

Chapter 85: WATER

GENERAL REFERENCES

Sewers — See Ch. 88.

Sewer & Water Districts – See Ch.80

ARTICLE I Water

§ 85-01. Legislative intent.

It is the legislative intent of the Village Board of the Village of South Blooming Grove to establish a local law that would properly govern the water districts that were conveyed to the Village from the Town of Blooming Grove, as a function of New York State Village Law, on January 1, 2008. The Town of Blooming Grove created and governed these districts under Town Law Section 209-f for many years prior to the incorporation of the Village and the Village Board wishes to continue these vital services to the residents of these districts.

§ 85-02. Jurisdiction and definitions.

- A. Definitions.** The Village Board of Trustees, hereinafter called the "Board," of the Village of South Blooming Grove, hereinafter called the "municipality," shall enact all rules, regulations, water rates, fees and penalties, within the duly constituted water districts of the municipality, subject to the provisions of the Village Code, Village Law and other applicable statutes, or as otherwise indicated hereinafter.
- B. Appointees.** The Village Board may appoint a person or persons as necessary to supervise said districts, issue required permits, read meters, render bills, keep operation and maintenance records, prepare annual budgets and perform any other work incidental to the proper functioning of said districts. Compensation for services would be a charge against properties within the districts.

§ 85-03. Application for service.

- A. Permit required.** No person or corporation excepting those existing users in Village Water District No. 1 and 6 shall use water supplied by the districts for any purpose without having first obtained a permit upon written application therefor. On acceptance by the Board, such application shall constitute a contract between the district and the applicant obligating the applicant to pay to the district its established rates and charges and to comply with its rules and regulations.
- B. Statement of uses.** Such application shall contain a statement of all uses for which water is desired and a use of water for any purpose other than stated in the application shall be sufficient cause to justify discontinuance of water service.
- C. Subject to availability of service.** Application will be accepted subject to there being an existing main in a street or right-of-way abutting on the premises to be served, but acceptance shall in no way obligate the districts to extend its mains to service the premises except as hereinafter provided.
- D. Temporary water service.** Application for temporary water service will be accepted and temporary water service will be supplied, provided that it does not interfere with use of water for general purposes. The quantity of water taken for such temporary purposes shall be determined by meter or by estimate, if practicable, and shall be paid for in accordance with the rate schedule applicable to metered general purposes. Customers requiring temporary service shall reimburse the district or municipality for all its expense in providing the necessary temporary service connections, or as an alternate, customers shall, at the direction of the Board, provide all necessary labor and material to make the temporary service connections. Temporary water services will be restricted to Village residents only. Out of Districts users will be charged 150% the district rate.

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- E. Payment of charges.** No agreement will be entered into by the district, municipality or Village Board with any applicant for service until all charges due from the applicant, for water or other services at any premises now or formerly owned or occupied by him, which are in arrears shall have been paid.

§ 85-04. Installation of service.

- A. Owner's responsibility.** The corporation cock, curb cock and box, and service pipe from the main to the curb cock shall be installed by the owner at his own expense, unless installation has already been completed pursuant to a main extension agreement. Easements acceptable to the Board must be furnished at the applicant's expense where necessary for water service installations. All such service connections shall remain the property of the district.
- B. Obtaining permit.** Permits to open roads for installation of water service shall be obtained by the applicant from the Village Clerk upon paying the necessary fees for such openings.
- C. Payment of charges.** It is the responsibility of the property owner to provide and pay for all work done and materials furnished in the completion of the service connection from the curb cock to the meter placed on the service line including proper resurfacing of the roadway.
- D. Specifications.** The service pipes, fittings and meter settings shall be of a make, size and pattern determined by the Board, with the installation of these items to be made under the rules of this article.

§ 85-05. Meters.

- A. Required.** Permanent water service shall be rendered through meters only. Each dwelling or building, or parts thereof having unrelated occupancy or distinctive use, shall have a separate meter. All meters shall be obtained from the district, at the owner's expense. Meters shall remain the property of the district.
- B. Exterior mounted.** All districts shall require exterior mounted remote readers compatible with the meter to be supplied.
- C. Installation and location.** Whenever possible, meters shall be installed within the building to be served as close as practicable to the point where the service pipe enters. Meters shall be so located as to be readily accessible at all times for reading, inspection or repair. Meters may be set in exterior underground pits with the permission of the Board and at the expense of the property owner. In such cases, the construction of the pit and the method of meter setting shall be determined by the Board.
- D. Stop valve.** A stop valve shall be provided within the building on the inlet side of the meter. All installations shall include a stop or waste cock on the house side of the meter.
- E. Testing.** The district reserves the right to remove and inspect, test, repair or replace any meter connected in the district water system and to substitute one meter for another at the owner's expense.
- F. Removing or tampering sealed meters.** All meters and remote readers shall be sealed, and any person removing or tampering with such seals shall be subject to penalty.

§ 85-06. Fire hydrants.

- A. Authorization to use.** No person, unless specifically authorized by the Village Board, shall open, interfere with or draw water from any public or private fire hydrant in the districts or Village for any purpose other than for fire or Fire Department uses.
- B. Application to use.** Application and installation for private fire protection shall be made in

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accordance with §§ 85-2 and 85-3.

- C. Testing.** The Board shall be notified in advance of testing of public or private hydrants so that, if desired, a representative of the Board may be present at said testing.

§ 85-07. Extension of mains.

- A. Application.** Upon application for water service in areas not served by a district, the district will extend its mains or install necessary new mains and provide all additional improvements and facilities to be required therefor, provided that the necessary proceedings required by law have first been complied with. The Board will initiate such proceedings as are required on its part to make such service available. Extensions to service must be in the public interest as determined by the Village Board.
- B. Developers.** If a builder, developer or contractor desires to extend or install mains, it shall be at his own cost, and such extension or installation shall be accomplished in accordance with the provisions hereof and to the approval of the Board. All such work shall conform to the latest specifications of the municipality and be subject to inspection at all phases of construction. Title to all such extensions, including mains, water meters, remote readers, wells and appurtenances, storage tanks, pumps and necessary easements shall be vested to the Village. Upon acceptance of any such work by the Village Board, and upon expiration of any required maintenance bond, the Village shall maintain the water system at the expense of the district.
- C. Rights Reserved.** If a builder, developer or contractor desires to extend or install new mains, it shall be at the builder, developer or contractor's expense, and the Village Board reserves the right to retain the Village engineer to design such extension, installation, or necessary improvement to the Village's water system. All such expenses associated with the design, the builder, developer, contractor, or applicant for such extension, installation, or necessary improvement to the Village's water system will reimburse the Village for all expenses associated with the permitting, construction and inspection of such extension, installation, or necessary improvement. The extension, installation, or necessary improvement to the Village's water system shall be accomplished in accordance with the provisions hereof and to the approval of the Village Board. All such work shall conform to the latest specifications of the municipality and be subject to inspection at all phases of construction. Title to all such extensions, including mains, water meters, remote readers, wells, infrastructure and appurtenances, storage tanks, pumps and necessary easements shall be vested to the Village. Upon acceptance of any such work by the Village Board, and upon expiration of any required maintenance bond, the Village shall maintain the water system at the expense of the district. Any monies owed to the Village shall be paid before water service is begun.

§ 85-08. Specifications.

- A. Mains.** Mains shall be cement lined ductile iron, PVC, HDPHE or other materials approved by the AWWA and the Village, except for existing mains.
- B. Service pipes.** Except for existing pipes, service pipes shall be no less in size than 3/4 inch inside diameter if installed on and after the effective date of this article. Type K soft-tempered copper tubing meeting ASTM Specification B-88, year of latest revision and shall be used for all services up to and including two inches.
- C. Cover.** Mains and service pipes shall have a minimum cover of four feet.
- D. Applicability of State Uniform Fire Prevention and Building Code.** All other minimum requirements shall be as set forth in the New York State Uniform Fire Prevention and Building Code applicable to plumbing.

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§ 85-09. Maintenance.

- A. Curb boxes.** Except for existing curb boxes, all curb boxes shall be maintained at grade and any curb box projecting above grade or lower than grade shall be corrected to grade level by the property owner. Upon failure by such owner to correct elevation of curb box after receiving notice from the district to do so, the same will be corrected by the district at the expense of the owner.
- B. Service pipe.** At his own expense, the property owner shall maintain the service pipe from the corporation tap to the premises and all interior valves and plumbing, with the exception of the water meter. For all maintenance thereof, the owner shall employ a competent licensed plumber, and all work shall be performed in a manner satisfactory to the municipality.
- C. Maintenance by municipality.** The entire water supply and distributions systems, with the exception of those items referred to in Subsections A and B of this section, shall be maintained by the municipality at the expense of the district in which work is performed.
- D. Meters.** Any repairs or maintenance of a meter or a meter connection, other than ordinary wear and tear, shall be at the expense of the owner, including, but not limited to, repairs required because of freezing, hot water or other physical damage.

§ 85-10. Discontinuance of service.

- A. Notice required.** If a dwelling or other building is to be closed or become vacant, notice, in writing, thereof should be given the village in order that the meter is read and the curb cock closed, otherwise such consumer shall be liable for the minimum quarterly charge. Where such notice is not given and pipes burst from freezing or other cause, the value of water lost thereof, as estimated by the Village Board, Village Engineer, or the Village's agents, shall be added to the next regular water bill. Any damage to public infrastructure shall also be a liability of the consumer.
- B. By municipality.** Water service may be discontinued by the municipality for any one of the following reasons:
 - (1) Use of water other than as represented in a consumer's application.
 - (2) Bypassing a meter through branch connections or through the meter seat.
 - (3) Molesting any service pipe, meter, seal or other appurtenance owned by the municipality.
 - (4) Cross-connecting pipes carrying district water with any other source of supply.
 - (5) Refusal of reasonable access to property for purposes of reading, repairing, testing and removing meters or inspecting water piping and other fixtures.
 - (6) Willful waste of water.
 - (7) Nonpayment of bills for water or services or equipment rendered by the district or municipality.
 - (8) Any other violation of this article as adopted by the municipality.
 - (9) Uses of water prohibited during implementation of water restrictions.
- C. Charges.** When water service to any premises has been turned off pursuant to Subsection A and B of this section and service is again desired by the consumer, a charge of \$75 will be made for the restoration of service during regular business hours 9:00 a.m. to 4:00 p.m., Monday through Friday, and \$90 during other than regular business hours, provided that the discontinuance of service has not required the removal of any equipment from the premises. In such cases, the charge to the consumer for restoration of service will be the actual cost incurred by the municipality incidental to the reconnection of the required equipment.

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D. Restoration; responsibility. Upon receipt of an application for a new service or restoration of existing service, the municipality will assume that the piping and fixtures which the service will supply are in proper working condition, and the municipality will not be liable in any event for any accident, breaks or leakage arising in any connection with the supply of water.

§ 85-11. Penalties for offenses.

A. Each violation of any provision of this article shall constitute an offense, and each offense shall be punishable by a fine not exceeding \$1,000 or imprisonment not exceeding 15 days or both. Each day of a continuous violation is deemed and shall be considered a separate offense.

B. Persons liable. The fines of Subsection A of this section may be directed against:

- (1) Any individual; or
- (2) Any director, officer, agent or employee of any corporation found guilty of violating a provision of this article.

§ 85-12. Rights; restrictions; inspections; enforcement; penalties.

A. Right to disrupt service. The municipality undertakes to use reasonable care and diligence to provide a constant supply of water at a reasonable pressure to consumers, but reserves the right at any time, with or without notice, unless practicable, to shut off the water in its mains to make repairs or extensions, or for other purposes, and it is expressly agreed that the municipality or its agents shall not be liable for a deficiency or failure in the supply of water or the pressure thereof for any cause whatsoever or for any damage caused thereby or for the bursting or breaking of any main or service pipe or any attachment to the municipality's property. The Village will make all efforts to notify all affected residents regarding such outages and when services are restored.

B. Restrictions on use. The Village Board and/or the Village Mayor, when authorized by the Village Board, shall have the right, authority and discretion to prohibit or limit water usage in periods of drought or emergency or when deemed necessary to protect the water supply or the public health, safety and welfare. Such prohibitions or limitations on water usage may be applied to outdoor use of water, use by residential properties, use by commercial and/or industrial properties, use by properties within Village water districts, use by out-of-district properties, indoor use of water, any combination of the foregoing or any other prohibition or limitation based on any reasonable classification of properties or water usage.

C. Inspections. Any authorized agent of the Village shall have the right and authority to enter any premises, at any reasonable hour, to read meters, make repairs or examine plumbing and examine the manner and amount of water usage. The refusal by any person to allow entry by any such authorized agent shall be deemed a violation of this section.

D. Enforcement. Water usage prohibitions, limitations and stated prohibitions of this article may be enforced by any police officers, Building Inspector, Village Engineer, Code Enforcement Officer or any other person authorized by resolution of the Village Board. All such enforcement officers shall have the right and authority to issue appearance tickets for the violation of any provision of this section or any prohibition or limitation on water usage imposed pursuant to this section.

E. Penalties.

- (1) Any violation of this section or of a water usage prohibition or limitation imposed pursuant to this section shall be deemed an offense punishable by imprisonment for a period not to exceed 15 days and/or a fine in an amount as provided in the following schedule:

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Offense	Fine
First	\$150
Second	\$200
Third	\$300
Fourth	\$400
Each subsequent offense	\$500

- (2) The enforcement officer shall possess authority and discretion to issue a warning for a first offense.
- (3) Each day of a continuous violation is deemed and shall be considered a separate offense.

§ 85-13. Rates and charges.

- A. **Quarterly billings.** Meters will be read quarterly in January, April, July and October of each year.
- B. **Computations.** The quantity recorded by the meter shall be considered the amount of water passing through the meter, except as hereinafter provided.
 - (1) In case of a disputed account involving the accuracy of a meter, such meter will be tested by the district upon the written request of the consumer. The fee for testing such meter shall be payable in advance of the test by the consumer. In the event that the meter so tested is found to have an error in registration to the prejudice of the consumer in excess of 4% at any rate of flow within the normal test flow limits, the fee advanced for testing will be refunded and the next due water bill will be adjusted to correct such over-registration for the previous quarter.
 - (2) In cases where it is found that the meter ceased to register or has registered inaccurately or where a reading cannot be obtained, the quantity may be determined by the average registration of the meter in a corresponding past period, except when there has been a change in the occupancy of the premises or in the use of water, in which case an equitable adjustment shall be made.
- C. **Due date;** penalty for late payment. All bills are due and payable net cash within 30 days after billing date appearing on rendered bill. After 30 days, a penalty of 10% will be added to the bill for each and every month or part thereof payment is late. This subsection shall supersede any New York State Law.
- D. **Lien.** All outstanding water rents and charges and penalties thereon shall be a lien upon the real property upon which the water is used, and delinquent bills shall be added to the tax rolls in the manner prescribed by Village Code 80 or Village Law.
- E. **Fees.** The Village Board, from time to time, shall adopt by resolution the following fees and charges for Village work on water meters:
 - (1) **Inspection.**
 - (2) **Connection and disconnection.**
 - (3) **Turn-on and turn-off of service.**
 - (4) **Any other fees and charges** the Village Board deems appropriate concerning water service.

§ 85-14. Rate schedule for Village Water Districts.

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- A. The following weighted values shall be used for determining payments for bonded indebtedness.

NOTE: all out of districts users will be charged at the same rate as stated below and multiple by 1½ that rate.

Description	Value
Private improved property	2
Multiple dwelling (each unit)	2
Single Dwelling	1
Commercial use (each unit)	3
Restaurant	3
Vacant land	1
Out of District	See note

- B. The Village Board shall determine annually the amount to be assessed against each property in the district by dividing the total bond indebtedness including interest and related cost to be paid in the ensuing year by the total weighted values of property units liable for assessment in the district and multiplying that figure times the number of weighted values of property units attributable to the particular property to be assessed in accordance with Section 80 of the Village Code.
- C. The water rates for consumption of water for each quarter shall be set by resolution of the Village Board in an equitable manner based upon the per-gallon flow rate of water consumed by each consumer as established by Subsection B of § 85-13 of this article; provided, however, that the Village Board may establish different rates for different classes of users.
- D. All users whose estimated or actual consumption of water shall exceed 100,000 gallons per billing quarter shall be required to deposit the sum of \$10,000 with the village. All such current users shall deposit said sum prior to the commencement of the billing period next succeeding the effective date of this subsection. All such deposits remaining unpaid shall be treated as unpaid water bills pursuant to Subsection C and D of § 85-13 of this article.

§ 85-15. Repairs and Maintenance of Existing Private Wells.

The repair, maintenance, inspection, connection, disconnection, hook up, cleaning of a private well or any other work is the responsibility of the property owner. In the event of the property owner's failure to repair, maintain, connect, disconnect, hook up or clean, or requires the Village Engineer to respond to inspect the private well, the Village may undertake the necessary work and charge all expenses to the property owner. The Village Board shall establish by resolution fees for Village repair, maintenance, connection, inspection, disconnection, hook up, cleaning or other work on said private well to be paid by the property owner.

§ 85-16. Judicial review.

Any persons aggrieved by any decision or determination made by the Village Board pursuant to this article may bring a proceeding to review such determination in the manner provided by Article 78 of the Civil Practice Law and Rules.

§ 85-17. Application.

No statement in this article shall be construed to interfere with any additional requirements that may be imposed by any federal, state or local health authority having jurisdiction.

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§ 85-18. Supersession of other laws.

This chapter supersedes, and is in derogation of, Chapter 230 of the Code of the Town of Blooming Grove, County of Orange, and State of New York. In addition, it is not intended that this chapter supersede the authority of the County of Orange Department of Health.

§ 85-19. Authority.

This chapter is enacted by authority of § 20, Subdivision 5, of the Municipal Home Rule Law and any other law referenced herein as authority herefor.

§ 85-20. Repeal.

All ordinances, local laws and parts thereof inconsistent with this local law are hereby repealed.

§ 85-21. Effective Date.

This local law shall take effect immediately when it is filed in the Office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

ARTICLE II Water Cross-connection control

§ 85-22. Legislative intent.

It is the legislative intent of the Village Board of the Village of South Blooming Grove to establish a local law that would properly govern the water districts and to safeguard the public water supply from potential contamination by preventing backflow from a water user's system into the public water system and to comply with the requirements of the New York State Sanitary Code, Title 10 of the New York Code of Rules and Regulations, Part 5, § 5-1.31.

§ 85-23. Definitions.

The following definitions shall apply in the interpretation and enforcement of this policy:

AIR GAP SEPARATION — The unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supply water to a tank, plumbing fixture, or other device and the overflow level rim of the receptacle, and shall be at least double the diameter of the supply pipe measured vertically above the flood level rim of the vessel, but in no case less than one inch.

APPROVED TESTER — A person certified by the New York State Health Department as a General or Limited Tester in accordance with Section 5-1.31(a)(3) of the New York State Sanitary Code.

BACKFLOW PREVENTION DEVICE — Any device, method, or type of construction intended to prevent backflow into the public water supply system.

CONSUMER — Any individual, firm, partnership, corporation, or agency or their authorized agent receiving water from the Village.

CONTAMINATION — An introduction of any sewage, process fluids, chemicals, wastes or any other substance that would be objectionable. Contamination may be a threat to life or health, or may cause an aesthetic deterioration, color, taste or odor.

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CROSS-CONNECTION — Any physical connection or arrangement between two otherwise separate piping systems, one of which contains potable water of the public water supply system, and the second, water of unknown or questionable safety, or steam, gases, chemicals, or substances whereby there may be backflow from the second system to the public water supply system. No physical cross-connection shall be permitted between a public water supply system and an auxiliary water supply system.

PUBLIC WATER SYSTEM — The water supply source, village water district, distribution system and appurtenances to the service meter operated as a public utility, which supplies potable water to the consumer's water systems.

PUBLIC WATER SUPPLY SYSTEM — The public water system, village water district and the consumer's water systems.

SERVICE CONNECTION — The terminal end of the service line from the public water system. If a meter is installed at the end of the service, then the service connection means the downstream end of the meter.

§ 85-24. Cross-connection control.

A. Cross-connection control

- (1) Requiring an approved air gap separation, reduced-pressure-zone device, double check-valve assembly or equivalent protective device consistent with the degree of hazard posed by any service connection.
- (2) Requiring the users of such connections to submit plans for the installation of protective devices to the Building Inspector, Village Engineer and the Orange County Department of Health approved tester and/or New York State Department of Health approved tester for approval.
- (3) Assuring that all protective devices will be tested at least annually, records of which shall be submitted by the property owner to and maintained by the Building Inspector and the Village Engineer.

B. Backflow prevention devices required.

- (1) All nonresidential users of the public water system and all residential users of the public water system having auxiliary water supply, including but not limited to a private well, lawn sprinkler or irrigation system, shall be required to comply with this section.
- (2) Any installation, service, maintenance, testing, repair or modification of a backflow prevention device shall be performed in accordance with the requirements of Village of South Blooming Grove and the New York State Plumbing Code. For purposes of this article, a backflow prevention device is an approved air gap, reduced-pressure-zone device, double check-valve assembly or equivalent protection device designed to prevent potential contamination of a public water system.
- (3) Backflow prevention devices conforming to the most current requirements of the New York State Department of Health and the Orange County Department of Health shall be installed by the owner of those systems pursuant to the rules of those Departments in force at the time of the installation.
- (4) A certificate of occupancy shall not be issued by the Building Inspector for a new or modified/renovated/rehabilitated structure having a system classified by the Department of Health or determined by the Building Inspector as hazardous, unless a backflow prevention device has been installed and approved pursuant to this section and Department of Health requirements.
- (5) The cost to install a backflow prevention device shall be borne by the owner of the property.

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(6) The Village Building Inspector, Village Engineer or designee shall make a determination as to whether a property owner requires a backflow prevention device and the type of device in accordance with this section and the New York State Department of Health and the Orange County Department of Health requirements and regulations.

C. Upgrade of preexisting systems. Any preexisting system that does not contain a backflow prevention device shall be upgraded so as to comply with the current requirements of this section and of the New York State Department of Health and the Orange County Department of Health within 120 days following the service of notice by certified mail to install said device.

D. Determination of type of backflow protection device.

(1) The Building Inspector, Village Engineer, or designee shall determine the type of device required for each property and facility. In making this determination, the Building Inspector shall utilize the Sample List of Facilities Requiring Backflow Prevention, prepared by the Department of Health, and, if necessary, shall consult with the Orange County Department of Health.

(2) **Cross-connection control by facility type.**

(a) The types of facilities which shall require installation of an approved reduced-pressure zone (RPZ) or air gap in the service connection to the public water distribution system include, but are not limited to:

- [1] Sewage and industrial wastewater treatment plants and pumping stations and sewer flushers.
- [2] Paper manufacturing or processing, dye plants, petroleum processing, printing plant, chemical manufacturing or processing, industrial fluid systems, steam generation, rubber processing and tanneries.
- [3] Canneries, breweries, food processing, milk processing, ice manufacturing, meat packers, poultry processing and rendering companies.
- [4] Hospitals, clinics, laboratories, veterinary hospitals, mortuaries and embalmers.
- [5] Shipyards and marinas.
- [6] Metal-plating, photo-processing, laundries, commercial car washes, commercial refrigeration systems and dry-cleaning establishments.
- [7] Commercial greenhouses, spraying and irrigation systems using weedicides and herbicides and exterminators.
- [8] Boiler systems, cooling towers or internal fire-fighting systems using conditioners, inhibitors and corrosion-control chemicals.
- [9] Residential units with lawn and irrigation systems with chemical injection.
- [10] Any building or premises with an auxiliary water supply which is not separated from the municipal water supply.

(b) The types of facilities which shall require installation of an approved double check-valve in the service connection of the public water distribution system include, but are not limited to:

- [1] Customer fire protection loops and fire storage tanks with no chemical additives.
- [2] High-temperature potable water.
- [3] Utilization of food-grade dyes.
- [4] Complex plumbing systems in commercial buildings, such as, but not limited

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to, beauty salons, place of worship, apartment buildings, gas stations, supermarkets, nursing homes, construction sites and carnivals.

[5] Any building or premises with a private booster pump.

[6] Residential units with lawn and irrigation systems without chemical injection.

(c) The types of facilities or water distribution structures, which required installation of an approved vacuum breaker, include, but are not limited to, hose bibs.

(d) The above lists are not all-inclusive. The Building Inspector, Village Engineer or designee as set forth above shall determine the type of backflow prevention device required for each facility.

E. Testing; owner liability for costs. The testing of backflow prevention devices shall be performed on an annual basis by the owner of any system requiring the same, and the cost of such testing shall be borne by the owner of the system. The testing procedures shall conform to the requirements of the New York State Department of Health and the Orange County Department of Health. Test results shall be submitted to the Building Inspector and the Village Engineer.

F. Department of Health Requirements & Enforcement. The Building Inspector shall enforce this section and the cross-connection and backflow protection requirements, specifications, guidelines and facilities classifications of the New York State Department of Health and the Orange County Department of Health. Specifications, guidelines, facilities, classifications and other administrative requirements and information, which shall be used to implement the requirements, shall be on file in the Building Inspector's office and the Village Office.

G. Penalties. In addition to, and not in lieu of, any other penalty set forth in this chapter, any person who violates any provision of this section shall be subject to a fine not to exceed \$350 for each day the violation continues after notice by the Building Inspector. In addition, the service of water to any premises may be discontinued by the Village if backflow prevention devices required by this section or regulations adopted pursuant thereto are not installed, tested and maintained; if any defects are found in an installed backflow prevention device; if it is found that the backflow prevention device has been removed or bypassed; or if an unprotected cross-connection exists on the premises, and water service shall not be restored until such condition or defect is corrected.

§ 85-25. Judicial review.

Any persons aggrieved by any decision or determination made by the Village Board pursuant to this article may bring a proceeding to review such determination in the manner provided by Article 78 of the Civil Practice Law and Rules.

§ 85-26. Application.

No statement in this article shall be construed to interfere with any additional requirements that may be imposed by any federal, state or local health authority having jurisdiction.

§ 85-27. Supersession of other laws.

This chapter supersedes, and is in derogation of, Chapter 230 of the Code of the Town of Blooming Grove, County of Orange, and State of New York. In addition, it is not intended that this chapter supersede the authority of the County of Orange Department of Health.

§ 85-28. Authority.

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This chapter is enacted by authority of § 20, Subdivision 5, of the Municipal Home Rule Law and any other law referenced herein as authority herefor.

§ 85-29. Repeal.

All ordinances, local laws and parts thereof inconsistent with this local law are hereby repealed.

§ 85-30. Effective Date.

This local law shall take effect immediately when it is filed in the Office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

ARTICLE III Water Wells

§ 85-31. Legislative intent.

It is the legislative intent of the Village Board of the Village of South Blooming Grove to establish a local law that would properly govern new or replacement water wells or water supply systems and to safeguard the public water supply or resident's water supply from potential contamination as well as, to ensure that all construction or reconstruction of water wells or water supply systems meet all New York State Standards, Orange County Department of Health Standard and / or New York State Department of Environmental Conservation Standards.

§ 85-32. Approval required.

No new or replacement water well or water supply system shall be installed anywhere in the Village of South Blooming Grove, except as herein provided.

§ 85-33. Application.

- A. No owner, builder, well driller or other person or entity shall locate, drill, re-drill, install, redevelop or construct or allow to be made, installed, constructed or modified a water supply system, water well or any addition to or modification of a water supply system or water well until an application accompanied by plans and specifications on forms supplied by the Village Engineer shall have been filed with the Village Engineer. A fee, to be determined from time to time by resolution of the Village Board, shall be paid to the Village Engineer at the time of the filing of the application.
- B. No building permit shall be issued until the Building Inspector, or Village Engineer has approved for construction an application and plans for the water supply system.
- C. An applicant may appeal an adverse determination of the Village Engineer by applying for a waiver from the County Department of Health.

§ 85-34. Preparation of plans.

The required plans and drawings shall be prepared and certified by a professional engineer licensed in the State of New York if the well or water supply system is intended to serve:

- A. A dwelling located or to be located on a lot which contains 40,000 or less square feet of area;
or
- B. A dwelling located or to be located on a lot which by reason of "site" conditions presents

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special circumstances in the opinion of the Village Engineer.

§ 85-35. Specifications for water supply construction.

Drilled wells shall be of such materials and located, constructed, developed and protected as described in this article and in accordance with good well drilling practice.

A. Location.

- (1) The well shall be constructed in an accessible location, which is not subject to flooding and at a distance from potential sources of pollution on the owner's property, or on adjoining properties which is not less than that prescribed by the State Sanitary Code.
- (2) When a well is located adjacent to a building, it shall be so located that the centerline of the well, extended vertically, will clear any projection from the building by not less than five feet. The top of the well casing shall be readily accessible.
- (3) A well shall not be located closer than 15 feet to a property line.
- (4) Minimum distances from sewerage units shall be as prescribed by the State Sanitary Code.

B. Depth. The well shall be developed from a water-bearing formation at a depth greater than 20 feet below the ground surface.

C. Casing.

- (1) The well casing shall be new wrought iron or steel well casing pipe which complies with ASA Standard B-36.10 year of latest addition or AWWA Standard for Deep Wells A-100, year of latest addition.
- (2) The depth of the casing shall comply with the requirements of Table 1 of this article, and the top of the casing shall terminate 12 inches above the ground surface, a gravity-drained pump house or well pit floor, and two feet above possible flood level.
- (3) The well casing diameter for a well in rock shall be not less than six inches (four inches in sandstone or sand and gravel).
- (4) Each section of casing shall be joined with standard drive pipe couplings and ample full-threaded joints, or by proper welding, so that all joints shall be sound and watertight as installed in the well.
- (5) Well casing alignment shall not interfere with the proper installation and operation of the pump.

D. Construction.

- (1) Construction of the well shall comply with the requirements of Table 1 and other standards given in this article.
- (2) Construction shall seal off, insofar as practicable, water bearing formations that are or may be polluted.
- (3) The well shall be constructed so that no unsealed opening will be left around the well.
- (4) The well shall be thoroughly developed by proper means to produce maximum yield, clearing it of all excessive sand, silt and turbidity.
- (5) Water used for well construction shall be of satisfactory sanitary quality.
- (6) If the well is finished in a sand or gravel formation, the driller shall furnish and install a metal screen of proper diameter, design and standard manufacture, which shall permit maximum transmission of water without clogging.

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E. Sealing.

- (1) Sealing as required by Table 1 shall be performed and sealing material shall be a neat cement grout. The grout mixture shall consist of no more than 5 1/2 gallons of clean water to one sack of Portland cement. The grout shall be poured or pumped as one continuous mass and placed upward from the bottom of the space to be grouted.
- (2) The clear annular space around the outside of the casing and the drill hole shall average two inches and in no case be less than 1 1/2 inches to prevent bridging of the grout. Driving the casing or installing a lead packer, a rubber sleeve or a similar device is not an acceptable alternate to grouting. The required annular opening shall be maintained during the work until grouting is completed. Grout shall be allowed to cure a minimum of five days before being disturbed by additional drilling work.
- (3) Grouting shall be performed for a minimum of 20 feet below ground level.

F. Yield test.

Before being put into use, the well shall be tested for yield and drawdown for at least four hours duration. The test pumps shall have a capacity at least equal to the pumping rate at which it is expected the well will be pumped during its usage. The test pump shall be installed to operate continuously until the water level has stabilized and, at this point, the yield and drawdown determined. Periodic water level observations shall be made during the drawdown and subsequent recovery periods. A minimum sustained well yield of five gallons per minute shall be obtained.

G. Disinfection.

The well shall be pumped until clear and then disinfected as follows:

- (1) After the well is constructed and pumped clear, or after any improvements are made, it shall be disinfected with a chlorine bleach, as follows:
 - (a) Mix two quarts of bleach, containing 5.25% available chlorine in 10 gallons of water. Pour the solution into the well while it is being pumped. Keep pumping until the chlorine odor appears at all taps. Re-circulate the water back into the well for at least an hour. Then close the tap and stop the pump.
 - (b) Mix two more quarts of bleach in 10 gallons of water and pour this chlorine solution into the well. Allow the well to stand idle for 12 to 24 hours.
- (2) Pump the well to waste, away from grass and shrubbery through the storage tank and taps until the odor of chlorine disappears.

H. Capping.

Temporary capping of the well until the pumping equipment is installed shall be such that no pollutant can enter the well.

I. Log.

The driller shall furnish the owner and the Village Engineer with accurate and complete information and well log upon completion of construction.

J. Water samples.

After the well has been pumped clear, and after all chlorine disinfectant has been removed, one or more water samples shall be collected and examined in a New York State Department of Health approved laboratory for bacteriological examination (chemical examination may also be required).

K. Well seal and pit less adapter.

- (1) A well cap, seal and/or pit less adapter shall be provided to cap a well and to establish and maintain a tight junction between the well casing and the piping or equipment installed therein to prevent pollution from entering the well at the upper terminal.
- (2) The well cap, seal and/or pit less adapter shall comply with the National Sanitary Foundation Basic Criteria for Pit less Well Adapters, or equal, as approved by the State Health Department.

L. Pump and pumping equipment.

Pump and pumping equipment shall be installed so as to comply with the objectives of this article.

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- M. Abandoned well.** An abandoned well shall be filled and sealed in such a manner as to avoid accidents and to prevent it from acting as a channel for pollution of water-bearing formations, in compliance with the New York State Department of Health appendices 5-B, 5-D year of latest addition as well as other supplementary requirements imposed by New York State Department of Environmental Conservation and any other supplemental requirements imposed by Orange County Department of Health..
- N. Specifications.** All wells shall be drilled by a insured, authorized / licensed well drillers, licensed by the State of New York and all wells shall be constructed in compliance with the New York State Department of Health appendices 5-B, 5-D year of latest addition as well as other supplementary requirements imposed by New York State Department of Environmental Conservation and any other supplemental requirements imposed by Orange County Department of Health.

§ 85-36. Approval of plans.

The Village Engineer may grant approval of such plans or may require such modification as in his opinion the public health or safety may require. No work shall begin until the Village Engineer, who shall note his approval on the applicant's copy, approves the drawings and application.

§ 85-37. Certificate of compliance.

- A.** After a water well is completely installed, as-built plans shall be prepared and submitted to the Village Engineer. Upon approval of such plans by the Village Engineer, a certificate of compliance shall be issued to the applicant.
- B.** In all instances where the plans and specifications required in § 85-33 shall be prepared by a professional engineer (see § 85-34), as-built plans shall be prepared, certified and sealed by a professional engineer licensed in the State of New York.
- C.** In all instances the as-built plans shall include a completed NYSDEC well log.

§ 85-38. Notification of abandonment of a water well.

Every abandoned well shall be sealed or closed so as to protect the aquifer from pollution and to prevent a hazard to life or property. If such well is to be sealed or closed, the owner of the property shall make application of notification to abandon such water well to the Village Engineer and Orange County Department of Health and provide the following information:

- A.** Name and address of the applicant.
- B.** Legal or other description adequate to locate the property and the well.
- C.** Name and address of the water well contractor employed to perform the work herein required for abandonment.
- D.** Type and description of well.
- E.** Reason for abandonment.
- F.** Description of work to be performed to effect abandonment.
- G.** All wells shall be abandonment in compliance with NYSDOH Appendices 5-B or 5-D whichever is applicable to the well..

§ 85-39. General duties of the Village Engineer.

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It shall be the duty of the Village Engineer:

- A.** To promptly investigate the proposed installation and approve or disapprove the application and, if approved, so note this on the original and applicant's copy and issue the applicant's permit (this permit to be prominently displayed on or near the work site);
- B.** To see the provisions of this article are observed; and
- C.** After final inspection, to note approval on the original and applicant's copy of the permit.
- D.** To inform the Village Clerk monthly of installations approved or disapproved.

§ 85-40. Construal.

Nothing contained in this article shall be construed to permit the installation or maintenance of a water supply system, which is or may become a nuisance.

§ 85-41. Prohibiting the Sharing of a Private Well.

It shall be prohibited for five (5) or fewer users, which live on separate privately, owned lots, to share a common privately owned well. This section does not apply to any privately owned shared wells that were permitted and in operation prior to April 1st, 2008. All privately owned wells that are shared by five (5) or more users shall adhere to all NYSDOH standards and/or Orange County Department of Health Regulations. This section does not apply to any user located within the Village Water Districts or a Village approved Water System.

§ 85-42. Enforcement by Village Board.

The Village Board or its representatives including the Village Engineer, Building Inspector and Code Enforcement Officer shall be responsible for enforcing the provisions of this article and such rules, regulations, specifications and requirements as are promulgated pursuant to this article.

§ 85-43. Penalties for offenses.

Any violation of this article either by the occupancy of a structure without a duly authorized certificate of approval or by the installation or use of a water supply system/well without compliance with the terms and provisions of this article is hereby declared to be a misdemeanor and shall render the owner of the land whereon the same was installed, the occupant of said land, the person so installing the same or any other person who performs work thereon in violation of this article punishable by imprisonment for not exceeding 15 days and/or a fine not to exceed the sum of \$1,000. Each week's continued violation after notice thereof shall constitute a separate additional violation.

§ 85-44. Remedies.

In the event of any violation of this article, the Village Board may also maintain an action or proceeding in the name of the Village in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of this article, notwithstanding that this article provides for penalties and other punishment for such violation.

§ 85-45. Judicial review.

Any persons aggrieved by any decision or determination made by the Village Board pursuant to this article may bring a proceeding to review such determination in the manner provided by Article 78 of the Civil Practice Law and Rules.

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§ 85-46. Application.

No statement in this article shall be construed to interfere with any additional requirements that may be imposed by any federal, state or local health authority having jurisdiction.

§ 85-47. Supersession of other laws.

This chapter supersedes, and is in derogation of, Chapter 230 of the Code of the Town of Blooming Grove, County of Orange, and State of New York. In addition, it is not intended that this chapter supersede the authority of the County of Orange Department of Health.

§ 85-48. Authority.

This chapter is enacted by authority of § 20, Subdivision 5, of the Municipal Home Rule Law and any other law referenced herein as authority herefor.

§ 85-49. Repeal.

All ordinances, local laws and parts thereof inconsistent with this local law are hereby repealed.

§ 85-50. Effective Date.

This local law shall take effect immediately when it is filed in the Office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

ARTICLE IV Emergency Response Costs

§ 85-51. Legislative Intent.

It is the legislative intent of the Village Board of the Village of South Blooming Grove to establish a local law that would properly govern Emergency Responses to "Privately Owned Water Companies". The Village Board has been made aware that certain landowners within the borders of the Village operate private water companies to their tenants. The Village Board of the Village of South Blooming Grove hereby finds that outages of water service in privately owned water companies and the failure of such companies to provide adequate water supplies or services and/or adequate emergency services present an imminent threat and danger to the public health, safety and welfare requiring the Village to exercise its emergency powers pursuant to law. The Board finds further that in such emergencies in the interests of the public health, safety and general welfare, the Village may enter upon property of the private Water Company to abate such outage or lack of proper water service or supply. Further, the Board finds that the Village has the legal and equitable right to recoup from the private water company the Village's reasonable and necessary expenses incurred thereby. The purpose of this article is to provide an orderly and expeditious method to recover such costs and expenses in the event that a water company does not promptly make reimbursement.

§ 85-52. Assessments for recovery of costs.

- A. All costs and expenses for goods, labor, equipment, and services incurred by the Village as a response to or result of an emergency declared pursuant to the Executive Law shall be reimbursed to the Village by the private water company.
- B. The Village Clerk shall cause statements to be rendered to the water company reflecting the

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actual expenses of the village. Such statements shall be due and payable upon presentment.

- C. In the event that said statements are not paid the charges shall be a lawful charge against the real property of the water company to be assessed, levied and collected in the same manner provided for the levying and collection of real property taxes. The lien of such assessment shall be prior and superior to every other lien or claim, except the lien of existing tax assessment or other lawful charge imposed by the state or political subdivision or district thereof.

§ 85-53. Judicial review.

Any persons aggrieved by any decision or determination made by the Village Board pursuant to this article may bring a proceeding to review such determination in the manner provided by Article 78 of the Civil Practice Law and Rules.

§ 85-54. Application.

No statement in this article shall be construed to interfere with any additional requirements that may be imposed by any federal, state or local health authority having jurisdiction.

§ 85-55. Supersession of other laws.

This chapter supersedes, and is in derogation of, Chapter 230 of the Code of the Town of Blooming Grove, County of Orange, and State of New York. In addition, it is not intended that this chapter supersede the authority of the County of Orange Department of Health.

§ 85-56. Authority.

This chapter is enacted by authority of § 20, Subdivision 5, of the Municipal Home Rule Law and any other law referenced herein as authority herefor.

§ 85-57. Repeal.

All ordinances, local laws and parts thereof inconsistent with this local law are hereby repealed.

§ 85-58. Effective Date.

This local law shall take effect immediately when it is filed in the Office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

ARTICLE V WATER CONNECTION OUTSIDE OF VILLAGE BOUNDARIES

§ 85-59. Restrictions on water service connections outside of Village boundaries.

- A. No connection may be made to the water supply, village water districts and distribution system of the Village by or on behalf of the owner of any parcel of land located outside of the Village which is, or could reasonably be made, contiguous to the incorporated boundary line of the Village unless and until such parcel of land has been annexed to the Village of South Blooming Grove in the manner prescribed in Article 17 of the General Municipal Law of the

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State of New York or of any laws amending or supplementing the same.

- B.** Such parcel of land defined above may connect to the Village water supply and distribution system without annexing to the Village only if:
- (1)** It is an undue hardship to connect directly to the Village water supply and distribution system, such determination to be made solely by the Village Board of Trustees; and
 - (2)** The parcel in question lies contiguous to the Village Water District borders and is in the Town of Blooming Grove; and
 - (3)** The owner(s) of said parcel have received the permission of both the Village Board of Trustees and the Town of Blooming Grove Town Board.

§ 85-60. Penalties for offenses.

- A.** Violation of any of the provisions of this article is hereby declared to be a violation. The Building Inspector, Code Enforcement Officer shall issue and serve appearance tickets with respect to any violation of this chapter when he has reasonable cause to believe that such violation or offense has been committed.
- B.** For every violation of any provision of this article punishable by imprisonment not to exceeding 15 days and/or a fine not to exceed the sum of \$1,000. Each week's continued violation after notice thereof shall constitute a separate additional violation.

§ 85-61. Judicial review.

Any persons aggrieved by any decision or determination made by the Village Board pursuant to this article may bring a proceeding to review such determination in the manner provided by Article 78 of the Civil Practice Law and Rules.

§ 85-62. Application.

No statement in this article shall be construed to interfere with any additional requirements that may be imposed by any federal, state or local health authority having jurisdiction.

§ 85-63. Supersession of other laws.

This chapter supersedes, and is in derogation of, Chapter 230 of the Code of the Town of Blooming Grove, County of Orange, and State of New York. In addition, it is not intended that this chapter supersede the authority of the County of Orange Department of Health.

§ 85-64. Authority.

This chapter is enacted by authority of § 20, Subdivision 5, of the Municipal Home Rule Law and any other law referenced herein as authority herefor.

§ 85-65. Repeal.

All ordinances, local laws and parts thereof inconsistent with this local law are hereby repealed.

§ 85-66. Effective Date.

This local law shall take effect immediately when it is filed in the Office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.