

LOCAL LAW FILING

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated. Use italics or underlining to indicate new matter.

County of Rockland

Local Law No. 6 of the year 2004

STATE OF NEW YORK
DEPARTMENT OF STATE
FILED
JUL 07 2004
MISCELLANEOUS
& STATE RECORDS

A local law requiring inspection in Rockland County by a plumber licensed by the County of Rockland of all water irrigation system installations, and expansions, additions or changes to such systems where such work is not performed by a license plumber.

Be it enacted by the legislature of the county of Rockland, as follows:

Section 1. Legislative findings.

The legislature of Rockland County hereby finds that the possibility exists that improperly installed water irrigation systems can foul and pollute the existing water delivery service in Rockland County by allowing water in the water irrigation systems to "backflow" into the water delivery service. It is important to ensure that a plumber licensed by the County of Rockland inspected these systems when initially installed and that when changes are made to the system that would affect the ability of the system that a similar inspection by a plumber licensed by the County of Rockland be made, in order to prevent contamination of Rockland County's water supply.

Section 2. Definitions and word usage.

- A) The term "irrigation system" or "system" shall mean any system that, by its nature, uses water, whether from a well on the property or piped water from another source, to fulfill the outdoor water needs of a property.
- B) The term "installer" shall include any and all commercial establishments or individuals, including homeowners, who install and/or service irrigation systems and who are not licensed plumbers.
- C) The term "licensed plumber" shall mean a plumber licensed pursuant to Chapter 319 of the Laws of Rockland County.
- D) The term "the Coordinator" shall mean the Coordinator of Consumer Protection.

E) The term "inspection certificate" shall mean a certificate in a form prescribed by the Coordinator, signed by a licensed plumber, that the system was inspected within two weeks of the new installation.

F) The term "private water system" shall mean any system to provide drinking water other than that secured from a public water system.

G) The term "public water system" shall have the same meaning as contained in the New York State Health Department Regulations, 10 New York Codes, Rules and Regulations Chapter 1, Part 5 Subpart 5-1.1 Subdivision (at), to wit: a community, noncommunity or nontransient noncommunity water system which provides water to the public for human consumption through pipes or other constructed conveyances, if such system has at least five service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year. Such term includes: (1) collection, treatment, storage and distribution facilities under the control of the supplier of water of such system and used with such system; and (2) collection or pretreatment storage facilities not under such control which are used with such system.

Section 3. Application.

a) Any installer who, after June 30, 2004, installs, expands, adds to or changes an irrigation system for lawns or other use, and who is not a licensed plumber, must obtain an inspection certificate from a licensed plumber.

b) Where an installer is a licensed plumber or is a business that employs a licensed plumber, such licensed plumber is permitted to sign the inspection certificate, and an outside licensed plumber is not required.

c) Copies of the inspection certificate must be sent to the Coordinator within thirty (30) days of such inspection.

d) Installers must notify their installation and service customers of the requirements of this Local Law no later than May 1, 2004.

e) Only a licensed plumber may connect an irrigation system to a public or private water system with an approved and appropriate backflow device.

Section 4. Regulations.

a) The Coordinator shall adopt, subject to the approval of the Rockland County Legislature, such regulations as he or she deems necessary for the implementation of this law.

b) The Coordinator shall devise and issue an inspection certificate in a form that it deems adequate no later than March 1, 2004.

Section 5. Public education program is suggested.

The Coordinator is requested, within ninety (90) days of the adoption of this law, to present to the Rockland County Legislature and to the Rockland County Executive a plan for public education concerning the operation and administration of this law, and the nature and effects of water backflow.

Section 6. Penalties for offenses.

a) Any installer who violates a provision of this law or any regulations promulgated pursuant to this law shall be subject to the imposition of a civil penalty by the Coordinator in an amount not exceeding \$500 for a first violation.

b) At the discretion of the Coordinator, the penalty may be waived for a first-time offender and a warning may issued in its stead.

c) Each repeat violation on the same or a different system installation or improvement shall be subject to a penalty in an amount not exceeding \$1000 for each continuing, succeeding time. Each day the violation exists after two weeks after the initial notification to the installer shall thereafter be deemed a separate additional violation.

d) In addition to any other penalties under this Chapter, any violation of this Chapter may be grounds for the Rockland County Home Improvement Licensing Board to initiate license revocation proceedings against any installer pursuant to the applicable Sections of Chapter 286 of the Laws of Rockland County. In such license revocation proceeding, the Home Improvement Licensing Board may take into account any waiver under this section, but such waiver shall not be dispositive.

d) The penalty provided for by this law may be sued for and recovered by the Coordinator in the name of the County of Rockland in any court of competent jurisdiction. No civil penalty shall be imposed as provided for herein unless the alleged violator has received notice of the charge against him and has had an opportunity to be heard as provided for in article one of the Rockland County Sanitary Code.

Section 7. Severability.

If any clause, sentence, paragraph, subdivision, section or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, effect or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law or in its application to the person, individual, corporation, firm, partnership, entity or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 8. Effective date.

This local law shall become effective immediately upon filing in the Office of the New York State Secretary of State pursuant to section 27 of the municipal home rule law.

(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. _____ of 2004 of the County of Rockland was duly passed by the Legislature of Rockland County on _____ 2004, in accordance with the applicable provisions of law.

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. 6 of 2004 of the County of Rockland was duly passed by the Legislature of Rockland County on April 20, 2004 and was ~~(approved)~~ ~~(not approved)~~ (repassed after disapproval) by the County Executive,* and was deemed duly adopted on June 15, 2004, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 2004 of the County of Rockland was duly passed by the Legislature of Rockland County on _____ 2004, and was (approved)(not approved)(repassed after disapproval) by the County Executive on _____ 2004. 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 _____ 2004, 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 2004 of the County of Rockland was duly passed by the Legislature of Rockland County on _____, 2004, and was (approved)(not approved)(repassed after disapproval) by the County Executive on _____, 2004. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____, 2004, in accordance with the applicable provisions of law.

*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.)

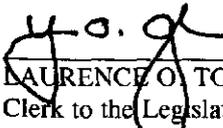
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 2004, of the City of _____, having been submitted to referendum pursuant to the provisions of Section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____, 2004, became operative.

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 2004, of the County of Rockland, State of New York, having been submitted to the electors at the General Election of November _____, 2004, 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 2, above.



LAURENCE O. TOOLE
Clerk to the Legislature - County of Rockland

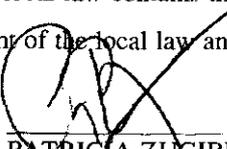
(Seal)

Date: June 18, 2004

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

**STATE OF NEW YORK
COUNTY OF ROCKLAND**

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.



PATRICIA ZUGIBE
County Attorney - County of Rockland County
Date: June 21, 2004

LL-DOS-239-N