See illustration below.)



Example: Only the valve at A separates the potable and the sea water systems aboard a vessel. The vessel's potable water system, at B, is being filled from the public water supply system at C which is delivering water at a pressure of 60 psi. At the same time, the sea water fire fighting system is activated, which provides sea water at a pressure of 120 psi. If valve A is open, or leaks, the sea water will be forced into the public water supply system.

12. Back Siphonage. The backflow of contaminated or polluted water, or water of questionable quality from a plumbing fixture or other customer source(s), into a public water supply system main due to a temporary negative or sub atmospheric pressure within the public water supply system. (See illustration on next page).

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Example: A hose is submerged in a laboratory sink at A. Both buildings are connected to the same public water supply system, C. This main often lacks adequate pressure. The building on the right has installed a booster pump in the basement at B, in order to alleviate low pressures. The booster pump could deplete the water in main C, thereby subjecting the customer's water system to a pressure less than atmospheric thus causing a reversal of flow from the laboratory in the opposite building.

13. Barometric loop. A loop of pipe rising approximately thirty-five feet, at its topmost point, above the highest fixture it supplies.

14. Branch Line. Any pipe connecting to a lateral.

15. Certified backflow prevention device tester. A person who has received a "general tester" certification providing satisfactory completion of a training course for testers of backflow and prevention devices which have been approved by the New York State Health Department.

16. Commercial Service. Provision of water to premises where the customer is engaged in trade or business.

17. Consumer. The owner or owners of the premises to which water is furnished as provided in this chapter.

18. Containment. Cross-connection control which isolates the customer's entire facility from the public water system so as to provide the

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protection necessary to prevent contamination of the public water supply in the event of backflow from the customer's facility.

19. Contamination. The presence in water of a substance that tends to degrade its quality.
20. Cross-connection. A physical connection through which a water supply could be contaminated.
21. Customer. The owner or agent of record receiving water service from the water department.
22. Date of Presentation. The date upon which a bill or notice is mailed or delivered personally to the customer.
23. Domestic Service. Provision of water for household residential purposes, including water for sprinkling lawns, gardens and shrubbery; watering livestock; washing vehicles; and other similar and customary purposes.
24. Fire Line. (1) A water line making a connection to the water district system for the purpose of supplying water to fire hydrants on private property around the exterior of buildings situated thereon; or (2) a water line making a connection to the water district system for the purpose of extending the said line into buildings situated on private property for the purpose of supplying sprinkler heads or hose reels.
25. Fire Protection Service. Provision of water to premises for automatic fire prevention.
26. Hazardous Facility. One in which substances may be present which if introduced into the public water system would or may endanger or have an adverse effect on the health of other water customers. Typical examples: laboratories, sewage treatment plants, chemical plants, hospitals, mortuaries.
27. Industrial Service. Provision of water to a customer for use in manufacturing or processing activities.
28. Interconnection. A joining of two independently operated public water supply.
29. Irrigation Service. Provision of water for commercial, agricultural, floricultural or horticultural use.
30. Lateral Connection. The pipe, valves and other facilities by means of which water is conducted from the curb or shutoff valve to the customer's premises.
31. Main Extensions. Extension of distribution pipelines, exclusive of service connections, beyond existing facilities.

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32. Mains. Distribution pipelines located in streets, highways or public ways which are used to serve the general public.
33. Meter Rate Service. Provision of water in measured quantities.
34. Municipal or Public Use. Provision of water to a municipality, district or other public body.
35. Premises. The integral property or area, including improvements thereon, to which water service is or will be provided.
36. Reduced pressure zone (RPZ) device, acceptable. A minimum of two independently acting check valves, together with an automatically operated pressure differential relief valve located between the two check valves. During normal flow and at the cessation of normal flow the pressure between these two checks shall be less than the upstream (supply pressure). In case of leakage of either check valve, the differential relief valve, by discharging to the atmosphere, shall operate to maintain the pressure between the checks at less than the supply pressure. The unit must include tightly closing shutoff valves located at each end of the device, and each device shall be fitted with properly located test cocks.
37. Service Connection. The pipe, valves and other facilities by means of which water is conducted from distribution mains to the curb or shutoff valve.
38. Tariff Schedule. The entire body of effective rates, rentals, charges and regulations.
39. Temporary Service. A service for circuses, bazaars, fairs, construction work, irrigation of vacant property and similar uses which because of their nature, consumption or use will not be regular or permanent.
40. Vacuum Breaker — non-pressure type. A vacuum breaker which is designed so as not to be subjected to static line pressure.
41. Vacuum Breaker — pressure type. A vacuum breaker designed to operate under conditions of static line pressure.
42. Water Department. A division of the government of the Town of Kirkwood which is in charge of the superintendent of Public Works of the Town of Kirkwood.
43. Water District. That improvement district of the Town of Kirkwood in which the subject premises is located.
44. Water Superintendent. The Commissioner of Public Works of the Town of Kirkwood or his representative.

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45. Water Supervisor. The consumer or a person on the premises charged with the responsibility of complete knowledge and understanding of the water supply piping within the premises and for maintaining the consumer's water system free from cross-connections and other sanitary defects, as required by regulations and laws.

SECTION 5. Lateral Connections from Curb Box to Meter

A. Application for Services.

1. All applications for the introduction of water into any premises, or for the extension of any pipes for the conveyance of such water, must be made by the owner or authorized agent of the owner of the premises, in writing upon blanks furnished by the Water District, whereby he agrees to abide by the rules and regulations of said District.

Upon receipt of an application for a new service or reinstatement of an existing service, the district may assume that the piping and fixtures which the service will supply are in proper order, and the district will not be liable for any accident, breaks, leakage or damage of any nature resulting from, relating to or arising out of the supply of water or failure to supply same.

When accepted by the water district, the application shall constitute a contract between the water district and the applicant, obligating the applicant to pay the water district its established rates and to comply with its rules and regulations. Applications will be accepted subject to there being an existing main in the street or right-of-way abutting on the premises to be served, but acceptance shall in no way obligate the water district to extend its mains.

2. Separate application for each premises. A separate application must be made for each premises. The word "premises" as used herein shall be defined as follows:

(a) A building under one roof owned or leased by one customer and occupied as one residence or one place of business.

(b) A combination of buildings owned or leased by one customer in one common enclosure, occupied by one family or one corporation or firm as a residence or place of business.

(c) Each unit of a multiple town house or building separated by a solid vertical partition wall, occupied by one family or one firm as a residence or place of business.

(d) A building owned or leased by one customer having a number of apartments, offices or lofts which are rented to tenants or using in common one hall and one or more means of entrance.

(e) Garden apartments owned by one individual or firm and located in one common enclosure.

3. Temporary service. Application of contractors, builders and others for temporary water service will be accepted and temporary water service will be supplied providing it does not interfere with use of water for general purposes. The quantity of water taken for such purposes shall be determined either by meter or by estimate and paid for in

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accordance with the rate schedule applicable to metered general purposes. Customers requiring temporary water service shall reimburse the water department for all its expenses in connection with the necessary temporary service connections and a deposit, in an amount specified by the bureau of water, will be required in every instance.

4. Plumbing plan required in certain instances. Where service is desired for multiple dwelling, commercial, or industrial use, a detailed plumbing plan showing service supply, fixtures and equipment and any other water use facilities must be submitted at the time of application.

5. Connection charges and dates. All connections to the street mains will be made by the Water District with extension to the curb, for which the applicant will pay as agreed at the time of application according to the schedule of charges provided in "An Ordinance Establishing Water Rates and Connection Charges for Water Districts of the Town of Kirkwood, New York," as amended. After November 1st of any year the Water District will make no installation of water mains or service connections until weather permits in the Spring, except in case of emergency.

6. Plumber considered agent of owner. Any plumber designated and employed by the owner of the premises will be considered the agent of such owner while employed in the prosecution of the work of introducing into said premises and in no sense as the agent of the water department. Neither will said water department nor the Town of Kirkwood nor any Water District thereof be responsible for the acts of such plumber.

7. Public safety. Whenever any street or public pounds shall be opened for the purpose of making a connection with the mains or for laying any water lines or fixtures, public safety and convenience shall be duly regarded and the street or public place shall be restored to its original condition as soon as possible; and whenever a trench is opened, bridges for the safety and convenience of the public shall be provided, and if left open at night such excavations and bridges shall be guarded with barricades and lights shall be displayed to warn and protect the public. The application must contain from the Public Works Department the required permit and display the same in the Town of Kirkwood.

8. Expenses for injury, damage to fixtures. An injury to service pipes, street mains, hydrants, valve boxes, or other fixtures and any damage that may be caused by leakage or flow of water occasioned by such injury caused by putting in any pipe, or by any excavation, embankment, track laying, paving or other construction, shall be paid by the contractor doing the work, or by the owner of the premises, or the person or corporation for whom such work is being done.

9. Branch lines. No branch line will be allowed to be inserted in any lateral without a written permit from the Water Superintendent, and this will only be issued on condition that a stop cock be provided that will always be under control of the Water District, where branches already exist not provided with stop cocks; in case of default in payment of water rent by any one consumer, the main service may be cut off until the back charges are paid, and the Board shall not be liable for damages from any other consumer who may thus be deprived of water.

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10. Size and type of pipe.

(a) No lateral shall be smaller than 3/4-inch inside diameter. Type K copper pipe with flare fittings or non-jointed polyvinyl chloride (PVC) pipe and fittings of quality equal to AWWA specifications suitable for service under a pressure of 150 pounds per square inch shall be used for 2-inch inside diameter and smaller pipe with fittings conforming to applicable AWWA specifications as directed by the water superintendent. Laterals larger than two-inch diameter shall be cast iron or polyvinyl chloride (PVC). Size of service pipe shall be in accordance with New York State Plumbing Code.

(b) No second hand or used pipe of any description shall be used. No copper tube or brass pipe shall be installed or bedded in concrete, and if passed through or under cinder concrete or cinder blocks, they shall be protected against external corrosion.

(c) Whenever connections with the street mains or laterals are being laid, or repairs are made to same, said connections and lines are not to be covered with earth, stones, dirt or otherwise until inspected and approved by the Water Superintendent.

11. Laying of service pipe. Laterals will be required to be laid so as to be no less than four (4) feet below the surface of the ground at any point outside of the foundation wall of the building into which the service is to be introduced; and in case final grade of the street or sidewalk has been officially determined and established, then the said lateral shall be laid at a depth of not less than four (4) feet below said established grade at all points so that when the street and walk are graded there shall be not less than four (4) feet covering of earth over it at every point; and in no case shall a lateral be permitted to be laid in the same trench with a sewer, gas, steam, electrical or other conduit.

Whenever the lateral is extended into the premises from a main passing said premises along any front thereof, it shall be extended at right angles with said main to the inside of the curb line, at which point will be placed a curb cock and curb box. The water mains shall be laid at least ten (10) feet from a sewer line and a lateral connection shall be laid at least four (4) feet from a sewer line.

12. Maintenance of lateral. The owner of property into which water is introduced by a lateral will be responsible for maintaining in perfect order at his own cost and expense the said lateral from the point where it leaves public lands or lines owned by others and enters the lands of the said property owner, so as to prevent loss of water by leakage. In the event the lateral connections is not maintained in a suitable condition and causes loss of water by leakage, the property owner or occupant will be notified to correct such condition. If the property owner or occupant fails or neglects to correct such condition as specified in said notification, the Water District may at its option either shut off the water until said repairs are satisfactorily completed or thereupon enter upon the subject premises, make such repairs as are necessary, and the cost thereof shall be borne by the property owner, failing payment for which the water may be shut off. The Water District shall not be responsible if the lateral from the service pipe freezes. To avoid a recurrence of freezing, the department may order an examination of the customer's service line and if the same is not at a depth of four (4) feet as required, the department reserves the right to require it to be so relocated before service is resumed.

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13. Right of Entry. Employees of the Water District may enter, and may be permitted to enter, upon any premises where water is being supplied, or upon any premises for which application is made for a service, for the purpose of inspecting all work in connection with such service.

14. Shut off of water. Water may be shut off by the Water District from any service or main for the purpose of constructing new work, or for making repairs to the water system. Whenever it is possible, due notice will be given, but in case of emergency the water may be shut off without notice and the Water District shall not be held responsible for any damage resulting therefrom.

SECTION 6. Water Meters

A. Type.

1. All water service shall be metered, except as provided in Section 9 (Fire Service), and no more than one (1) meter may be installed on any one (1) service. The Town may, from time to time, install or retrofit water meters with AMR technology. In addition to any penalties that may be assessed under Section 14 of this Local Law, the Town Board may, in its discretion, charge double the amount of the fee that would otherwise be charged for metered water where the resident refuses the Town Water Department entry into the premises to allow replacement of the current water meter with an AMR meter.

All water users with a 1.5" or larger water meter own their meters and are responsible to have their meters tested and/or replaced at the discretion of the Town. It is mandatory that meters manufactured before 2004 be replaced with an AMR technology meter. Meters manufactured after 2004 may be retrofitted with AMR technology as long as the meter is in compliance with AWWA standards. Water users with 1.5" or larger meters who fail to update their meters with AMR technology will be liable for the same penalties as the residential customers who fail to update their water meters. (Added 11/3/14)

2. The district reserves the right in all cases to stipulate the size, type and specification of the meter to be used.

3. Whenever possible, a meter less than four (4) inches in size shall be set in the basement. The meter shall be located at a convenient point approved by the district so as to protect the meter and to measure the entire supply of water through the service line and service pipe. When a meter cannot be set in the basement, it will be set at or near the property line or at a place designated by the water superintendent. The consumer shall bear all costs of pit or housing for the meter, as approved by the district.

4. A meter four (4) inches in size and larger shall be set at or near the property line or at a place designated by the district and the customer shall bear all costs of a pit or housing for the meter including bypass for testing as approved by the district. All meters four (4) inches or larger shall have a bypass for testing.

5. Where the distance from the property line to the meter is greater than seventy-five (75) feet, irrespective of meter size, the distance may require that the meter be set at or near the property line and the customer shall bear all costs of a pit or housing for the meter, as approved by the district.

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B. Installation, Cost and Title.

1. Water meters one inch and under shall be purchased by the District to be installed by or under the direction of the District. Water meters over one inch shall be installed other than by the District and must be installed by a person, firm or corporation approved by the District. The cost of the meters and the cost of installation shall be borne by the owners or applicants pursuant to the provisions of Section 2E of "An Ordinance Establishing Water Rates and Connection Charges for Water District No. 3 of the Town of Kirkwood, New York," or the provisions of any ordinance subsequently adopted relating to said charges for other water districts of the Town. Title to any water meter shall remain in the District and the installation by the District or by a person, firm or corporation approved by the District of a water meter on any private property shall not affect ownership of the water meter by the District. Each owner of real property, or person having an interest in real property shall be deemed to have consented to the retention of ownership of the water meter in the District by requesting, allowing or permitting water service to be installed to that property, or allowing the property to be occupied by someone with apparent authority to request, permit or allow installation of water service that property, and such meter shall never be considered a fixture attached to the real property.

2. In every installation of water service, before a permit is granted, the owner or applicant shall provide facilities for setting of a water meter according to specifications provided by the Water District. Such facilities shall include provision for the water meter to be set in a horizontal position in such manner to afford ready access to inspect, and shall be protected against frost, steam or hot water. The owner or applicant shall provide, for each meter installed after the effective date of this amendment to said ordinance, a shutoff valve on each side of the meter, and in services larger than four inches, a bypass line connecting the service pipe on each side of the meter. Said by-pass line shall be sealed by the District and used only with permission of the District when the meter is being repaired. Water consumed during the time said by-pass is being used shall be estimated on a pro-rate basis using the prior water bill, and a charge for the same shall be included in the next succeeding water bill.

C. Removal, Inspection and Reading.

1. A property owner or occupant shall during any reasonable hour permit the entrance on the premises of a duly authorized representative of the Water District for the purpose of removing a water meter for repair and/or testing and shall permit the entrance on the premises of the said representative for the purpose of reading and/or inspecting a water meter.

2. It shall be the responsibility of every property owner or occupant to keep water meters in an accessible location where the said authorized representative may conveniently inspect, read or remove the said water meter.

3. In the event that the said water meter cannot be inspected and/or read and/or removed with convenience, the property owner or occupant will be notified by a duly authorized representative of the Water District to correct the existing condition with regard to the water meter. If the property owner or occupant fails or neglects to correct the condition within the time specified by the duly authorized representative of the Water District, then and in that event the Water District shall either issue an estimated bill for past service or discontinue water service to the said property owner or occupant of the said premises until such time as compliance is made with the directions of the said representative.

4. The water meter may, after installation, be sealed by the Water District, which shall thereafter have exclusive control over the water meter.. No water meters may be removed without a written permit from the Water District. The

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Water District may remove or cause to be removed a meter at any time for testing, maintenance or substituting another meter, temporarily or permanently.

5. Each meter on a customer's premises will be considered separately and readings of two (2) or more meters will not be combined.

- D. **Damage.** No person other than an employee of the District shall interfere with or remove any water meter, sealing device or coupling from any meter installation after it has been placed in service by the District. Any meter damaged by frost, hot water, steam or any careless or negligent acts of the owner or applicant, shall result in the cost of repair being assessed to the owner or applicant, and such costs shall be a charge upon the real property. Any willful acts by the owner or applicant resulting in injuries to a water meter, or any acts designed to interfere with the proper operation of a water meter shall be cause for a discontinuance of water service, and the cost of such discontinuance shall be accessed to the owner and charged to the real property.
- E. **Sub-metering Prohibited.** The sub-metering or sale or gift by water consumers to others is strictly prohibited and shall be cause for the District to discontinue service and charge the cost of such discontinuance to the owner and such costs shall be a charge against the real property.
- F. **Testing.** (Paragraph 2 amended 4-6-10 by LL #9-2010)

1. In case of question as to the accuracy of a meter furnished by the District, the meter will be tested by the district upon the request of the customer. The fee for testing such meter will be as follows payable in advance of the test:

<u>Size</u>	<u>Charge</u>
3/4 inch	\$ 5.00
1 inch	\$10.00

In the event that the meter so tested is found to have an error in registration to the prejudice of the customer in excess of four percent (4%) at any rate of flow within normal test flow limits, the fee advanced for testing will be refunded, and prior water bills will be adjusted for over-registration as determined by the water superintendent, subject to appeal to the town board.

2. The district may require at any time the testing of any meter with a service line in excess of 1 inch in size at the cost and expense of the customer, in which event the customer, after consultation with the Commissioner of Public Works, shall arrange for such testing and calibration to be performed by an independent testing company, which customer and independent testing company shall be responsible for the means and methods of any required service line shut downs and any attendant loss of revenue to the customer. Such test and calibration results will be provided to the Commissioner of Public Works within 72 hours after the test is made. Records of such tests and calibration shall be maintained by the District.

a. If the meter can be tested in place without removal, the bypass line required by Section 6(B)(2) may be utilized so as not to interfere with the flow of water to the customer.

b. If the meter so tested is found to have an error to the prejudice of the customer in excess of two percent (2%) at any rate of flow within normal test flow limit standards established by the American Water Works Association the fee paid

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by the customer for said testing will be refunded and the water bill for the past billing cycle will be adjusted on the next water bill for such over billing by allowing an appropriate credit established by the town board.

c. If the meter so tested less than two years after a previous test of the same meter is found to have error to the prejudice of the district of 2% or more at any rate of flow within normal test flow limit standards established by the American Water Works Association, the cost of the test shall be borne by the customer, the water bill for the past billing cycle will be adjusted on the next water bill for such under billing and the meter shall be promptly repaired or replaced by the customer at its own cost and expense.

d. Should any meter requiring replacement be placed in a location where it cannot be inspected and/or read and/or removed with convenience to the District then and in that event the replacement meter shall be compatible with a direct remote reading system.

e. During any period that said meter is not operational by reason of being tested, repaired, or replaced, the customer shall be charged using the daily average for water consumed during the prior billing period as adjusted for any under billing as set forth in paragraph c. above.

SECTION 7. Regulations regarding Cross-connections. (Amended August 1, 1995 by LL No. 5-1995)

A. Where protection is required.

1. Each service connection from a public water system for supplying water to premises having an auxiliary water supply shall have no interconnection into the public water system.

2. Each service connection from a public water supply, for supplying water to premises on which any substance is handled under pressure in such fashion as to permit entry into the water system, shall be protected against backflow of the water from the premises into the public system. This shall include the handling of process waters and waters originating from the public water supply system which may have been subject to deterioration in sanitary or chemical quality.

3. Each service connection from a public water system for supplying water to a hazardous facility shall be protected against backflow of the water from premises into the public system.

B. Type of protection. The protection device required shall depend on the degree of hazard as tabulated below:

1. At the service connection to any premises defined as non-hazardous where there is an auxiliary water supply handled in a separate piping system with no known cross-connection if the user justifies the need for a separate source of water, the public water supply shall be protected by:

a. Requiring the user to regularly examine the separate water source as to its quality;

b. Approving the use of only those separate water sources which are properly developed, constructed, protected and found to meet the requirements of Sections 5-1.51 and 5-1.52 of Subpart 5-1 of the New York State Sanitary Code;

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- c. Filing such approvals with the State annually; and
- d. Requiring an internal plumbing control.

2. At any service connection to any premises defined as a hazardous facility, the public water supply shall be protected by an approved RPZ or air gap to be installed in the service connection to the public water distribution system. Each of the below listed facilities are considered hazardous facilities:

<u>Type of Facility</u>	<u>Potential Hazard</u>
Sewage & industrial wastewater treatment plants & pumping stations, sewer flushers, etc.	Sewage industrial wastewater, contaminated water, toxic chemicals, etc.
Paper manufacturing or processing, dye plants, petroleum processing, printing plants, chemical manufacturing or processing, industrial fluid systems, steam generation, rubber processing, tanneries	Toxic chemicals, water conditioning compounds Examples: Toxic dyes, acids, alkalies, solvents, quaternary ammonia compounds, mercury, chromium, etc.
Canneries, breweries, food processing, milk processing, ice manufacturing, meat packers, poultry processing, rendering companies, etc.	Process wastewater, steam, detergents, acids, caustics, refrigeration lines
Hospitals, clinics, laboratories, veterinary hospitals, mortuaries, embalmers, etc.	Bacterial cultures, laboratory solutions, blood & tissue waste, toxic materials, etc.
Metal-plating, photo processing, laundries, commercial car washes, commercial refrigeration systems, dry cleaning establishments, etc.	Toxic chemicals, concentrated cleaning agents, solvents, etc. Examples: Cyanides, fluorides, copper, chromium, caustic & acid solutions, etc.
Commercial greenhouses, spraying & irrigation systems using weedicides, herbicides, exterminators	Toxic chemicals Examples: Ammonium salts, phosphates, 2,4 D sodium arsenite, lindane, malathion, etc.
Boiler systems, cooling towers or internal firefighting compounds, systems using conditioners, inhibitors, corrosion control chemicals, etc. Typically: apartment buildings, cooling towers, warehouses	Toxic chemicals Examples: Hydrazine, sodium antifreeze solutions, etc.

3. At any service connection to aesthetically objectionable facilities, an approved DCV must be installed in the service connection to the public water distribution system. Each of the below listed facilities are considered aesthetically objectionable facilities:

<u>Type of Facility</u>	<u>Potential Hazard</u>
Customer fire protection loops, fire storage tanks; with no chemical additives	Stagnant water, objectionable tastes, odors
High temperature potable water	Objectionable temperatures
Utilization of food grade dyes	Objectionable color
Complex plumbing systems in commercial buildings Typically: barber shops, beauty salons, churches, apartment buildings, gas stations, supermarkets, nursing homes, construction sites, carnivals	Plumbing errors, obsolete plumbing equipment, poor plumbing inspection/correction programs

C. Frequency of inspection of protective devices. It shall be the duty of the water user on any premises on account of which backflow protective devices are installed, to have competent inspections made at least once a year, or more often in those instances where successive inspections indicate repeated failure. These devices shall be rebuilt or replaced at the expense of the water user whenever they are tested and found to be defective but at least every 5 years. These tests shall be performed by a certified backflow prevention device tester, and all test results will be provided to the

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water department within seventy-two hours after the test is made. Records of such tests, repairs and overhaul shall also be kept and made available to the water department and the local health department upon request.

D. Recourse for noncompliance.

1. No water service connection to any premises shall be installed or maintained by the water department, unless the water supply is protected as required by state regulations and this local law.

2. Service of water to any premises may be discontinued by the Town, if a backflow preventive device required by this local law is not installed, tested and maintained; if any defect is found in an installed backflow preventive device; if it is found that a backflow preventive device has been removed or bypassed; if unprotected cross-connections exist on the premises; and service will not be restored until such conditions or defects are corrected.

SECTION 8. Protection of Potable Water System Within Premises

A. Separate drinking water systems. Whenever the water department determines that it is not practical to protect drinking water systems on premises against entry of water from a source or piping system or equipment that cannot be approved as safe or potable for human use, an entirely separate drinking water system shall be installed to supply water at points convenient for consumers.

B. Fire systems. Water systems for fighting fire, derived from a supply that cannot be approved as safe or potable for human use shall, wherever practicable, be kept wholly separate from drinking water pipelines and equipment. In cases where the domestic water system is used for both drinking and firefighting purposes, approved backflow prevention devices shall be installed to protect such individual drinking water lines as are not used for firefighting purposes. Any auxiliary firefighting water supply which is not approved for potable purposes shall not be connected such that it may be introduced into potable water piping.

C. Process waters. Potable water pipelines connected to equipment for industrial processes or operations shall be protected by a suitable backflow prevention device located beyond the last point from which drinking water maybe taken, which device shall be provided on the feed line to process piping or equipment. In the event the particular process liquid is especially corrosive or apt to prevent reliable action of the backflow prevention device, air gap separation shall be provided. These devices shall be tested by the water user at least once a year, or more often in those instances where successive inspections indicate repeated failure. The devices shall be repaired, overhauled or replaced whenever they are found to be defective. These tests must be performed by a qualified backflow prevention device tester, and records of tests, repairs and replacement shall be kept and a copy forwarded to the water superintendent.

D. Plumbing connections. Where the circumstances are such that there is special danger to health by the backflow of sewage, as from sewers, toilets, hospital bedpans and the like, into a drinking water system, a dependable device shall be installed to prevent such backflow.

The purpose of these regulations is only to deal with those extraordinary situations where sewage may be forced or drawn into the drinking water piping. These regulations do not attempt to eliminate at this time the hazards of back-siphonage through flushometer valves on all toilets, but deal with those situations where the likelihood of vacuum conditions in the drinking water system is definite and there is special danger to health. Devices suited to the purpose of avoiding back-siphonage

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from plumbing fixtures are roof tanks, barometric loops or separate pressure systems separately piped to supply such fixtures, recognized approved vacuum or siphon breaker and other backflow protective devices which have been proved by appropriate tests to be dependable for destroying the vacuum.

Inasmuch as many serious hazards of this kind are due to water supply piping which is too small, thereby causing vacuum conditions when fixtures are flushed or water is drawn from the system in other ways, it is recommended that water supply piping that is too small be enlarged whenever possible.

E. Marking safe and unsafe water lines. Where the premises contain dual or multiple water systems and piping, the exposed portions or pipelines shall be painted, banded or marked at sufficient intervals to distinguish clearly which water is safe and which is not safe. All outlets from secondary or other potentially contaminated systems shall be posted as being contaminated and unsafe for drinking purposes. All outlets intended for drinking purposes shall be plainly marked to indicate that fact.

Water supervisor. The health department and the water department shall be kept informed of the identity of the person responsible for the water piping on all premises concerned with these regulations. At each premise where it is necessary in the opinion of the water department, a water supervisor shall be designated. The water supervisor shall be responsible for the installation and use of pipelines and equipment and for the avoidance of cross-connections.

In the event of contamination or pollution of the drinking water system due to a cross-connection on the premises, the local health officer and water department shall be promptly advised by the person responsible for the water system so that appropriate measures may be taken to overcome the contamination.

SECTION 9. Fire Service

A. Installation. Standpipes or pipes for automatic suppression of fire in buildings, which fixtures are only intended for such use may be attached to the water supply. All material for such connections shall be approved by the superintendent of water and all labor in carrying such services to the main shall be done by the customer. All such pipes must be provided with suitable valves outside of the building and under the exclusive control of the water department and a Hersey Detector Meter purchased and installed at the expense of the property owner. The entire cost and expense of installing the fire service shall be borne by the owner of the premises. Under no condition shall connection be made with such fire protection fixtures for the supply of water for any other purpose.

B. Maintenance. The owners of the premises where pipes are in service for fire protection only, shall maintain such service pipes their entire length from the street main into the premises and they shall be responsible for any damage that may be caused by a leak in such pipe, or the breaking or busting of such pipes, unless such damage has been caused through some fault of the water department.

SECTION 10. Fire Hydrants

(Amended 2-3-09 by LL #3-2009 – effective 3-1-09)

A. Control and Damage. All district hydrants are under the control of the Water District. No person shall use a wrench to open a hydrant except an authorized employee of the Water District, or of the Fire Department. Any person causing damage to a fire hydrant by collision or otherwise will be held responsible for any damage caused thereby, and they should immediately report same to Water Superintendent or nearest Fire Station or New York State Police, giving name and address.

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B. Permits for Use

1. The Water Superintendent will not issue any permits for the use of hydrants unless there is no other possible way to get water without unreasonable hardship.
2. No permits will be issued between November 15th and April 15th.
3. If the Water Superintendent issues a temporary permit, the person or entities making application will pay as follows:
 - a. Hydrant fee for residential uses (e.g., filling swimming pool): 30.00 per connection, plus \$5.00 processing fee. (Amended by resolution 8/2/16.)
 - b. Hydrant fee for commercial and industrial uses (e.g., commercial hauler or business filling a tanker truck and includes the fire companies for pools only): (Amended by LL#2-2017 9/5/17.)
 1. Tankers up to 2,500 gallons \$70.00, plus \$5.00 per load
 2. Tankers over 2,500 gallons \$100.00, plus \$5.00 per load. (Amended by resolution 6/7/16.)
 - c. For construction work: A deposit of \$250.00 will be placed with the Water Superintendent against which deposit water used will be charged in accordance with the schedule of water rates. The balance shall be refunded to the applicant upon completion of the project for which the permit was obtained.
 - d. For all other purposes: See Section 8 of An Ordinance Establishing Water Rates and Connections Charges for Water Districts of the Town of Kirkwood, New York, adopted April 6, 1965, as heretofore amended.
 - e. In the event that water is removed from any fire hydrant without first obtaining such permit pursuant to this section there will be an additional one time charge of \$100.00 added to the permit fee. (Amended by resolution 8/2/16.)

C. Obstructions. No person shall place any obstruction that would prevent free access to any fire hydrant.

D. Private Hydrants. Each hydrant on a private lateral shall be flushed by the customer at least semiannually under the supervision of the Water Department.

SECTION 11. Discontinuance of Service

A. General rules. Water service may be discontinued by the district for any of the following reasons:

1. Use of water other than as represented in customer's application, or through branch connections on the street side of the meter or place reserved therefor.
2. Willful waste of water through improper and imperfect pipes, or by any other means.

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3. Damaging or molesting any main, service line, seal, meter, or any other property or installation of the district.
4. Nonpayment of bills for water or services rendered by the district.
5. Cross-connecting pipes carrying water supplied by the district with any other source of supply, or with any apparatus which may endanger the quality of the district's water supply without proper devices and prior approval.
6. Refusal or reasonable access to the property for the purposes of reading, repairing, testing or removing meters or inspecting water piping and other fixtures.
7. For violation of the rules of the department as set forth in its rules and regulations.
8. For failure to repair leaky service lines after notice.

If any building is razed, moved or abandoned, it will be the responsibility of the owner or the authority which requires such razing, moving or abandonment by virtue of public improvement to notify the water department to remove the water meter. The owner may be required to discontinue the lateral line at the curb box by physically removing the service line connection at the curb box, under the supervision of the water department.

B. When for any reason the use of a service is discontinued, such service shall be shut off at the curb cock, and in case this section has not been complied with, such service may be so shut off, and all expense connected therewith shall be borne by the owner and chargeable against the property at which such service was discontinued regardless of whether or not such owner owned such property at the time that such service was discontinued. If the owner refuses to reimburse the water department for service so rendered, the water will not be restored until payment is made.

SECTION 12. Shutting off water

A. Right of Water District. Water may be shut off by the water department from any service or main for the purpose of making or constructing new work or making repairs in the water system, or for enforcement of payment of moneys or charges due to the Water District and for other matters in accordance with the rules and regulations set forth in this local law or in order to enforce compliance therewith. In case of making or constructing new work or in making repairs, the right is reserved to shut off the water from any consumer without notice for as long a period as may be necessary.

B. Notice. Except as otherwise stated in these rules and regulations, a five (5) days' written notice will be given to the owners of the premises as shown by the latest assessment roll of said Water District by first class mail, addressed to him at such premises, before the water is shut off for nonpayment or violation of these rules and regulations. It is understood and agreed, however, that the water district shall not be liable for any damage which may result to any person or premises from the shutting off of the water from any main or service for any purpose whatever in cases where no notice is given.

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C. Compliance with rules required before service restored; charge for turning on water. Whenever the water supply has been shut off for a failure to comply with these rules and regulations, it shall not again be turned on, except by the water department, until compliance is made with these rules and regulations in the matter and payment made by the owner of the premises concerned to the Water District of all expenses incurred by the department in so shutting off such water supply. A charge of Ten Dollars (\$10.00) will be made for turning on water, which must be paid in advance.

SECTION 13. Appeal of Water Superintendent's decision.

Any person, firm or corporation adversely affected by a decision of the Water Superintendent may appeal the same in writing within ten (10) days to the Kirkwood Town Board.

SECTION 14. Penalties

The violation of any of the provisions of this local law is an offense and any person violating any provisions of this local law shall be subject to a fine not exceeding Fifty Dollars (\$50.00) or imprisonment not exceeding fifteen (15) days or both. In addition to the above provided penalties, the Town of Kirkwood may maintain an action or proceeding in the name of the Town of Kirkwood in a court of competent jurisdiction to compel compliance with or to restrain by injunction, the violation of this local law.

SECTION 15. Separability

If any part or provision of this local law or the application thereof to any person or circumstance by adjudged invalid by any court of competent jurisdiction such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this local law or the application thereof to other persons or circumstances and the Town Board of the Town of Kirkwood hereby declares that it would have passed this local law or the remainder thereof had such invalid application or invalid provision been apparent.

SECTION 16. Inconsistency

All ordinances, local laws and parts thereof inconsistent with this local law are hereby repealed, including but not limited to An Ordinance Establishing and Setting Forth Rules and Regulations Governing Installation of Water Mains, together with Specifications therefore and Other Matters in All Water Districts and Within Any Extensions Thereof in the Town of Kirkwood, Broome County, New York.

SECTION 17.

This local law shall take effect immediately.