

**Town of Geneseo**  
**Local Law No. 2 of the year 2011**

A local law amending the Code of the Town of Geneseo to protect the public potable water supply of the Town of Geneseo from contamination.

Be it enacted by the Town Council of the

Town of Geneseo as follows:

**FILED**  
**STATE RECORDS**  
**JUN 03 2011**  
**DEPARTMENT OF STATE**

SECTION 1. PURPOSE

1.01 The purpose of this Local Law is:

- A. To protect the public potable water supply of the Town of Geneseo, Livingston County, New York from possibility of contamination by isolating within its customers' internal distribution system(s) or its customers' private water system(s) such contaminations or pollutants which could backflow into the public water system; and
- B. To comply with the requirements of the New York State Sanitary Code 5-1.31.

SECTION 2. RESPONSIBILITIES

- A. The Town of Geneseo Water Superintendent shall be responsible for administering a program for protection of the Town of Geneseo distribution system from contamination due to the backflow or siphoning of contaminants into the public water system.
- B. The water customer shall be responsible for preventing the backflow of contaminants into the public water system and shall be responsible for damages caused by the backflow of contaminants into the public water supply system.
- C. A Professional Engineer shall be responsible for determining the degree of hazard a water customer may have in relation to the potential for backflow to occur and preparing an approvable design for the installation of an acceptable backflow prevention device if deemed necessary.

## SECTION 3. DEFINITIONS

3.01 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. In order for the reduced pressure zone device or the double check valve assembly to be acceptable it must be listed on the most current version of the New York State Department of Health list of Acceptable Devices.

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

3.03 Air Gap 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 said vessel. An approved air-gap shall be at least double the diameter of the supply pipe, measured vertically, above the top of the rim of the vessel; and, in no case less than one inch.

3.04 Approved means accepted by a reviewing authority such as a Professional Engineer certifying that the design or device meets an applicable specification for the intended purpose as indicated in applicable local law, regulation, state or federal law.

3.05 Auxiliary Water Supply means any water supply on or available to the premises other than the Town of Geneseo's approved public water supply. These auxiliary waters may include water from another purveyor's public potable water supply or any natural source(s) such as a well, spring, river, stream, harbor, etc., or used waters. These waters may be contaminated or they may be objectionable and constitute an unacceptable water source over which the water purveyor does not have sanitary control.

3.06 Backflow means a flow condition, induced by a differential pressure, chemical reaction or other circumstance that results in the contamination of the public water supply system.

3.07 Certified Tester means that individual or firm approved to accomplish the necessary inspections and operational tests of backflow prevention devices.

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

3.09 Customer means a water user served by the supply system.

3.10 Customer's Water System means the piping used to convey water supplied by the Town of Geneseo supply system throughout a customer's facility. The system shall include all those parts of the piping beyond the control point of the Town Water Systems. The control point is either the curb valve or the main valve located in the public right of way that

isolates the customer's facilities from the Town distribution system.

3.11 Degree of Hazard means the determination of the potential for a facility to cause a backflow condition to occur and the potential for an adverse human health impact. The degree shall be determined to be either, hazardous, aesthetically objectionable or non-hazardous.

3.12 Double Check Valve Assembly, Acceptable means an assembly composed of two single, independently acting check valves, including tightly closing shutoff valves located at each end of the assembly and suitable connections for testing the water tightness of each valve.

3.13 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 plant, chemical plants, hospitals, mortuaries.

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

3.15 Public Water Supply System means the entire Town of Geneseo Water System including the source, treatment works, transmission mains, distribution system and storage facilities serving the public. This includes the distribution system up to its connection with the customer's water system.

3.16 Reduced Pressure Zone Device, Acceptable means a device containing 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 leakage of either check valve, the differential relief valve, by discharging to the atmosphere, shall operate to maintain the pressure. The unit must include tightly closing shutoff valves located at each end of the device, and device shall be fitted with properly located test cocks.

3.17 Superintendent means the Superintendent of Public Works of the Town of Geneseo.

3.18 Residential Use means the uses and infrastructure present for water distribution and use in a typical home.

## SECTION 4. REQUIREMENTS

4.01 The customer's water system shall be open for inspection at all reasonable times to authorized representatives of the Town of Geneseo.

4.02 The water superintendent shall evaluate each premises connected to the public water supply system and determine if the customer/operation may pose a hazard to the system greater than those associated with residential use. Some of the factors to be considered are the use and availability of contaminants, the use of equipment that may cause an increase in pressure in the water piping, the availability of an auxiliary water source and the type of fire suppression system utilized at the facility.

4.03 If it is determined that the customer or operation may pose a hazard to the public water supply system, the water superintendent or designee shall give notice in writing that a potential backflow hazard may be present at the premises and require the owner/operator to hire a professional engineer to determine the degree of hazard associated with the premises.

4.04 If the professional engineer determines that the operations and appurtenances used at the premises may pose a hazard to the public water supply system, or be aesthetically objectionable, the professional engineer shall prepare a report outlining the hazards and produce design documents providing detailed plans, specifications and instructions for the installation of an appropriate and suitable backflow prevention device. The water superintendent needs to approve the backflow device before a C of O or a C of C can be issued by the code enforcement official.

4.05 The report, plans, specifications and any additional materials prepared by the professional engineer shall be reviewed and approved by the Town of Geneseo Water Superintendent and then submitted to the Livingston County Department of Health for review by a professional engineer.

4.06 The submitted plans and documents must meet the requirements of the applicable regulations and adequately address the backflow potential, specify approved backflow prevention devices, provide clear instructions for installation, and provide means for management of discharged water during device testing and under backflow conditions.

4.07 It shall be the responsibility of the water customer at any premises where backflow prevention devices are installed to have the device tested at least annually in accordance with applicable regulations. A certified backflow prevention tester must perform testing of the backflow prevention devices.

4.08 The Town of Geneseo shall maintain a list of certified backflow prevention device testers.

4.09 The repair and maintenance of the backflow prevention device are the responsibility of the customer or operator of the activities at the premises.

4.10 The Town of Geneseo reserves the right to discontinue water service to the premises if a backflow prevention device required by this local law is not installed, tested and maintained, or if it is found that the device has been removed or bypassed. Water service shall not be restored until the backflow prevention device is installed and tested or until all defects are corrected.

4.11 The Town of Geneseo shall maintain a list of all backflow prevention devices connected to the public water supply system and maintain records of the status of such units.

## SECTION 5. ENFORCEMENT AND PENALTIES

5.01 A violation of the provisions of Section 4 of this Local Law is a Misdemeanor punishable by a fine not to exceed One Thousand Dollars (\$1,000.00) for any one case, to be recovered in an action or proceeding brought by the Attorney for the Town of Geneseo in a court of competent jurisdiction. Each day of a continuing violation shall be subject to a separate such fine, imprisonment or civil penalty.

5.02 The Attorney for the Town of Geneseo may maintain an action or proceeding in the name of the Town of Geneseo in a court of competent jurisdiction to compel compliance with this Local Law, or restrain by injunction any violation of this Local Law, notwithstanding the provisions of Subsection 5.01 hereof for a penalty or other punishment.

5.03 Where any violation of this Local Law causes expense to the Town of Geneseo, such violation may also be punishable by a civil suit against the violator, brought by the Attorney for the Town of Geneseo in the name of the Town of Geneseo in a court of competent jurisdiction, to recover such additional cost.

## SECTION 6. LAW IN FORCE

6.01 This Local Law shall become effective upon its proper filing as required by law.

**This Local Law Shall Take Effect Immediately**

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

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 2011 of the Town of Geneseo was duly passed by the Town Council on May 26, 2011, in accordance with the applicable provisions of law.

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 1 above.



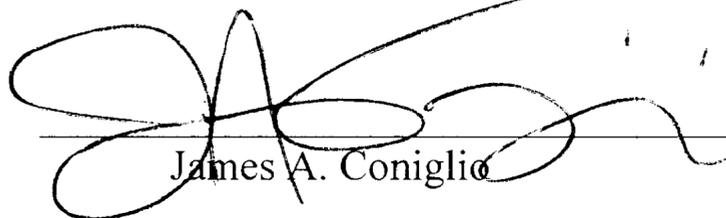
Jean Bennett, Town Clerk  
Town of Geneseo

(Seal)

Date: May 26, 2011

STATE OF NEW YORK )  
COUNTY OF LIVINGSTON ) ss.:

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.



James A. Coniglio  
Title: Town Attorney  
Town of Geneseo

Date: May 26, 2011