

# Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE  
41 STATE STREET, ALBANY, NY 12231

(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 and do not use italics or underlining to indicate new matter.

STATE OF NEW YORK  
DEPARTMENT OF STATE  
**FILED**  
MAR 25 2005  
MISCELLANEOUS  
& STATE RECORDS

~~XXXXXX~~  
County  
~~City~~ of Prospect  
~~Town~~  
Village

Local Law No. 2 of the year 2005

A local law prohibiting cross connections between Village of Prospect

*(Insert Title)*

Water System and private water systems.

Be it enacted by the Board of Trustees of the  
*(Name of Legislative Body)*

~~XXXXXX~~  
~~XXNY~~ of Prospect as follows:  
~~XXXXXX~~  
Village

See attached.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

Village of Prospect

Local Law No. 2 of the Year 2005

A LOCAL LAW PROHIBITING CROSS CONNECTIONS BETWEEN  
VILLAGE OF PROSPECT WATER SYSTEM AND PRIVATE WATER SYSTEMS

Be it enacted by the Board of Trustees of the Village of Prospect as follows:

Section 1.

**Article I. Legislative Intent**

The purpose of this Local Law is to safeguard potable water supplies from potential contamination by preventing back flow 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 supply the principal that the degrees of protection should be commensurate with the degrees of hazard. Further, it is the intent of the Village of Prospect, New York, to comply with the requirements of New York State Sanitary Code, Part 5, section 5-1.31 which said section mandates the requirement that the supplier of water protect its water system in accordance with procedures acceptable to the Commissioner of Health. These mandated requirements are as 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 water 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 seals 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) Approved Double Check Valve Assembly. The term “approved double check valve assembly” means two single independently acting check valves, consisting of a tightly closing shut off valve 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 together with an automatically operated pressure differential relief valve located between the two check valves and properly located test cocks. 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 supply pressure. This device must also 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 or 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 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 Back Flow Prevention Device Tester. The term “certified back flow prevention device tester” is an individual who has successfully completed a New York State Department of Health approved course in the testing of back flow prevention devices and has been issued a certificate by 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. This may include but not be limited to the presence and use of water boilers for heating systems. To that extent, the Cross Connection Control Manual published by NYSDOH shall be used as a guide to determine where protection is required. It 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 back flow prevention device. If an air gap is installed, it 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. 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 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 practicable to the water meter and shall be accessible.

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 back flow 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 which back flow protective devices are installed to have inspections by a NYS Department of Health certified back flow prevention device inspector 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 the devices are found to be defective. These tests shall be performed by a qualified back flow 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 users and the local health department upon request.

**Article IV. Penalties and Recourse for Non-compliance**

A) No water service connection to any premise shall be installed or maintained by the water user, unless the water supply is protected as required by this 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 its premises for the purposes of determining if protection to the public water system is necessary, the following consequence applies: (Since great risk may be present) the Village will require the installation of prevention devices designed for maximum risk, with the requirement that the number of devices installed 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 back flow prevention device within a prescribed time frame after the first notice:

\$350.00

2. Failure to install the appropriate back flow prevention device within a prescribed time frame after the second notice:

termination of service.

3. Failure to at least annually test the back flow prevention device:

\$350.00 and/or termination of water service.

4. Failure to replace or repair a back flow prevention device as required:

\$1,000.00 and/or termination of water service.

**Article V. Effective Dates**

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

(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. \_\_\_\_\_<sup>2</sup>\_\_\_\_\_ of 20<sup>05</sup> of the ~~(County)~~(City)(Town)(Village) of \_\_\_\_\_ Prospect \_\_\_\_\_ was duly passed by the Board of Trustees \_\_\_\_\_ on March 1, 20<sup>05</sup>, 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\_\_\_\_. 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.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

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.

Marcia M. Ellis  
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: March 9, 2005

(Seal)

(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 ONEIDA

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.

Thomas P. Hughes  
Signature  
Village Attorney  
Title

~~COUNTY~~  
~~CITY~~ of Prospect  
~~TOWN~~  
Village

Date: March 23, 2005