

LOCAL LAW FILING

**Village of Earlville County of
Madison/Chenango**

Local Law No. 2 of the year 2015

Be it enacted by the Town Board of the Village of Earlville as follows:

TITLE

The title of this Law shall be "Backflow Preventer Law."

ARTICLE I

LEGISLATIVE INTENT

The purpose of this Local Law is to safeguard potable water supplies from potential contamination by preventing backflow from a water user's system into the public water system. It is the intent of this Local Law to recognize that there are varying degrees of hazard and to apply the principal that the degrees of protection should be commensurate with the degrees of hazard. Further, it is the intent of the Village of Earlville, New York, to comply with the requirements of New York State sanitary Code, Part 5, Section 5-1.31, which section mandates that the supplier of water protect their water system in accordance with procedures acceptable to the Commissioner of Health. These mandated requirements are set forth in the Cross Connection Control Manual published by the New York State Department of Health (NYSDOH), and to that extent, the terms, conditions and provisions of the New York State Sanitary Code, Part 5, Section 5-1.31, and the cross Connection Control Manual are incorporated in this Local Law by reference as if more fully stated.

ARTICLE II

DEFINITIONS

- 1. Cross Connections – The term “cross connection” as used in this Local Law means any unprotected connection between any part of a water system used or intended to be used as a supply of water for drinking purposes in a source or systems containing water or substance that is not or cannot be approved as equally safe, wholesome and potable for human consumption.**
- 2. Approved Water Supply – The term “approved water supply” means any supply approved by the New York State Department of Health.**
- 3. Auxiliary Supply – The term “auxiliary supply” means any water supply on or available to the premises other than the approved public water supply.**

4. **Vacuum Breaker** – Pressure Type and Non-Pressure Type – A vacuum breaker which can only be used for internal plumbing control, and therefore, not acceptable as a containment device.
5. **Approved Check Valve** – The term “approved check valve” means a check valve that seats readily and completely. It must be carefully machined to have free moving parts and assured water tightness. The face of the closure element and valve seat must be bronze, composition, or other non-corrodible material which will seat tightly under all prevailing conditions of field use. Pins and bushings shall be of bronze and other non-corrodible, non-sticking material, machined for easy dependable operation. The closure element shall be internally weighted or otherwise internally equipped to promote rapid and positive closure in all sizes where this feature is obtainable.
6. **Valve Assembly** – The term “approved double check valve assembly” means two single, independently acting check valves, including tightly closing shut off valves located at each end of the assembly and suitable test connections. This device must be approved as a complete assembly.
7. **Approved Reduced Pressure Zone Device** – The term “approved reduced pressure zone device” means a minimum of two independently acting check valves, including tightly closing shut off valves located at each end of the assembly and suitable test connections. This device must be approved as a complete assembly.
8. **Air Gap Separation** – The term “air gap separation” means a physical break between a supply pipe and a receiving vessel. The air gap shall be at least double the diameter of the supply pipe, measured vertically above the top rim of the vessel, in no case less than one inch.
9. **Water Supervisor** – The term “water supervisor” means the consumer of a person on the premises charged with the responsibility of complete knowledge and understanding of the water supply piping within the premises and for maintaining the consumer’s water system free from cross connections and other sanitary defects, as required by this Local Law and all other required regulations and laws.
10. **Certified Backflow Prevention Device Tester** – the term “certified backflow prevention device tester” is an individual who has successfully completed a New York state department of health approved course in the testing of backflow prevention devices and has been issued a certificate of the New York State Department of Health.

ARTICLE III

A. **Where Protection is Required** – The water system shall be required to maintain a degree of protection commensurate with the degree of hazard regardless of whether the hazard is immediate or potential. To that extent, the Cross Connection control manual published by NYSDOH shall be the responsibility of the water user to provide and maintain such required protection devices and such devices shall be of a type acceptable to the New York State Department of Health.

B. **Type of Protection** – The protective device required shall depend on the degree of hazard as tabulated below:

1. At the service connection to any premises where there is an auxiliary water supply handled in a separate piping system with no known cross connection, the public water supply shall be protected by an approved reduced pressure zone device.

2. At the service connection to any premises on which a substance that would be objectionable (but not necessarily hazardous to health if introduced into the public water supply) is handled so as to constitute a cross connection, the public water supply shall be protected by an approved double check valve assembly.
3. At the service connection to any premises on which a substance of unusual toxic concentration or danger to health is or may be handled, but not under pressure, the public water supply shall be protected by an air gap separation or an approved reduced pressure zone backflow prevention device. If an air gap is installed, it shall be located as close as practical to the water meter, and all piping between the water meter and receiving tanks shall be entirely visible. A reduced pressure zone device, when installed, shall be located as close as possible to the property line.
4. At the service connection to any premises on which any material dangerous to health, or toxic substance and toxic concentration, is or may be handled under pressure, the public water supply shall be protected by an air gap separation. The air gap shall be located as close as practical to the water meter, and any piping between the water meter and receiving tanks shall be entirely visible. If these conditions cannot reasonably be met, the public water supply shall be protected with an approved reduced pressure zone backflow prevention device, and it shall be located as close as possible to the property line.
5. At the service connection to any sewage treatment plant or sewage pumping station, the public water supply shall be protected by an air gap separation. The air gap shall be located as close as practicable to the water meter and all piping between the water meter and receiving tanks shall be entirely visible. If these conditions cannot be reasonably met, the public water supply shall be protected by an approved reduced pressure zone backflow prevention device and it shall be located as close as possible to the property line.

C. Frequency of Inspection of Protective Devices - It shall be the duty of the water user on any premises on account of which backflow protective devices are installed, to have competent inspections made at least once a year, or more often in instances where successive inspections indicate repeated failure. Devices shall be repaired, overhauled or replaced at the expense of the water user whenever they are found to be defective. These tests shall be performed by a qualified backflow prevention device tester and all test results will be provided to the water user within 72 hours after the test is made. Records of such tests, repairs and overhaul shall also be kept and made available to the water user and the local health department upon request.

ARTICLE IV

PENALTIES AND RECOURSE FOR NON-COMPLIANCE

- A. No water service connection to any premises shall installed or maintained by the water user unless the water supply is protected as required by the Local Law, and such other applicable local, state and federal laws, rules and regulations.
- B. If any facility served by a water system denies a water department person access to their premises for the purposes of determining if protection to the public water system is necessary, then the maximum protection condition shall be imposed with the requirement that the number of devices shall equal the number of service lines.

C. The following penalties shall be applicable for a violation of this Local Law:

- 1. Failure to install the appropriate backflow prevention device within a prescribed timeframe after first notice: \$250.00**
- 2. Failure to install the appropriate backflow prevention device within prescribed timeframes after second notice: Termination of service**
- 3. Failure to at least annually test the backflow prevention device as required: \$300.00 and/ or termination of water service**
- 4. Failure to replace or repair a backflow prevention device as required: \$1,000.00 and/ or termination of water service**

ARTICLE V

SWIMMING POOLS;

NYS Law 802.1.4:

Swimming pools should have indirect waste pipe by means of air gap valve.

ARTICLE VI

ALL NEW/REMODELED HOMES ARE REQUIRED TO INSTALL A BACKFLOW VALVE.

All homes that are being gutted and rebuilt/remodeled have to install a backflow valve.

ARTICLE VII

EFFECTIVE DATE

This Local Law shall take effect upon filing with the New York State Department of State.

**MOTION by Trustee Henry Moore, seconded by Trustee Margaret Corey
to adopt Local Law No. 2 of 2015, "Backflow Preventer law"**

William Excell	yes <input checked="" type="checkbox"/>	no <input type="checkbox"/>
Nicholas French	yes <input checked="" type="checkbox"/>	no <input type="checkbox"/>
Henry Moore	yes <input checked="" type="checkbox"/>	no <input type="checkbox"/>
Margaret Corey	yes <input checked="" type="checkbox"/>	no <input type="checkbox"/>
Daniel Piliero	yes <input checked="" type="checkbox"/>	no <input type="checkbox"/>

Attest:

Kelly Beach
Kelly Beach, Clerk-Treasurer
Village of Earlville

-- Seal --

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 2015 of the (County)(City)(Town)(Village) of Earlville was duly passed by the Village of Earlville on December 8 2015, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____ above.

Julie Beach
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 12/8/2015

(Seal)

STATE OF NEW YORK
DEPARTMENT OF STATE

COMMERCE PLAZA
93 WASHINGTON AVENUE
ALBANY, NY 12231-0001
WWW.DOS.NY.GOV

ANDREW M. CUOMO
GOVERNOR

CESAR A. PERALES
SECRETARY OF STATE

December 15, 2015

Village Clerk
PO Box 88
8 North Main Street
Earlville NY 13332

RE: Village of Earlville, Local Law 2 2015, filed on December 15, 2015

Dear Sir/Madam:

The above referenced material was filed by this office as indicated. Additional local law filing forms can be obtained from our website, www.dos.ny.gov.

Sincerely,
State Records and Law Bureau
(518) 473-2492



Department
of State