

# ***PORT WASHINGTON WATER DISTRICT***

## **ORDINANCES ADOPTED**

Unless stated otherwise, the following Ordinances are effective September 1, 1985:

### **APPLICABLE SECTIONS OF THE PENAL LAW OF THE STATE OF NEW YORK CRIMINAL TAMPERING IN THE SECOND DEGREE PENAL LAW — SECTION 145.15**

A person is guilty of criminal tampering in the second degree when, having neither right to do so nor any reasonable ground to believe that he has such right, he:

1. Tampers or makes connection with property of a gas, electric, sewer, steam or water works corporation, telephone or telegraph corporation, common carrier or public utility operated by a municipality or district; except that in any prosecution under this subdivision it is an affirmative defense that the defendant did not engage in such conduct for a larcenous or otherwise unlawful or wrongful purpose.

Criminal tampering in the second degree is a Class "A" misdemeanor.

### **THEFT OF SERVICES PENAL LAW — SECTION 165.15**

A person is guilty of theft of services when:

Subdivision 5. With intent to avoid payment by himself or another person for a prospective or already rendered service the charge or compensation for which is measured by a meter or other mechanical device, he tampers with such device or with other equipment related thereto, or in any manner attempts to prevent the meter or device from performing its measuring function, without the consent of the supplier of the service. In any prosecution under this subdivision, proof that a meter or related equipment has been tampered with or otherwise intentionally prevented from performing its measuring function, without the consent of the supplier of the service meter or related equipment has been tampered with or otherwise intentionally prevented from performing its measuring function without the consent of the supplier of the service shall be presumptive evidence that the person to whom the service which is at the time being furnished by or through such meter or related equipment has, with intent to avoid payment by himself or another person for a prospective or already rendered service, created or caused to be created with reference to such meter or related equipment, the condition so existing. A person who tampers with such a device or equipment without the intent to avoid, or to enable another to avoid, payment for the service involved; or

Subdivision 6. He knowingly accepts or receives the use and benefit of service, including gas, steam or electricity service which should pass through a meter but has been diverted there from, or which has been prevented from being correctly registered by a meter provided therefore, or which has been diverted from the pipes, wires or conductors of the supplier thereof. In any prosecution under this subdivision proof that service has been intentionally diverted from passing through a meter, or has been intentionally prevented from being correctly registered by a meter provided therefore, or has been intentionally diverted from the pipes, wires or conductors of the supplier thereof, shall be presumptive evidence that the person who accepts or receives the use and benefit of such service has done so with knowledge of the condition so existing.

Theft of services is a Class "A" Misdemeanor.

## DEFINITIONS

For the purpose of these ordinances the following definitions are applicable:

AIR-CONDITIONING AND REFRIGERATION EQUIPMENT - shall mean any combination of equipment by which heat is removed from the air and from which the accumulated or affluent heat is wholly or partially removed by the use of water directly or indirectly from the public water supply system.

APPROVED - shall mean accepted by the Board of Commissioners as meeting an applicable specification stated or cited in this Chapter, or as suitable for the proposed use.

ATTORNEY - shall mean the attorney of the District retained by the Board of Commissioners of the PORT WASHINGTON WATER DISTRICT.

AUTOMATIC ON-OFF TIME CONTROLLED IRRIGATION SYSTEMS - shall mean systems permanently connected to the house plumbing system and/or the District mains and that water flows through the system when pre-programmed electric, electronic or manually set timer devices actuate special valves to the open position and stops flowing through the system when these same timer devices and/or rain sensing or soil moisture detecting devices actuate the special valves to the closed position. The system valves are never to be operated manually nor is the automatic timer, rain device or soil sensing device to be bypassed except when an emergency or malfunction occurs.

AUXILIARY SUPPLY - shall mean any water source or system other than the potable water supply that may be available in the building or premises.

BOARD - shall mean the Board of Commissioners of the PORT WASHINGTON WATER DISTRICT.

CHECK VALVE - shall mean a self-closing device, which seats readily and completely, which is designed to permit the flow of fluids in one direction and to close if there is a reverse flow.

COMMERCIAL SERVICE - shall mean water service to business, factory, industrial and institutional property.

COMMISSIONER - shall mean a member of the Board of Commissioners of the PORT WASHINGTON WATER DISTRICT.

CONTRACTOR - shall mean a contractor or subcontractor approved by the Board of Commissioners of the PORT WASHINGTON WATER DISTRICT.

CORPORATION STOP - shall mean the valve immediately adjacent to the distribution main in which the service line is installed.

CROSS-CONNECTION - shall mean any physical connection or arrangement between two otherwise separate piping systems, one of which contains potable water or any potable water supply, and any other system which may consist of any waste pipe, soil pipe, vent pipe, sewer, drain, underground piping, or any unapproved source or system containing water of unknown or questionable safety, or steam, gasses or chemicals. Furthermore, it is any potable water supply outlet which is submerged or can be submerged in waste water and/or any other source of contamination. No physical cross-connection shall be permitted between public water distribution systems containing potable water and any other system containing water of questionable quality or containing contaminating or polluting substances.

CURB BOX - shall mean the casing that houses the curb valve with provisions for the operating rod.

CURB VALVE - shall mean an approved valve in the service line located in or adjacent to the public right-of-way to control the water supply in the service line.

CUSTOMER - shall mean a water consumer who has an established account with the PORT WASHINGTON WATER DISTRICT.

DISTRICT - shall mean the PORT WASHINGTON WATER DISTRICT.

DOMESTIC METER - shall mean any meter size of one inch or less.

DOMESTIC SERVICE - shall mean water service to one residence with service lines of one inch or less which are normally residential.

DISTRIBUTION MAINS OR WATER MAINS - shall mean those District water supply mains or pipes from which the water service lines are connected.

DRAIN - shall mean any pipe that carries waste water or waterborne wastes in a building drainage system.

EFFECTIVE OPENING - shall mean the minimum cross-sectional area at the point of water supply discharge, measured or expressed in terms of (a) diameter of a circle, or (b) if the opening is not circular,

the diameter that does not directly connect with the drainage system, but which discharges into the drainage system through an air break into a vented trap or a properly vented and trapped fixture, receptacle or interceptor.

ENGINEER - shall mean the engineer of the District retained by the Board of Commissioners of the PORT WASHINGTON WATER DISTRICT.

EXPANSION LOOP - shall mean excess pipe or tubing provided by curving a line to absorb expansion and contraction.

FIRE PROTECTION SYSTEM - shall mean fire sprinklers, stand-pipes and other installed fire prevention or fire fighting systems that are connected to the District's distribution main system.

FIXTURE, PLUMBING - shall mean installed receptacles, devices or appliances supplied with water or that receive or discharge liquids or liquid borne wastes.

FLOOD— LEVEL RIM - shall mean the edge of the receptacle from which water overflows.

FLUSHOMETER VALVE - shall mean a device which discharges a predetermined quantity of water to fixtures for flushing purposes and is actuated by direct water pressure.

FREE WATER SURFACE - shall mean a water surface that is at atmospheric pressure.

FROSTPROOF CLOSET - shall mean a hopper with no water in the bowl and with the trap and water supply control valves located below frost line.

HEALTH HAZARD - shall mean any conditions, devices or practices in the water supply system and its operation which create or in judgment of the Board may create a danger to the health and well-being of the water consumers. An example of a health hazard is a structural defect in the water supply system, whether of location, design or construction, that regularly or occasionally may prevent satisfactory purification of the water supply or cause it to be polluted from extraneous sources.

HEAT PUMP - shall mean any combination of equipment by which heat is obtained directly or indirectly from the public water supply system.

HYDROPNEUMATIC TANK - is a pressure vessel in which air pressure acts upon the surface of the water contained within the vessel, pressuring the water distribution piping connected to the vessel.

INDIRECT WASTE PIPE - shall mean a drain pipe used to convey liquid wastes that does not directly connect with the drainage system, but which discharges into the drainage system through an airbreak into a vented trap or a properly vented and trapped fixture, receptacle or interceptor.

INLET - shall mean the open end of the water supply pipe through which the water is discharged into the plumbing fixture.

MANUALLY CONTROLLED IRRIGATION SYSTEM – shall mean a system in which water flows through the irrigation system when a valve is manually placed in the open position and stops flowing when the valve is manually placed in the closed position.

NON-POTABLE WATER - Shall mean water that is not safe for human consumption or that is of questionable potability.

NON-TURF COMMERCIAL PROPERTY – shall mean property which is designated by the District as commercial and which: a) includes one or several areas that has a circular diameter of ten feet or less regardless of planting type (for example, a parking lot island); or b) is an area which does not include grass. For clarification purposes, part “a” is intended to require drip irrigation for smaller grassed areas like a parking island, while part “b” is intended to require drip irrigation for non-grassed areas regardless of size.

NOZZLE VALVE – shall mean a device that is attached to the discharged end of a portable hose and is used to manually turn the water on and to manually turn the water off.

OWNER - shall mean the person or persons holding title to the property, as reflected on the real property tax roll.

PLUMBER - shall mean a person, company or corporation engaged in the business of plumbing within the Town of North Hempstead who shall have obtained a Certificate of Competency or license from the Examining Board of Plumbers as set forth in the Code of the Town of North Hempstead under the Chapter entitled, “Administration and Enforcement.”

PLUMBING HAZARD - shall mean any arrangement of plumbing, including piping and fixtures, whereby a cross-connection is created.

PLUMBING SYSTEM - shall mean and include the water supply and distribution pipes, plumbing fixtures and traps; soil, waste and vent pipes; building drains and building sewers, including their respective connections, devices and appurtenances within the property lines of the premises; and water-treating or

water-using equipment.

POLLUTION OR CONTAMINATION - shall mean the presence of any foreign substance (organic, inorganic, radiological or biological) in water that tends to degrade its quality so as to constitute a hazard or impair the usefulness of the water.

POTABLE WATER - shall mean water that is free from impurities present in amounts sufficient to cause disease or harmful physiological effects. Its bacteriological and chemical quality shall conform to the New York State Health Department drinking water standards.

PUBLIC WATER SUPPLY - shall mean water system including the source, treatment works, transmission mains, and distribution system and storage facilities serving the consumers in the District.

QUALIFIED CROSS-CONNECTION CONTROL PERSONNEL - shall mean personnel who have minimum qualifications approved by the Commissioner, New York State Health Department consisting of one-year practical experience related to water supply plumbing, have completed a course of instruction in plumbing cross connection, and shall have successfully passed an examination conducted by the New York State Health Department.

REMOTE READING DEVICE - shall mean a weatherproof two-inch by two-inch by three-inch receptacle mounted to the outside of the customer's premises with a cable connected to a special register head on the water meter in the customer's premises. Also known as ARB (Automatic Reading and Billing)

SERVICE LINE - shall mean that water line or pipe connected to the distribution main and through which water is available to a property.

SIAMESE CONNECTION - shall mean a fire hose connection on the exterior of a building for either a standpipe or fire sprinkler system or both.

STANDPIPE - shall mean an installed fire hose connection affixed to the inside of a building for the purpose of extinguishing fires.

SUBMETERING - shall mean supplying water to another facility from an established metered property.

SUPERINTENDENT - shall mean the superintendent of the PORT WASHINGTON WATER DISTRICT.

SURGE TANK - shall mean the receiving, non-pressure vessel forming part of the airgap separation between a potable and an auxiliary supply.

TAPS - shall mean the physical penetration of a distribution main for the purpose of installing a service line or extension of distribution service. Taps are usually accomplished for service lines two inches in diameter or less.

TON - when used in Air-Conditioning and Refrigeration shall mean the removal of heat at the rate of 12,000 British Thermal Units (BTU) per hour. The following equivalents shall be used: Air Conditioning (Electric) one horsepower of the compressor motor shall be equivalent to one ton of Air-Conditioning; Refrigeration (Electric) one horsepower of the compressor motor shall be equivalent to 6/10 of a ton of Refrigeration.

VACUUM - shall mean any pressure less than that exerted by the atmosphere.

WATER BILL - shall mean all charges against an account for water consumed, services performed, balances due and penalties imposed.

WATER CONSERVING SYSTEM - shall mean a cooling tower, spray pond, evaporative condenser or similar equipment which are used to reduce the temperature of water used in re-circulated cooling water systems.

WATER OUTLET - shall mean a discharge opening through which water is supplied to a fixture into the atmosphere (except into an open tank which is part of the water supply system), to a boiler or heating system, to any devices or equipment requiring water to operate, but which are not part of the plumbing system.

WATER SAVING PLUMBING FIXTURES - shall mean plumbing fixtures that comply with the New York State Environmental Conservation Law, Article 9, Plumbing Requirements, Part 900 and Section 15-0314, Powers and Responsibilities with respect to certain plumbing fixtures, designed so that maximum water use or water flow through each fixture shall not exceed the following quantities:

<u>FIXTURE</u>	<u>MAXIMUM FLOW</u>
Sink and Lavatory Faucets	3 gallons per minute
Shower Heads	3 gallons per minute
Urinals	1½ gallons per flush
Toilets	3½ gallons per flush

WATER SUPPLY SYSTEM - shall mean the water service pipe, the water distributing pipes and the necessary connecting pipes, fittings, control valves, and all appurtenances in or adjacent to the building or premises. The water supply system is part of the plumbing system.

WET-CUT - shall mean the penetration of the distribution main to install a service line or main extension when the required penetration is too large or too complicated for a conventional tap. Wet-cuts are usually for service lines four inches in diameter or larger.

## **ORDINANCES, RULES AND REGULATIONS OF THE PORT WASHINGTON WATER DISTRICT**

The following are the Ordinances, Rules and Regulations established pursuant to Section 255.4(h) Nassau County Civil Divisions Act, by the Board of Commissioners of the PORT WASHINGTON WATER DISTRICT, Port Washington, Nassau County, New York, and are considered a part of any contract with any party taking and using water furnished by the District.

### **ARTICLE I GENERAL PROVISIONS**

#### Section 1: Installations, Repairs and Additions

All installations, repairs and additions to water service lines and appurtenances must be performed by licensed plumbers, duly bonded in favor of the District. No work shall be performed by any plumber who has violated the District's Ordinances until such violation has been corrected and the work approved by the Water District.

#### Section 2: Access

All meter readers, inspectors or agents, employed by this District must be given access to the fire protection water supply system and plumbing system on any premises, at a reasonable hour, to read or exchange the meter or to examine fixtures, plumbing and manner of using water.

#### Section 3: Conveyance of Property

When property is conveyed, notice of such conveyance, with the name and address of the party to whom the property is conveyed must be sent to the Board so that the changes of ownership may be noted on the records of the District.

#### Section 4: Special Meter Reading Charges

The District reserves the right to charge a service fee for each and every special meter reading requested by the consumers and/or their attorneys or representatives.

#### Section 5: Water Shut Down

It is the intention of the District to notify the consumers when the water mains affecting such consumers are to be turned off, but it may be impossible or impracticable to do so. The District is not liable for any damage that may be caused by such turning off of the water.

#### Section 6: Repairs to Water Service Lines

In the event District personnel find a leak existing in a consumer's service line or a leak which is ultimately determined to be from the consumer's line and the consumer has been duly notified that the leak is his responsibility, said consumer shall take steps to have the leak repaired within a reasonable time. Failure to do so will compel the District to discontinue water service and/or repair the leak and bill the consumer. The District is not liable for any damage caused by such discontinuance of water.

#### Section 7: Rates and Charges

All District water rates and charges will be posted in the District office.

#### Section 8: Meters

All meters shall be of a type and make to be determined by the Water District and shall be purchased from the District only. New meter and service line installations shall include a backflow prevention assembly, and where directed by the District includes a remote reading device installed in accordance with the District's standard requirements.

#### Section 9: Meter Readings

The District shall read all meters at least twice a year and shall obtain an actual reading twice per year. District personnel shall be permitted access to all premises for that purpose.

Section 10:

Failure or interruption of water supply resulting in damage to property shall not be the responsibility of the Water District.

**ARTICLE II**  
**METERING**

Section 11:

Each premises shall be serviced by a separate individual meter or metering arrangement. Sub-metering shall not be permitted. If a site containing more than one building served from a single-metered service is subdivided, the building or buildings that are located on the site separate from the building served by the water service line connected to the District main, shall be required to make application to the District for a new metered water service and shall install same in accordance with the requirements herein for installing new water service lines and meters.

**ARTICLE III**  
**APPLICATION FOR WATER SERVICE**

Section 12:

No person or corporation will be permitted to use the water of the District for any purpose without having first obtained permission from the Board of Commissioners or its duly authorized representative.

**A.** Application for the introduction of water to any premises or for the extension of any pipe for the conveyance of such water shall be made upon a form furnished for that purpose, signed by the owner of the property. Applicants for water service must present proof, satisfactory to the Board of Commissioners, of ownership of the property and furnish a correct property description at the time of making application. The applicant shall furnish information concerning the quantity of water required and the purpose for which it will be used. If the Board determines after review of the application together with the information accompanying the application that the granting of the application would be detrimental to the best interests of the District, the Board will disapprove the application or will grant the application subject to conditions pertaining to allowable water use under the application, which conditions will serve to eliminate the factors considered detrimental.

If the Board determines that the granting of the application will not be detrimental to the best interests of the District, the Board will issue a permit subject to all standard District requirements.

Owners of commercial, industrial or professional or multiple-dwelling premises shall re-apply under the conditions described above for water usage each time the property is conveyed or leased to a new tenant.

**B.** Application for the use or installation of water or water facilities of the District shall not be acted upon, approved or accepted by the Board of Commissioners or its duly authorized agent until and unless the full amount of all fees, deposits and installation charges as the same shall from time-to-time be fixed by the Board of Commissioners for the use of such water or water facilities, have been paid to the District.

**C.** Upon acceptance by the District of such application, the said application shall constitute a contract between the applicant and the District, obligating the applicant to pay to the District the established rate or rates as the same shall, from time-to-time, be fixed by the Board of Commissioners, and shall constitute an agreement to comply with and be bound by the Ordinances, Rules and Regulations of the PORT WASHINGTON WATER DISTRICT and amendments thereto.

**ARTICLE IV**  
**TEMPORARY OR EXTRAORDINARY PERMITS**

Section 13:

**A.** Application for temporary service or for service of any extraordinary nature will be accepted upon written application; permits will be issued, and temporary or extraordinary water service will be supplied, provided it does not interfere with the use of water for fire protection and for general purposes. Applicants shall be responsible for said installation except for the tap at the main which shall be made by either District personnel or a contractor hired by the District, and shall pay all expenses incurred for said installation, which is to be made as directed by the District. Said installation is to be discontinued in

accordance with District requirements when the need for temporary service or extraordinary service no longer exists. Charges for such permits shall be determined by the Board of Commissioners.

B. Application for a permit shall specify the estimated period for which the permit is sought and the charges as determined by the Board referred to herein shall become due and payable simultaneously with the filing of the application.

**ARTICLE V**  
**DISCONTINUANCE OF WATER SERVICE**

Section 14:

The District reserves the right to discontinue water service to any premises served for reasons considered detrimental to the best interests of the District. Reasons for discontinuance of service shall include but not be limited to: using water for purposes or in quantities other than that which is approved by the Board or for a purpose prohibited by District ordinances, Rules and Regulations; wasting water; tampering with the water service line on the District side of the meter, tampering with the meter or remote reading device; non-payment of water bills; cross-connection in the plumbing system within the premises that is considered by the Board to be hazardous to the safety of the water supply or objectionable to the safety of the water supply, refusal by the owner to permit access to the premises by District personnel for inspection of the plumbing system and appurtenances and to read the water meter or inability of District personnel to gain access to the premises for inspection and to read meters; failure to correct outstanding violations issued by the District; failure to promptly repair leaking service lines.

**ARTICLE VI**  
**REPLACEMENT OR DISCONTINUANCE OF WATER SERVICE LINE**

Section 15:

Whenever a consumer of the District shall determine that it is necessary to replace the water service line to his property or increase the size thereof, application must be made to the District and the work performed in the same manner as for a new installation, by a duly licensed bonded plumber. All replacements of water service lines shall conform to the requirements for new services contained in Ordinances of the PORT WASHINGTON WATER DISTRICT.

Section 16:

In the event the use of any water service line is discontinued for any reason whatsoever, it shall be cut off immediately at the street main by the owner's licensed bonded plumber, at the owner's cost and expense upon ten (10) days written notice to the District and obtaining District approval. All work shall be done under the supervision of Water District personnel. Should the use of any water service line be discontinued and not cut off by the owner, the work shall be done by the District or Contractor designated by the District on ten (10) days notice to the owner.

**ARTICLE VII**  
**BILLING**

Section 17:

All bills for water, water facilities used, or services performed shall be due and payable to the PORT WASHINGTON WATER DISTRICT, at its office at 38 Sandy Hollow Road, Port Washington, New York.

Meters will be read four (4) times a year and the owner of record will be billed by the District by United States mail; however, the Board does not guarantee the delivery of bills.

Section 18:

All bills shall be paid within thirty (30) days after the date thereof. Ten percent (10%) penalty pursuant to Section 215, Subdivision 12 of the Town Law will be charged on all bills not paid within thirty (30) days after the date thereof. All bills not paid shall become a lien against the property.

Section 19:

The owners of real property are liable for the charges on such property, whether it be occupied by the owner or a tenant, and these charges become a lien upon the property in the event that they are not paid.

Section 20:

All costs to provide emergency service after normal District working hours shall be charged to the owner of record or the individual responsible for payment of bills.

**ARTICLE VIII**  
**DELINQUENT ACCOUNTS**

Section 21:

All accounts delinquent for two (2) billing periods or more will be filed with the Town Board annually, in accordance with law, and will be added to the tax bill by the proper authorities. The last date for payment of such delinquent accounts at the office of the District shall be the first week of September.

**ARTICLE IX**  
**RESPONSIBILITY FOR MAINTENANCE**

Section 22:

Maintenance and protection of the service line, meter, the plumbing system, fixtures and piping is the responsibility of the customer.

Section 23:

The District will not assume any responsibility for damages due to rupture, leakage, breaking or freezing of consumer water service lines and/or plumbing systems beginning at the tap to the District main in the street and extending into the premises.

Section 24:

The quantity of water discharged, if from the street side of the meter resulting from a broken meter and/or a leaking or broken service pipe, may be estimated by the District and the cost may be added to the next bill and, if not paid, subject to the same penalty as provided herein.

**ARTICLE X**  
**FIRE LINE SERVICES FOR AUTOMATIC SPRINKLER**  
**AND/OR STANDPIPE SERVICE**

Section 25:

Fire line service for fire protection systems will be provided only upon special application of the Board of Commissioners, following receipt of a letter requesting such service.

Section 26:

Fire line service installations shall comply fully with the latest standard specifications of the PORT WASHINGTON WATER DISTRICT for furnishing and installing pipes, fittings, valves, and appurtenances, and with all requirements of the Nassau County Health Department and the National Fire Code. All costs of installation must be paid by the applicant. A plan of each installation approved and signed by the Insurance Services Office must be submitted with the letter of application. The District will not verify the adequacy of the fire protection system and assumes no responsibility for the reliability of the system or the system's ability to prevent the occurrence and/or spread of fire in the areas protected by the system. Fire service lines that are filled with chemical compounds or that contain chemical additives shall be considered hazardous and potential backflow or back siphoning from these systems shall be contained to the premises by the installation of an approved reduced pressure backflow prevention assembly.

Section 27:

Charges for fire protection service will be established by the Board of Commissioners, based on the size of the fire line. Fire service lines may not be used for any other purpose except as authorized by the District. Should a fire occur, or a test of the system cause the system to detector check valve to open and/or if the by-pass meter registers water flow, the consumer must notify the Board within forty-eight (48) hours.

Section 28:

Failure to comply with Section "27" is full justification for the Board to cut off all fire service to the building and to notify the Fire Rating Organization of this action.



**ARTICLE XI**  
**TEMPORARY USE OF WATER FROM HYDRANTS**

**Section 29:**

Use of water from District hydrants is prohibited except by permit issued by the Board. Persons or corporations may make application to the Board for such use and if approved, shall pay to the District such charge or charges as are from time to time fixed by the Board of Commissioners.

**Section 30:**

Hydrant permits will be issued to municipal tank trucks and road sweepers, (after inspection) at the PORT WASHINGTON WATER DISTRICT, 38 Sandy Hollow Road, Port Washington, New York. The cost of a season permit shall be determined by the Board of Commissioners and shall cover the period April 1st through November 1st. There will also be a charge for daily use to be fixed by the Board of Commissioners.

This permit will entitle the applicant to the use of a specified hydrant located on Water District property only, with such restrictions as are imposed by the Board of Commissioners, its agents or employees. No chemicals will be added to the tank before or while on Water District property. It is prohibited to make any connection between the tank truck or similar vehicle and the public water supply system or between the tank truck or similar vehicle and the plumbing system of any consumer in the District after the tank truck or similar vehicle is filled and leaves the District property.

**Section 31:**

All applicants receiving a hydrant permit must use a hydrant wrench to operate the hydrant properly and a valve adapted to fit the hydrant must be used to regulate the flow of water. Permits may be revoked for violation of permit regulations and no money will be refunded.

**Section 32:**

Violations of Sections 29 and 30 of these ordinances are misdemeanors and violators shall be subject to a fine or imprisonment or both according to Sections 145.15 and 165.15 of the Penal Law of the State of New York.

**Section 33:**

The District reserves the right to cancel any permission granted by the Board at any time when the system of the District is being damaged or water wasted, or any provisions of these Ordinances and Rules and Regulations are being violated.

**ARTICLE XII**  
**IMPROPER FUNCTIONING OF WATER**  
**METERS OR REMOTE READING DEVICES**

**Section 34:**

When a meter or remote reading device is found to be no longer functional, a replacement thereof shall be made in accordance with these Ordinances.

**Section 35:**

In the case of malfunctioning water meter, which includes stopped, noisy or leaking meter, the customer shall, with all diligence, give timely notice thereof to the District.

**Section 36:**

If there is a malfunctioning remote reading device, which includes cut cable, damaged or removed receptacle, the customer shall, with all diligence, give timely notice thereof to the District.

**Section 37:**

If it is found necessary to remove the meter or remote reading device for repair, another meter or remote reading device shall be substituted and installed by personnel of the District. Adjustments, repairs and inspection of the internal parts of the water meter or remote reading device shall be made by District personnel only.

**Section 38:**

The costs for all repairs to meters and remote reading devices damaged due to negligence of the consumer shall be borne by the consumer.

**ARTICLE XIII**  
**METER TESTS**

**Section 39:**

When a meter has been tested upon the request of the customer and found to be accurate within the American Water Works Association limits for the particular meter, a charge must be paid by the customer for the costs incurred in testing the meter. Said charge shall be posted at the office of the District.

**Section 40:**

The District reserves the right to inspect, adjust repair and/or to remove and test any meter, at no cost to the customer, at any time it is deemed necessary by the District.

**ARTICLE XIV**  
**METER AND REMOTE READING DEVICE**  
**TAMPERING PROHIBITED**

**Section 41:**

Meters, seals and remote reading devices shall not be tampered with or disturbed by any unauthorized person. Tampering with meters and remote reading devices is a violation of Sections 145.14 and 165.15 of the Penal Law of the State of New York.

**ARTICLE XV**  
**VACANT PREMISES**

**Section 42:**

If the meter, meter assembly or remote reading device in any vacant or unoccupied premises is damaged or missing, the owner of the premises shall be responsible to pay for any damages or replacement units.

**ARTICLE XVI**  
**ALLOWANCE ON RETURNED USED METERS**

**Section 43:**

In the event that meters once installed are no longer required by the consumer or property owner because of the change of conditions which might result in the discontinuance of the use of water, such meters shall be delivered to the office of the District, or to such other place as may be agreed upon by the consumer and the Superintendent of the District.

**ARTICLE XVII**  
**FIRE HYDRANTS**

**Section 44:**

Any person or corporation requesting the relocation of a hydrant must first petition the Board of Water Commissioners by letter giving the location and reason for relocating. After the Board of Water Commissioners, or its representative, reviews the request and makes a decision, the petitioner will be notified. If approved, a deposit in the amount of the estimated cost of such relocation shall be paid to the Port Washington Water District in advance. If the actual cost of relocation is greater than the deposit, the consumer will be required to pay promptly the difference to the District. If the actual cost is less, the District will promptly refund the difference to the consumer.

**Section 45:**

Trees, bushes, fences and walls must clear all existing hydrants; curb boxes and meter pits by five (5') feet or more. The Water District will not be responsible for any claims resulting from obstructions. Obstructions that are located within five (5') feet of any hydrant may be removed by the District upon thirty (30) days notice to the consumer.

**Section 46:**

Any person who willfully does damage to any fire hydrant, in addition to being liable for the cost of repairs to the damaged hydrant, shall also be liable for criminal prosecution in accordance with the Penal Law of the State of New York.

**ARTICLE XVIII**  
**SERVICE LINES**

**Section 47:**

A tap shall be made by the District when an excavation four feet (4') square and six inches (6") below the main at the location of the proposed tap has been made by the plumber and/or contractor for the owner of the premises to be served and left in a satisfactory condition. Sheeting and shoring shall be installed by the owner's plumber as necessary to comply with the New York State Industrial Code. All excavations shall be dewatered by the owner's plumber.

**Section 48:**

All service pipes shall be laid in a trench a minimum of four feet six inches (4'6") deep below the finished grade, at a right angle to the main.

**Section 49:**

Water service lines shall be installed in a straight line at 90° right angle to the main, tapped and maintained in one continuous length without joints from the main to the curb stop. Water service lines which require repair between the main and the curb stop and/or extensions shall be replaced with a new service line between the water main and the curb stop in accordance with District requirements for a new water service. Water service lines shall have a minimum of ten feet (10') horizontal clearance to sewer house connections, sanitary leaching pits, dry-wells, edge-of leaching fields, septic tanks, above-grade and below-grade gasoline, fuel/oil and chemical storage tanks.

**Section 50:**

Service pipes, fittings, corporation stops, backflow prevention devices, curb stops, curb boxes, meters and meter pits shall be of such make and construction as the District shall designate.

**Section 51:**

All permanent service pipes less than two inches (2") diameter in size shall be of copper tubing, type "K" connected to the main with a corporation cock and a proper bend in the tubing as specified by the District, and with no joints between the main and the curb stop. Permanent service pipes two inches (2") in diameter shall be copper tubing, type "K," connected to the main by means of two one-inch (1 ") diameter taps in accordance with District standards.

**ARTICLE XIX**  
**INSPECTION**

**Section 52:**

No water shall be introduced into any pipe or system for any reason or purpose nor shall water be introduced into private pipe lines upon any premises until and unless the portion of the service line from the main to the meter shall have been inspected and approved, prior to backfilling, by an authorized employee of the District, the service line has been flushed, and, where directed by the Superintendent, pressure tested, disinfected with chlorine solution, re-flushed and a water sample taken and analyzed for bacteriological content in a laboratory approved by the District. Satisfactory results must be obtained before the service will be approved.

**Section 53:**

Whenever it shall be found that a service installation has been made in any manner other than that approved by the District, the meter may be removed and the service discontinued. Service shall not be resumed until the installation is properly made and approved, and all expenses, charges and deposits shall have been paid by the consumer or owner of the premises.

**ARTICLE XX**  
**LOCATION OF CURB STOPS AND METER PITS**

**Section 54:**

The curb stop shall be installed between the curb and the sidewalk. The location of all service lines, curb boxes, meters and meter pits, if required, shall be established by permission of the District and before any work is started. Outdoor meter pits shall be installed at the discretion of the Water District.

**ARTICLE XXI**  
**CHANGES IN GROUND ELEVATION**

**Section 55:**

In the event that a change in ground elevation shall leave any service inadequately buried or result in a curb box, meter pit or other appurtenances of the water facilities being projected above the ground or being covered with earth, the consumer shall, at his own expense, have such service pipe, curb box, meter or meter pit raised or lowered as the case may be, so as to conform with all of the requirements of the District, this work to be performed by authorized persons only.

**Section 56:**

In the case of developments where mains are installed under a contract with the District, all valve boxes, hydrants, service lines and appurtenances shall comply with established and/or final grades before the District shall accept the work performed under the Developers' Agreement. Final adjustment of these items is the responsibility of the Developer.

**Section 57:**

The District will upon request of any person, firm, or corporation, attempt to locate an existing water main for the purpose of making an excavation for a water tap. In granting such request, the District assumes no obligation or liability in connection therewith due to inability to locate such main or to correctly locate such main and the applicant, by making such request expressly assumes all responsibility for his agent or employees in the event of such inability to so locate the main or inability to correctly locate the main.

**ARTICLE XXII**  
**DEMOLITION**

**Section 58:**

Demolition shall mean to pull, tear down or destroy a structure or structures suitable for residential, commercial, business or industrial purposes.

At no time will a demolition letter be issued to any consumer until the water service is disconnected by the owner or his contractor at the main and inspected by a representative of the Water District. The cost will be borne by the property owner or his agents or contractors requesting the letter of certification.

**ARTICLE XXIII<sup>1</sup>**  
**IRRIGATION SYSTEMS**

**Section 59**

**PREAMBLE**

The Port Washington Water District draws its water from sole source aquifers. Protecting these aquifers is a priority of the District. The sustainability of the aquifers is affected by contaminants, salt-water intrusion and usage. The New York State Department of Conservation conducted an analysis of past annual pumpage for both Nassau and Suffolk Counties. The results showed that both counties "have exceeded the safe yield as cited in the 1986 Long Island Groundwater Management Program. With other concerns such as salt-water intrusion, contaminant plumes migration, salt water upconing and competing demands, a concerted effort is needed to reduce peak season water demand". Furthermore, the New York State Department of Environmental Conservation established a goal for all Long Island water suppliers to reduce summertime peak water use by 15 percent by 2021. Still further, the importance of maintaining and sustaining a usable aquifer system is codified in Section 19 of the New York State Constitution's Bill of Rights, which states that:

Each person shall have a right to clean air and water, and a healthful environment.

In order to meet the District's obligation to provide, maintain and sustain potable water, the District has constructed contaminant treatment facilities and advocated for conservation. Conservation helps to reduce the threat of salt-water intrusion, because the less water required from the District's supply wells, the less draw is put on the fresh water/ salt-water interface.

Among the many conservation methods, the District has encouraged is the use of water efficient

<sup>1</sup> Adopted July 5, 2023 and effective September 1, 2023.

appliances and plumbing fixtures indoors and irrigation restrictions outdoors. Irrigation of lawns, gardens, parks, golf courses, sports fields and commercial properties represents the largest use of potable water during the spring/summer and early fall seasons. According to the United States Environmental Protection Agency, as much as 50 percent of outdoor water is lost due to wind, evaporation, and runoff caused by inefficient irrigation methods and systems<sup>2</sup>. Therefore, the District has focused on irrigation as the category of usage in which there is the greatest potential to conserve. The amount of water used for irrigation is affected by, among other things, the efficiency of the irrigation system as well as the size of the area to be irrigated, the water needs of the plantings in the area, the soil type in the area, the amount of rainfall received and the average temperature.

In order to maintain and sustain the aquifer system to provide potable water so that each resident is provided clean water and a healthful environment, the District adopted the following irrigation ordinance:

#### Section 59.1

### **IRRIGATION SCHEDULE, RATE & AREA**

1. In order to alleviate sharp decreases in water pressure due to irrigation, the District divided its service area into five irrigation zones as shown on the Irrigation Zone Map included in Appendix "A". Each zone has a designated two-hour time period during which automatic irrigation may be engaged at a rate of ten (10) gallons per minute or less and the Customer's irrigation area shall not exceed forty percent (40%) of the gross lot area. Regardless of zone location, regular irrigation is restricted to the period between April 15<sup>th</sup> and October 31<sup>st</sup>. All irrigation is required to follow the Nassau County Lawn Watering Ordinance<sup>3</sup> which states that:

- a. Irrigating is prohibited between the hours of 10:00 am and 4:00 pm.
- b. Odd-numbered homes can water on odd-numbered days.
- c. Even numbered homes and non-numbered homes can water on even numbered days.

Irrigating during prohibited months, days or times shall result in a notice of violation issued by the District to the Customer. Five (5) violations within a Twelve (12) month period commencing on April 15<sup>th</sup> of each year shall result in a fine for each successive violation in an amount not to exceed two hundred fifty dollars (\$250.00) per violation which is issued in accordance with this Code, the Nassau County Civil Divisions Act or New York State Law. The purpose of the notice of violation and fine is to encourage compliance with this code section that is based on promoting water conservation.

2. As the District is located in a geographic area, which experiences freezing temperatures, each irrigation system should be protected from damage caused by freezing temperatures when not in regular use.

#### Section 59.2

### **SMART IRRIGATION REQUIREMENTS**

1. By January 1, 2025, all automatic irrigation systems shall be controlled by a Smart System, approved by the District or the Environmental Protection Agency, that monitors weather and past water use to automatically adjust the watering cycle to the condition of the site to be irrigated and shall comply with the following requirements:

- a. Restricted to ten (10) gallons per minute or less.
- b. Backflow prevention assembly installed at the meter serving the premises in accordance with Port Washington Water District standards. A completed form DOH-1013, "Report on Test and Maintenance of Backflow Prevention Device", must be completed by a certified backflow

<sup>2</sup> [www.epa.gov/watersense/statistics-and-facts#:~:text=As%20much%20as%2050%20percent,25%2C000%20gallons%20of%20water%20annually](http://www.epa.gov/watersense/statistics-and-facts#:~:text=As%20much%20as%2050%20percent,25%2C000%20gallons%20of%20water%20annually)

<sup>3</sup> Nassau County Ordinance 248-A-1987 as amended by Ordinance 181-2016.

device tester on an annual basis and forwarded to the Board of Commissioners of the Port Washington Water District within thirty (30) days of the inspection.

- c. Pressure regulating valve, spring loaded, installed on the upstream side of the zone valve manifold. Only one pressure-regulating valve is to be used for the system and shall be set to maintain inlet water pipe pressure to the irrigation system at a level not to exceed five pounds per square inch above the manufacturer's rated pressure, for the highest pressure rated sprinkler head in use in the most flow-demanding zone in the irrigation system.
- d. Threaded connections, pet cock and pressure gauge, installed between the pressure-regulating valve and the manifold. Pressure at all heads should be within 10 percent of the system design operating pressure. Example: A head designed for 30.0 PSI should operate within the 27.0 to 33.0 PSI range. This shall be accomplished by using pressure-reducing valves (not flow control valves or flow restriction devices) installed under or in the base/stem of the head.
- e. Locking ball valve installed outside the building on the water feed line to the irrigation system in a location accessible to District personnel for the purpose of shutting down the system during emergencies or when violations of District Rules, Regulations or Ordinances have occurred.
- f. Rainfall sensing equipment that automatically turns the irrigation system OFF when it rains during the irrigation periods, and to skip a subsequent irrigation period when it has rained prior to the irrigation period. The device shall be adjusted to shut down irrigation and/or to skip the subsequent irrigation period when a total of ½ " of precipitation occurs any time between one cycle (two days).

### Section 59.3

#### **NEW IRRIGATION SYSTEMS**

1. After September 1, 2023, the installation of new irrigation systems or the alteration or addition to existing irrigation systems shall not be commenced until the District has issued the applicant a permit. The applicant shall pay the required permit fee, if any, and shall provide the following to the District at the time the application is made to the District:

a. Two copies of the site plan, electronic or otherwise, prepared by a Certified Irrigation Designer as certified by The Irrigation Association, or other professional with extensive experience in the design of irrigation systems as determined by the District Superintendent, showing details of the layout of the irrigation system including all zones and that the area under irrigation does not exceed forty percent (40%) of the gross lot area. Designate individual zones by number and show each zone within a dashed line enclosure. The site plan shall also show the location of the rain-sensing device and the associated wiring and connection points. The site plan shall include a pressure loss worksheet in the form annexed hereto as Appendix "B" and list:

- i. Valve number and flow rate
- ii. Available static water pressure
- iii. Loss or gain due to elevation
- iv. Detailed list of various component pressure losses & velocities
- v. The operating pressure requirements

b. Table showing the sprinkler heads and flow capacity proposed for each zone. Include manufacturer's catalog number for each head and attach back-up, such as a copy of the manufacturer's data sheet, showing the flow characteristics of each head.

Heads shall have a ratcheting feature for adjusting the direction of spray. Pop-up spray heads shall have a pressure-regulating device (set at 30psi) installed in the base of the stem, a check valve installed in the base of the body, and slotted plastic nozzles, with matched precipitation rate nozzles.

Use an internal drive, closed case rotor with wiper seals and spring retraction. Pop-up stem

surface diameter shall be less than 2-inches, and a minimum pop-up height of 4-inches. All heads shall have check valves built into the bottom of the body. Use small radius rotor heads for areas that range from 20 feet to 30 feet wide.

Head spacing shall not exceed 50 percent of the diameter of its effective coverage. Part circle heads must be used around the entire turf/bed perimeter to avoid overthrow onto buildings, asphalt, concrete, etc., and walks with planting on one side only. Walks of five feet or less with planting on each side may be sprayed over. Radius reduction at the head shall not exceed 25 percent of the maximum arc as indicated in manufacturers' catalog. If there are coverage problems in unique areas, use part circle "backup heads" where there is not enough space for another row of full circle heads.

c. Slopes in excess of a 3 to 1 ratio.

Heads placed at the bottom of a slope need to be valved separately. Mid-point on the slope will need a moderate amount of water and therefore these heads shall also have their own zone. Heads placed on the top of the slope must be valved separately, as they will water for the longest period of time because this section will have no run-off from above and is exposed to more sun and wind. Lateral lines on slopes shall be installed along the contour rather than up and down the slopes. Total water flow rate in the system shall not exceed 10 gallons per minute per zone.

d. Sketch of the zone valve vault showing the arrangement of the pressure-regulating valve and zone valve manifold as well as the timer.

e. Furnish a manufacturer's catalog sheet showing construction, installation and operational details of the rain-sensing device proposed for use in the system.

f. Tables showing run times for each zone and the frequency of watering.

g. If installing plantings, which include lawn grasses, a description of the plantings and whether the planting is native to the area and a confirmation that the irrigation requirement does not exceed 1 inch (1") of water application per week.

h. A sketch of the size and location of non-turf commercial property, which shall be solely irrigated, if at all, by continuously self-flushing, pressure-compensating subsurface drip irrigation that includes check valves.

i. An acknowledgement that:

- i. Pop-up spray heads for turf areas shall have a minimum pop-up height of 4". A minimum 4" pop-up height shall be used adjacent to streets. A 12" pop-up height shall be used in ground cover and flowerbeds. Part circle heads must be used around the entire turf/bed perimeter to avoid overthrow onto buildings, asphalt, concrete, etc., and walks with planting on one side only. Walks of five feet or less with planting on each side may be sprayed over.
- ii. Heads shall have a ratcheting feature for adjusting the direction of spray.
- iii. Pop-up spray heads shall have a pressure-regulating device (set at 30psi) installed in the base of the stem, a check valve installed in the base of the body, and slotted plastic nozzles, with matched precipitation rate nozzles.
- iv. Heads shall have an internal drive, closed case rotor with wiper seals and spring retraction.
- v. Pop-up stem surface diameter shall be less than 2-inches, and a minimum pop-up height of 4-inches.
- vi. Small radius rotor heads shall be used in areas that range from 20 feet to 30 feet wide.
- vii. Head spacing shall not exceed 50 percent of the diameter of its effective coverage. Radius reduction at the head shall not exceed 25 percent of the maximum arc as

indicated in manufacturers' catalog. If there are coverage problems in unique areas, use part circle "backup heads" where there is not enough space for another row of full circle heads.

- viii. For slopes in excess of a 3 to 1 ratio, heads placed at the bottom of a slope need to be valved separately. Mid-point on the slope will need a moderate amount of water and therefore these heads shall also have their own zone. Heads placed on the top of the slope must be valved separately, as they will water for the longest period of time because this section will have no run-off from above and is exposed to more sun and wind. Lateral lines on slopes shall be installed along the contour rather than up and down the slopes. Total water flow rate in the system shall not exceed 10 gallons per minute per zone.
- ix. Areas of non-turf commercial property shall be restricted to continuously self-flushing, pressure-compensating subsurface drip irrigation. As with sprinkler irrigation, drip irrigation shall be zoned for varying plant needs, slopes, and exposures. Drip irrigation shall include check valves.

2. Residential Customers are encouraged to use continuously self-flushing, pressure-compensating subsurface drip irrigation with check valves in non-cultivated planting beds that are mulched or in narrow turf strips where spray heads are not practical.

3. Upon completion of the new installation, the District must inspect and approve the backflow prevention device before the system can be operated. Thereafter, a completed form DOH-1013, "Report on Test and Maintenance of Backflow Prevention Device", must be completed by a certified backflow device tester on an annual basis and forwarded to the Board of Commissioners of the Port Washington Water District within thirty (30) days of the inspection.

4. The installation must be inspected and approved by District personnel to prevent a return flow of water into the public water supply and confirm the system will utilize 10gpm or less at full flow, maintain the designated pressure throughout the system when flowing and prevent flow to the system when the rain sensor calls for the system to shut down. The automatic shutdown feature controlled by the rain sensor detection unit shall interrupt irrigation and the smart controller shall interrupt irrigation even if the manual ON override control is actuated.

The use of District water for irrigation purposes shall comply with special conditions established by the Board.

#### **ARTICLE XXIV** **WATER USE RESTRICTIONS**

**Section 60:**

At the discretion of the Board of Commissioners, customers may be required to restrict all water use for non-essential purposes, as determined by the Board.

#### **ARTICLE XXV** **EXISTING LAWN SPRINKLER SYSTEMS**

**Section 61:**

Any existing lawn sprinkler system which does not conform to the requirements of this Ordinance shall be removed or discontinued until such time as the system is corrected and approved by the District.

#### **ARTICLE XXVI** **AIR CONDITIONING AND REFRIGERATION**

**Section 62:**

New air-conditioning, refrigeration, engine cooling or condensation equipment or other equipment or devices which consume water for cooling purposes and which are installed after September 30<sup>th</sup>, 1987, will not be supplied with water from the Port Washington Water District.



All existing equipment utilizing water for cooling purposes, including the new equipment installed prior to September 30<sup>th</sup>, 1987 shall be replaced with equipment that does not require water at a rate in excess of 0.1 gallons per minute of water per to not installed capacity prior to June 30<sup>th</sup>, 1989.

Premises where water is used for air-conditioning or refrigeration equipment shall be equipped with an approved backflow prevention device installed in accordance with District standards.

**ARTICLE XXVI-A**  
**SWIMMING POOLS**

**Section 62A:**

Municipal swimming pools may be filled from the Port Washington Water District system once a year.

Makeup water losses due to evaporation and splashage may be obtained from the Port Washington Water District's system.

Water use in both private and municipal swimming pools shall comply with Special Conditions established by the Board.

**ARTICLE XXVII**  
**NOTIFICATION OF VIOLATION**

**Section 63:**

The Board shall notify the owner, or authorized agent of the owner, of the building or premises in which there is found a violation of these Ordinances, of such violation. The Board shall set a reasonable time for the owner to have the violation removed or corrected. Upon failure of the owner to have the violation corrected by the end of the specified time interval, the Board may, if in its judgment an imminent health hazard exists, cause the water service to the building or premises to be terminated and/or recommend such additional fines or penalties to be invoked as herein may be provided.

**Section 64: Fines.** The owner or authorized agent of the owner responsible for the maintenance of the plumbing systems in the building who knowingly permits a violation to remain uncorrected after the expiration of the time set by the Board, or violates any sections of these Ordinances, shall, upon conviction thereof by the Court, be required to pay a fine of not more than \$100 for each violation. Each day of failure to comply with the requirements of these Ordinances after the specified time provided under Section 63 shall constitute a separate violation.

**ARTICLE XXVIII**  
**LETTER OF AVAILABILITY OF WATER AND APPLICATION**  
**FOR EXTENSION OF DISTRICT WATER SUPPLY**

**Section 65: Initial Application**

Owners of property located within the PORT WASHINGTON WATER DISTRICT who Propose to subdivide and/or to develop property for sale or for their own use shall apply to the Board for a Letter of Availability of water and if granted, shall enter into an agreement with the District covering the procedure to be followed for extension and distribution of water service to and within the subject lands. The letter requesting availability of water shall include the following information:

1. Description of proposed use;
2. Site plan showing location and boundaries of site,
3. Development plan (if available); and
4. Approximate estimate of water requirements.

**a. Application Review**

The Board shall direct the District's engineer and attorney to review and report on the application. The Board will review the application for availability of water and the reports and will make a determination to: a) approve the application; b) approve the application with conditions pertaining to allowable water use or

c) deny the application if the Board finds the granting of the application would be detrimental to the best interests of the District. The Board shall be the sole judge in determining whether the granting of a Letter of Availability of water to any applicant would be detrimental to the best interests of the District and their decision will be final. The Letter of Availability of water shall lapse within twelve (12) months after the date of its issuance by the Board if the Developer fails to enter into a Developer's Agreement Contract with the Board. The Letter of Availability of water shall not be assigned without the consent of the Board.

**b. Procedure for Obtaining Water Supply**

If the application for Letter of Availability of water is approved by the Board and a Letter of Availability of water is issued in response to the application, the following procedure shall be carried out:

1. The owner shall request, in writing, that the Board prepares plans and specifications for the installation of water mains and appurtenances as required to furnish water for the proposed development.

2. The owner shall provide four (4) copies of the map or maps of the proposed development identical with the plans, plot plan and other documents and material filed or required to be filed with the village, Town of North Hempstead and Nassau County agencies having jurisdiction over the development.

3. The owner shall furnish all detailed information concerning water use within the proposed development as requested by the Board. The water use shall be in conformance with the estimated water use set forth in the owner's letter requesting availability of water and in conformance with the conditions set by the Board and made part of the Letter of Availability of water previously issued by the Board.

4. The owner shall deposit with the Board a sum of money to be determined by the Board, which money shall be used to cover the District's costs for preliminary engineering and legal services utilized in reviewing the initial application for Letter of Availability of water and preparing preliminary cost estimates for the water main facilities based upon the plans filed under "2" above and for reviewing easement drawings and descriptions. This deposit shall not be refundable.

5. Upon receipt of the deposits for preliminary engineering and legal services, the Board shall direct the engineer to prepare a preliminary water main layout for the facilities together with a cost estimate. After review and approval of the preliminary plan, the owner shall be notified of the amount of the preliminary cost estimate and will be requested to deposit with the District an amount equal to fifteen percent (15%) of the preliminary cost estimate. This deposit will cover the costs for preparation of the plans and specifications and field inspection of the work legal expenses and District administrative costs.

6. Upon receipt of the fifteen percent (15%) deposit, the Board shall direct the engineer to prepare drawings showing the location of easements required for construction of the water mains, plans and specifications for taking bids under the provisions governing advertising and bidding for public work projects and shall direct the Board's attorney to prepare the Developer's Agreement.

The drawings showing the approximate location of easements to be dedicated to the District shall be forwarded to the developer who shall at his own expense have easement drawings and descriptions prepared by a licensed land surveyor for all easements requested by the Board. Said easement drawings and descriptions shall then be reviewed by the District engineer and if satisfactory, the Board shall direct the District's attorney to prepare easements and a Bill of Sale for execution by the developer and then he will record the easement. In cases where easements are required on lands not owned by the developer, the developer will be required to obtain the easement from the owner of the lands crossed by the easement, at his own expense.

The costs for engineering services rendered by the District's engineer for reviewing easement drawings and descriptions shall not be included in the fifteen percent (15%) deposit but shall be paid for by the developer on an hourly basis for time expended by the District's engineer and/or its staff personnel.

7. Upon notification from the District's attorney that the Developer's Agreement is complete and signed and all easements have been received and filed and notification from the District's engineer that the plans and specifications are complete, the Board will review same and, if approved shall, advertise for bids. Upon receipt of the bids, review by the engineer and the attorney, the Board shall notify the developer of the bidding results and shall request the developer to deposit with the Board the following amounts:

a) an amount equal to the bid price received from the lowest responsible bidder plus ten percent

(10%) to cover contingencies during construction.

b) an amount equal to fifteen percent (15%) of the amount in (a) above less the amount deposited under “5” herein.

All deposits must be received by the Board within fifteen (15) days from the date of receiving bids.

8. Upon receipt of the deposits in (a) and (b) above and within thirty (30) days from the date of receiving bids, the Board shall award the contract for performing the water main work to the lowest responsible bidder.

If at any time during the course of this work under the contract, it is determined that the contract costs will exceed the amount deposited under “7” herein; the developer will be requested to deposit an amount sufficient to cover the estimated excess cost for contingencies plus fifteen percent (15%) of the estimated excess cost for additional engineering, legal and District administrative expenses.

9. Upon completion of the work under the contract for water main facilities required to serve the development, the Board will issue a final accounting of all contract costs incurred to construct the water main facilities and all deposits made by the developer.

If the final contract costs plus fifteen percent (15%) is less than the deposits made by the developer under “7(a)” and “7(b)” and “8” herein, the difference will be returned to the developer. If the final contract cost plus fifteen percent (15%) is greater than the deposits made by the developer under “7(a)” and “7(b)” and “8” herein, the developer will be required to promptly deposit the difference with the Board. Water service to the development will not be provided until all monies due to the District by the developer for work under the Developer’s Agreement are paid by the developer.

## **ARTICLE XXIX<sup>4</sup>**

Amendments to these Ordinances may be proposed at any regular meeting and shall be voted upon no earlier than the next regular meeting. Written notice of the proposed amendment or amendments shall be sent to all absent Commissioners at least ten days prior to the voting session. A simple majority of the whole Board (including vacancies) shall be sufficient for adoption of an amendment.

Customers shall be notified of any adopted amendment through publication in the District’s designated newspaper and inclusion of the notice on the District’s webpage.

Except in an emergency, amendments shall take effect no earlier than thirty days after publication.

## **RULES AND REGULATIONS TO PREVENT CONTAMINATION OF THE WATER SUPPLY**

### **Section 1 Authority**

1.1 Pursuant to the authority vested in the Board of Commissioners of the Port Washington Water District, the Superintendent of the Port Washington Water District or his designated agent shall inspect the plumbing in every premises in the District at prescribed intervals to ensure that the plumbing system was installed and is maintained in such a manner as to safeguard the potable water supply by preventing backflow into the potable water supply system.

1.2 Inspection - The Superintendent or his designated agent shall have the right of entry at reasonable times into any premises or building in the Port Washington Water District for the purpose of making an inspection of the plumbing system.

1.3 Statutory Authority - Chapter 1, Title 10, New York State Sanitary Code, Part 5, Drinking Water Supplies, 5-1.31, Cross-Connection Control - (a) The supplier of water shall protect the public water system in accordance with procedures acceptable to the Commissioner by containing potential contamination within the premises of the user in the following manner.

(1) by requiring an acceptable reduced pressure zone device or double check valve assembly acceptable to the Commissioner consistent with the degree of hazard posed by the premises served by

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<sup>4</sup> Adopted July 5, 2023 and effective August 15, 2023.

the connection;

(2) by requiring the users of such connections to submit plans for the installation of protective devices to the supplier of water and the State for approval; and

(3) by assuring that all protective devices are inspected and tested annually and disassembled and overhauled every five years by a person qualified by the Commissioner of Health to inspect and test back flow prevention assemblies. The records of such inspections and tests shall be made available to and maintained by the supplier of water.

## **Section 2. General Technical Requirements**

**2.1 General.** A potable water supply system shall be designed, installed and maintained in such manner as to prevent contamination from non-potable water, liquids, solids or gases from being introduced into the potable water supply through cross-connections or any other piping connections to the system.

**2.2 Cross-Connections** between the customer's potable water supply system in premises served by the Port Washington Water District and aesthetically objectionable and/or hazardous facilities are prohibited except where backflow or back siphonage from supply system is prevented by containment.

**2.3 Interconnections.** Interconnection between two or more public water supplies shall be permitted only with the written approval of the Board and the Nassau County Department of Health.

**2.4 Individual Water Supplies.** Cross-connections between an individual water supply and a potable public supply are prohibited.

**2.5 Approval of Containment Devices.** Before any device for the prevention of backflow or back-siphonage by containment is installed, the District consumer (applicant) who proposes to install a backflow prevention device must obtain approval for the installation from the Board and from the Nassau County Health Department. Approval procedure is as follows:

(A) The applicant files five copies of the New York State Health Department Form GEN 236, together with five copies of the Plans and Specifications showing the installation of the proposed containment device with the Board. The New York State Education Law pertaining to Professional Engineers and Land Surveyors, Art, 145ff / sec 7200 requires that a project involving the safeguarding of life, health and property must be designed by a Registered Professional Engineer or Registered Architect of the State of New York. All plans and specifications are to have the Engineer's or Registered Architect's seal and signature affixed thereto. Copies of form GEN 236, Plans and Specifications for installation of containment devices and a list of devices acceptable to the New York Health Department for containment control are available from the District office.

(B) After review and approval of the Application, Plans and Specifications by the Board, the Board shall transmit four copies of the Application, Plans and Specifications to the Nassau County Health Department for review and approval.

(C) After review and approval of the Application, Plans and Specifications by the Nassau County Health Department (or after revision, resubmission and approval), the Health Department will send a Certificate of Approval (Form GEN 237) together with the Application, Plan and Specifications, to the Owner of the premises, the Board and the Engineer.

(D) The applicant shall have the containment device installed by a Licensed Plumber in accordance with the approved Plans and Specifications.

(E) The applicant's Licensed Plumber, after completion of work, utilizing a person qualified by the Commissioner of Health, Nassau County, to inspect and test Backflow Prevention Assemblies, will make the initial inspection of the device in accordance with the manufacturer's instructions and shall submit a report of the test on New York State Health Department Form GEN 215A, to the Board within 30 days of installation of the device. The Board's representative will inspect the final installation for compliance with the Plans and Specifications and submit GEN Form 215A to the Nassau County Health Department.

## **2.6 Guidance for Installation of Physical Connection for Containment Control Devices.**

### Conditions

### Control Devices

RPZ

DCA

1. Any physical connection which may be

subject to backpressure, backflow or back siphonage involving:

- |                               |   |   |
|-------------------------------|---|---|
| a. hazardous substances*      | X |   |
| b. non-hazardous substances** | X | X |

RPZ = reduced pressure zone device  
DCA = double check valve assembly

The Board shall determine the degree of hazard that exists in accordance with the conditions listed above and shall determine what type of containment control device is required.

\*A hazardous substance includes sewage, lethal chemicals or other substances which, if introduced into the public water supply system, would or may endanger the health of the consumer.

\*\*A non-hazardous substance would not endanger the health of the consumer but would be a nuisance if introduced into the public water supply system.

### **Section 3 Maintenance Requirements**

3.1 General Requirements. It shall be the responsibility of the consumer to protect all Backflow Prevention Devices (BPD) installed within his premises and used for containment control from damage. The consumer shall not make any piping alterations for the purpose of bypassing the containment control device. Backflow prevention devices shall be repaired and maintained by the consumer at his own expense.

3.2 Testing of Containment Control Devices. Containment control devices installed shall be tested annually and disassembled and overhauled every five years by a person qualified by the Commissioner of Health to inspect and test Backflow Prevention Assemblies. Testing for devices shall be the responsibility of the owner and shall be performed at his expense. The device shall bear an inspection certificate tag indicating date of inspection and the names and addresses of person or persons conducting the inspection. A copy of New York State Health Department Form GEN 215 shall be submitted by the Board to the New York State Health Department and Nassau County Health Department within 30 days of the date when the test was made.

### **Section 4 Violations and Penalties**

4.1 Notification of Violation. The Board shall notify the Owner, or authorized agent of the Owner, of the building or premises in which there is found a violation of these Rules and Regulations and under this ordinance, of such violation. The Board shall set a reasonable time for the owner to have the violation removed or corrected. Upon failure of the owner to have the violation corrected by the end of the specified time interval, the Board may, in its judgment an imminent health hazard exists, cause the water service to the building or premises to be terminated and/or recommend such additional fines or penalties to be invoked as herein may be provided.

4.2 Fines. The Owner or Authorized agent of the owner responsible for the maintenance of the plumbing systems in the building who knowingly permits a violation to remain uncorrected after the expiration of the time set by the Board, shall, upon conviction thereof by the Court, be required to pay a fine of not more than \$100 for each violation. Each day of failure to comply with the requirements of these Rules and Regulations (ordinance), after the specified time provided under 4.1 shall constitute a separate violation.

### **Section 5 Definitions**

When used in this article, unless otherwise indicated, the following words shall have the following meanings:

5.1 District shall mean the Port Washington Water District, a Special Improvement District of the State of New York.

5.2 Board shall mean the Board of Commissioners of Port Washington Water District.

5.3 Acceptable Backflow Prevention Device is an acceptable air gap, reduced pressure zone device or double check valve assembly as used to contain potential contamination within a facility.

5.4 Acceptable Devices are those devices or assemblies found to be acceptable for containment control in New York State in accordance with Public Water Supply Guide Cross-Connection Control, New York State Department of Health.

5.5 Aesthetically Objectionable Facility is one in which substances are present, which, if introduced into the public water 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.

5.6 Air Gap Separation means 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.

5.7 Backflow means 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.

5.8 Backpressure means 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.

5.9 Back-siphonage means 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.

5.10 Customer means a water user served by a public water system.

5.11 Customer's Water System means the piping used to convey water supplied by a public water supply system throughout a customer's facility.

5.12 Containment shall mean prevention of backflow or back-siphonage of potential contamination from a premise served by the District supply, by installation of a backflow prevention device, approved by the New York State Health Department and the Board, at a location on the water service line feeding the premises. The installation of the meter and backflow prevention device where the service line enters the premises shall comply with the standards established by the Board of Commissioners of the Port Washington Water District.

5.13 Contamination means the presence in water of a substance that tends to degrade its quality.

5.14 Cross-Connection means a physical connection through which a water supply could be contaminated.

5.15 Degree of Hazard means whether a facility is rated as Hazardous, Aesthetically Objectionable or Non-Hazardous.

5.16 Double Check Valve (DCV) Assembly, Acceptable means 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.

5.17 Hazardous Facility is 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.

5.18 Interconnection is a jointing of two independently operated public water supply distribution systems.

5.19 Local Health Department Engineer is the County Health Department engineer having jurisdiction.

5.20 Non-Hazardous Facility is one which does not require the installation of an acceptable backflow prevention device.

5.21 Plumbing Control is prevention and elimination of cross-connections within the customer's water system by enforcement of building or plumbing codes.

5.22 Public Water Supply System includes the source, treatment works, transmission mains, distribution system and storage facilities of a water supplier serving the public.

5.23 Reduced Pressure Zone (RPZ) Device, Acceptable means 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 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.

- 5.24 Supplementary Supply—any water source or system other than the Public water supply which may be available in the building or on the premises.
- 5.25 Drain is any pipe which carries waste water or waterborne wastes in a building drainage system.
- 5.26 Fixture, Plumbing. Installed receptacles, devices or appliances supplied with water or which receive or discharge liquids or liquid-borne wastes.
- 5.27 Flood Level Rim. The edge of the receptacle from which water overflows.
- 5.28 Hydro pneumatic Tank is a pressure vessel in which air pressure acts upon the surface of the water contained within the vessel, pressuring the water distribution piping connected to the vessel.
- 5.29 Inlet. The open end of the water supply pipe through which the water is discharged into the plumbing fixture.
- 5.30 Plumbing System includes the water supply and distribution pipes, plumbing fixtures and traps; soil, waste and vent pipes, building drains and building sewers including their respective connections, devices and appurtenances within the property lines of the premises and water treating or water using equipment.
- 5.31 Surge Tank. The receiving non-pressure vessel forming part of the air gap separation between a potable and an auxiliary supply.
- 5.32 Vacuum - Any pressure less than that exerted by the atmosphere.
- 5.33 Water, Potable. Any water which complies with the provisions of 10NYC~F~Part 5, Sections 5-1.50 through 5-1.55 inclusive and Section 5-1.60 through 5-1.65 inclusive.
- 5.34 Water, Non-potable. Water which is not safe for human consumption or which is of questionable potability.

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