

VILLAGE OF WARWICK
LOCAL LAW NO. 6 OF THE YEAR 2024

A local law amending Village of Warwick Village Code Chapter 141 – "Water".

SECTION 1. PURPOSE

The purpose of this Local Law is to promote the public health, safety and welfare by amending Village of Warwick Village Code Chapter 141 – "Water".

SECTION 2. MUNICIPAL HOME RULE LAW:

This law is adopted pursuant to the provisions of the Municipal Home Rule Law § 10(1)(ii)(a)(1) which grants local governments the authority to enact local laws regarding the public health, safety and welfare. To the extent the provisions of this Local Law are in conflict with State law, the Village Board hereby asserts its intention to supersede same pursuant to the Municipal Home Rule.

SECTION 3. AMENDMENT OF VILLAGE CODE:

The following amendments are hereby made to Village of Warwick Village Code Chapter 141 – "Water":

1. Throughout all sections and subsections of Chapter 141, the words "Chapter 63, Fees" shall be replaced with the words "the Village's Schedule of Fees".

2. Section 141-7 of Article II is hereby repealed and re-enacted to read as follows:

"§ 141-7 Application required for temporary use of water.

Water required for construction or other temporary purposes where no service currently exists shall only be used after written application to the Board of Trustees for permission to use the same, and the Board shall have the right and power to fix such terms as the Board may deem proper for such temporary use. The fee per application shall be as set in the Village Schedule of Fees. Each request for a temporary use shall require a separate application."

3. Subsections "A," "B," and "E" of Section 141-9 of Article III are hereby repealed and re-enacted to read as follows:

"A. Service pipe from the curb cock to the meter shall be laid at least fifty-four (54) inches below the surface of the ground at all points, shall conform to such standards and shall be of such make and type as the Board of Trustees shall direct and shall be of such size as the Village shall deem proper. The minimum size for any service hereafter installed shall,

however, be 3/4 inch. Trench bedding and backfill shall be as approved by the Village."

"B. Service pipes from the curb cock to the meter less than two (2) inches in diameter shall be of pure, seamless, soft-tempered Type K copper tubing with Mueller or equal compression water service lead-free brass fittings or as approved by the Village."

"E. One-hundred-sixty-pound test plastic pipe will be allowed from the curb stop to the house for building service. The pipe must be water service plastic pipe approved by the Public Works Supervisor."

4. Section 141-10 of Article III is hereby repealed and re-enacted to read as follows:

"§141-10 Tees and fittings between main and meter prohibited.

No tee or other fitting through which water can be taken will be permitted on the service pipe between the main and the meter unless it is metered separately and written approval is given by the Village."

5. Section 141-11 of Article III is amended to make all spelling of the word "village" within it begin with a capital "V".

6. Sections 141-16 and 141-17 of Article IV are hereby repealed and re-enacted to read as follows:

"§ 141-16 Supply and installation of meter.

(A.) The Village will supply and install one meter, together with necessary meter setter in each property, at the expense of the applicant with the charges therefor to be paid upon submittal of water service application. The installation will include a transmitting device for the collection of usage data. All such meters shall be as specified by the Village and shall not be installed without prior approval of the Supervisor of Public Works.

(B.) In order to request a non-standard meter configuration and equipment the consumer must make written request to the Village Clerk. Upon review by the Village and granting of the request the consumer shall pay a 'Meter Replacement Fee- Consumer Request' in the amount specified in the Village's Schedule of Fees. In the event that the transmitting device is removed necessitating manual meter read the consumer will be assessed the 'Special Meter Reading Fee' prescribed in the Village's Schedule of Fees for each scheduled attempt to read the meter.

§ 141-17 Pipes of consumer to be in proper condition.

In the event that the pipes of the consumer are not in proper condition for the installation of a meter, the customer shall cause said pipes, valves and fittings at the point which said meter is to be installed to be put in proper condition prior to the installation of said meter."

7. Section 141-19 of Article IV is hereby repealed and re-enacted to read as follows:

"§ 141-19 Inaccurate meters; tests; charges for tests.

Where a water meter fails to register the correct quantity of water delivered through it or where it otherwise becomes out of order or in need of repair, notice thereof shall be given the Village. Another meter will then be installed. The Village will cause the meter to be tested and, if the meter test is found to be registering over 3% more water than actually passes through it, no charge will be made for the test and the most recent water bill will be adjusted by the percentage above the allowable 3%. Where the test was requested by the owner and the meter test was within the allowable 3%, the owner will be charged the 'Meter Removal For Testing Fee' as set forth in the Village's Schedule of Fees to cover the cost of removing, testing and resetting the meter."

8. Section 141-21 of Article IV is hereby repealed and re-enacted to read as follows:

"§ 141-21 Tampering with Water Service.

No meter placed by the Water Department shall be tampered with, removed, or defaced. If evidence of tampering exists, the Water Department reserves the right to remove and test the meter for which the customer will be assessed the 'Meter Removal For Testing Fee'.

9. Section 141-23 of Article V is hereby repealed and re-enacted to read as follows:

"§ 141-23 Maintenance of pipes and fixtures.

The owners of premises into which water is introduced by a service pipe shall be required to maintain in perfect order and repair, at the owner's expense, the said service pipe and its fixtures and appurtenances from the curb box to and into the premises including two appropriate type valves located immediately before and after the meter. A pressure reducing device can be installed by the owner on the street side of the meter. The reducing device will be maintained by the owner. Notice of 48 hours is required for non-emergency shutoff or reconnect of the water supply."

10. Subsection "E," of Section 141-32 of Article VIII is hereby amended to delete therefrom the words "after public hearing".

11. Section 141-33 of Article VIII is hereby repealed and re-enacted to read as follows:

"§ 141-33 Cost of service pipes.

A. The cost of service pipes from the main to the curb cock, including the installation of the curb cock, to be paid upon application for water service, including the 'Minimum Per Quarter Service Charge', shall be as set forth in the Village's Schedule of Fees.

B. Fees for taps over one inch or through frozen ground or other unusual obstacles shall be set forth in the Village's Schedule of Fees.

C. Where a service line in excess of 12 feet is required to reach an applicant's property line, an additional minimum fee will be charged as set forth in the Village's Schedule of Fees. Any additional fees incurred, including, but not limited to, fees for drilling or any other costs incurred for additional linear feet shall be paid in advance to the Village. Payment of all fees for drilling, trenching, or tapping shall be made in advance to the Village of Warwick."

12. Sections 141-41 and 141-41.1 of Article IX are hereby repealed and re-enacted to read as follows:

"§ 141-41 Rents, charges and penalties to become lien.

Water rents and charges and penalties thereon shall be a lien upon the real property upon which the water is used and may be collected in accordance with Section 11-1118 of the Village Law.

§ 141-41.1 Responsibility of owner.

Any water billing account serving a premises must be in the name of the owner of the premises receiving service, and the owner of that premises shall be responsible for any amounts due and owing on that account. Upon written request of the owner of the premises, the billing may be directed to a tenant. When this occurs the ultimate responsibility for payment shall remain with the owner of the premises."

13. Section 141-49 of Article XI is hereby repealed and re-enacted to read as follows:

"§ 141-49 Purpose; applicability; intent; minimum standards; policy.

A. Purpose. The purpose of this policy is:

(1) To protect the public water supply system from contamination in

accordance with the following documents issued by the New York State Department of Health as they currently exist and as they may subsequently be amended or reissued: Public Water Supply Guide- Cross Connection Control (dated January 1981) and Guidelines for Designing Backflow Prevention Assembly Installations (dated January 1992).

- (2) To promote the elimination, containment, isolation, or control of existing cross-connections, actual or potential, between the public water supply system and nonpotable water systems, plumbing fixtures and industrial process systems or other systems which introduce or may introduce contaminants into the public water system or the consumer's water system.
- (3) To provide for the maintenance of a continuing program of cross-connection control to prevent the contamination of the public and consumer's potable water supply system.

B. Applicability. This article shall apply to all consumers' water systems. The Village may also require cross-connection control devices at the service connections of other permitted public water supply systems served by the Village.

C. Intent. This policy will be reasonably interpreted by the Village. It is the intent of the Village to recognize the varying degrees of hazard and to apply the principle that the degree of protection shall be commensurate with the degree of hazard. The following is a minimum:

<u>Degree of Hazard of Facility</u>	<u>Protection Required</u>
Hazardous	Either an air gap or a reduced pressure zone (RPZ) device
Aesthetically objectionable	Double check valve assembly
Non-hazard	Internal plumbing control

D. General policy.

- (1) The Village of Warwick shall be responsible for cross-connection control of the public water supply system from contamination due to backflow or back siphonage of contaminants through the customer's water service connection. If, in accordance with Part 5-1.31 of the New York State Sanitary Code, hereinafter referred to as the "code," or in the judgment of the Village or its authorized representative, an approved backflow

prevention device is necessary for the safety of the public water supply system, notice will be given to the water customer to install such an approved device immediately. The water customer shall, at his own expense, install such an approved device at a location and in a manner in accordance with the code and all applicable local regulations and shall have inspections and tests made of such approved device upon installation and as required by the code and this article.

- (2) No person, firm or corporation shall establish or permit to be established or maintain or permit to be maintained any connection whereby a private auxiliary or emergency water supply other than the regular public water supply of the Village or distribution system of said municipality may enter the supply or distribution system of such municipality, unless such private, auxiliary or emergency water supply and use of such supply shall have been approved by the Village. The method of connection shall conform to the rules and regulations of the code and shall be approved by the Village or authorized representatives.
- (3) It shall be the duty of the Village or authorized representatives to cause surveys and investigations to be made of industrial, commercial, and other properties served by the public water supply to determine whether or not actual or potential hazards to the public water supply may exist. Such surveys and investigations shall be made a matter of record and shall be repeated at least every two years or as often as the Village shall deem necessary. Completion of these surveys is mandatory. Failure to submit a completed survey will be considered a violation of this article and will subject the offending consumer to a discontinuation of water service. Records of such surveys shall be maintained by the Village and available for review for a period of at least five years.
- (4) If ordered by the Village, any owner of property served by a connection to the public water supply or distribution system of the Village shall procure the services of a licensed cross-connection control device inspector for the purpose of verifying the presence or absence of cross-connections, and the Department of Public Works Supervisor or authorized agent shall have the right to request entry at any reasonable time to any property served by a connection to the public water supply or distribution system of the Village for the purpose of verifying information submitted by the customer regarding the required cross-connection control inspection. Upon request, the owner, lessees or occupants of any property so served shall furnish to the Village any information regarding the piping system or systems or water use on such property. The refusal of such information, when demanded, shall, within the discretion of the Village, be deemed evidence of the presence of cross-connections, as provided in this article.

- (5) The Village is hereby authorized to direct and request the Department of Public Works to discontinue, and the Department of Public Works is authorized to discontinue, after reasonable notice to the occupant and/or owner thereof, the water service to any property wherein any connection in violation of the provisions of this article is known to exist, and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water supply distribution mains. Water service to such property shall not be restored until such conditions have been eliminated or corrected in compliance with the provisions of this article. Immediate disconnection with verbal notice can be effected when the Village or the Department of Public Works is assured that imminent danger of harmful contamination of the public water supply system exists. Such action shall be followed by written notification of the cause of disconnection. Immediate disconnection without notice to any party can be effected to prevent actual or anticipated contamination or pollution of the public water supply, provided that, in the reasonable opinion of the Village, or the Department of Public Works or authorized agent(s), such action is required to prevent actual or potential contamination or pollution of the public water supply. Neither the Village, Department of Public Works, nor its agents or assigns shall be liable to any customer for any injury, damages nor lost revenues which may result from termination of said customer's water supply in accordance with the terms of this article, whether or not said termination was with or without notice.
- (6) A backflow prevention device approved by the Village, authorized representative(s), and OCHD shall be installed on service connections to the Village water supply where required at a location and in a manner in accordance with the code and all applicable local regulations and shall have inspections and tests made of such approved device upon installation and as required by the code and this article.
- (7) An approved backflow prevention device shall be installed on each service line to a consumer's water system where required, including, but not limited to, situations where the following conditions exist:

 - (a) Premises having auxiliary water supply, unless such auxiliary supply is accepted as an additional source by the Village.
 - (b) Upon a change of ownership of property, where required and not having an approved backflow prevention device. The new water customer at a subject premises shall install, test, and submit a copy of said test results to the Village within 60 days of the closing for the property.

- (c) Any action requiring site plan approval from the Village Planning Board. The water customer at a subject premises, where required, shall install, test, and submit a copy of said test results to the Village within 60 days of submission of the application to the Planning Board.
- (d) Any new modifications to an existing resident or commercial property requiring a building permit. The water customer of the premises shall, where required, install, test, and submit a copy of said test results to the Village within 60 days of receiving the building permit.
- (e) That all new residential and nonresidential water services requiring water from the Village's public water system shall, where required, have an appropriate backflow prevention device installed prior to water service activation.
- (f) That all existing nonresidential water services, including service for irrigation or water only, which have an approved backflow prevention assembly shall immediately begin, upon written notification from the Village, an annual testing and certification program for their approved backflow prevention assembly.
- (g) That all existing single-family residential water services connected to the Village's public water system shall, where required, retrofit the appropriate backflow prevention device as a water meter replacement occurs for each such water service.

14. Subsection "A" of Section 141-51 of Article XI is hereby amended to replace the word "conduction" with the word "conduct".

15. Subsection "C" of Section 141-52 of Article XI is hereby amended as follows:

- (1) In the first line of the section, immediately after the word "Facilities" the words "considered hazardous and" shall be added;
- (2) Subsection "3" is repealed and re-enacted to read: "Boiler systems, cooling towers or internal firefighting systems using conditioners, inhibitors, corrosion control chemical or other similar products;
- (3) Following subsection "6", there shall be added a new subsection "7" which shall read: "Commercial Greenhouses, spray irrigation using weedicides, herbicides exterminators", and all following subsections within Subsection "C" of Section 141-52 of Article XI shall renumbered in light of the addition of the new subsection "7".

- (4) Current Subsection "10" shall be amended to add the words "with the use of chemicals" at the end thereof;
- (5) Current Subsection "12" shall be amended to add the words "(Non-Residential)" at the end thereof.

16. Section 141-52 of Article XI is hereby amended to add a new Subsection "E" thereto which shall read as follows:

"E. Aesthetically Objectionable Facilities. The following types of facilities fall into one or more of the categories of premises where an approved double check valve backflow prevention device may be required by the Village or its authorized representative or the OCHD to protect the public water supply and must be installed at these facilities unless all unacceptable conditions have been eliminated or corrected by other methods to the satisfaction of the Village or its authorized representative and the OCHD:

- (1) Fire protection systems with no chemical additives;
- (2) Commercial Buildings with complex plumbing systems;
- (3) Residential Irrigation and sprinkler systems not using any addition of weedicides, herbicides, exterminators;
- (4) Use of Food Grade Dyes
- (5) High temperature potable water.

17. Section 141-55 is hereby amended to add the words "issued by the tester," to Subsection "E" thereof in the first line after the word "tag".

18. Section 141-57 of Article XI is hereby amended to repeal Subsection "A(3)" thereof and to re-enact it read as follows:

"(3) Double check valve assembly: contains two soft-seated independently acting check valves in series including suitable connections for testing the watertightness of each valve as detailed in the NYSDOH Cross Connection Guide; shut-off valves before and after device; adequate for nontoxic applications only; minor pressure loss; must be inspected and tested annually; repaired as necessary."

SECTION 4. SEVERABILITY

If any clause, sentence, paragraph, word, section or part of this local law shall be judged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, word, section or part thereof directly involved in the controversy in which judgment shall have been rendered.

SECTION 5. EFFECTIVE DATE

This local law will take effect immediately upon filing in the Office of the Secretary of State in Albany.