

BOARD OF COMMISSIONERS

RAYMOND J. AVERNA
THOMAS P. MCCARTHY
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ORDINANCES OF THE MASSAPEQUA WATER DISTRICT

The Board of Water Commissioners of the Massapequa Water District, Town of Oyster Bay, County of Nassau, State of New York at a regular meeting held on the 21st day of December, 2011, upon due notice, a majority of said Board being present and voting, in order to provide for the regulation of the affairs of the Massapequa Water District, the management of its business, the preservation of good order, business, healthy, safety, and welfare of the inhabitants of the Massapequa Water District, does hereby ordain and enact the following ordinances by unanimous vote.

GENERAL INFORMATION FOR WATER CONSUMERS RULES AND REGULATIONS

1. The rules and regulations of the Massapequa Water District and the Ordinances are part of the contract for water supply. All owners, consumers and persons utilizing the water of the District must comply with the Ordinances, Rules and Regulations as well as all other applicable Federal, State and local laws.
2. The regular meetings of the Board of Water Commissioners are open to the public pursuant to scheduling by the Board of Commissioners.
3. All installations, repairs and additions to the water supply system must be performed by plumbers licensed by the Town of Oyster Bay and/or the Incorporated Village of Massapequa Park.
4. Accepting the District's own personnel, no work may be performed on any of the District's facilities without prior issuance of an appropriate written permit.
5. The District's meter readers and inspectors are to be given immediate access to the consumer's internal supply system on any premises. All meter readers and inspectors will carry with them proper identification. If you have any question as to their identity, you may call the District office for verification and further identification. Telephone number: 516-798-5266.
6. The Consumer must keep its plumbing in proper condition so that no damage should occur from turning the water off or on in the mains whether it is with or without notice. The Water District is not liable for any damage caused thereby.

7. The owners of real property are liable for all water rents and charges on such property whether it is occupied by the owner or his tenant or is unoccupied. Pursuant to law, if the water rents, charges and applicable penalties are not paid they become a lien upon the owner's property.
8. The District bears no responsibility or liability for any damages arising out of leakages in the Consumer's plumbing system including those caused by freezing.
9. Proof of ownership is required to open an account and receive water. All owners are required to promptly notify the office of the Massapequa Water District in writing of any change of ownership or address to which bills are to be sent.
10. Consumers and owners are requested not to plant shrubbery or trees or to build fences or place any other obstructions directly above any water service lines located on their property. Under no circumstances shall the customer impede access to the curb valves or meter pits or fire hydrants.
11. The District assumes no responsibility or liability for damages or injury that may result from changes of pressure within the water system.
12. Established rates, charges, penalties, etc., are on file at the District and are available to the public.
13. Water conservation is needed to preserve our sole source aquifer water supply. Effective January 1, 1991, New York State promulgated more stringent requirements for water saving fixtures such as low capacity toilets, urinals, showerheads and faucets. In 1987, the County of Nassau enacted Ordinance 248-A regulating lawn sprinkling and irrigation. Compliance with these State and County standards and all applicable plumbing codes of the Town of Oyster Bay is mandated throughout the District.
14. If the supply of water to any premises shall be turned off for any reason, it shall only be restored with the consent and approval of the District by one of its duly authorized representatives after payment of all charges, fees and penalties.

MASSAPEQUA WATER DISTRICT HISTORY

(Abridged version; original by Dr. Salvatore LaGumina)

Centuries ago indigenous Americans selected the area of south central Nassau as a desirable place of settlement because of its abundant water springs, (The Marsapeague - which means "great water land" took its name from the area of south central Nassau with its abundant fresh water springs.)

Long Islanders generally provided for their own water resources by means of private wells and cisterns. Thus by the late 19th century a number of Long Island communities found it necessary to create and maintain their own municipal water supply. Although the local population remained relatively sparse in the pre-1920s, the approximately 1,500 Massapequa residents thought it sizeable enough in 1910 to warrant the establishment of the Massapequa Fire Department for the maintenance of safety and health. This was the general background as Massapequa entered the 1920s and 1930s that wrought such significant changes to the vicinity including the expansion of the public school system, the incorporation of the Village of Massapequa Park, and the debut of the Long Island railroad station in the village. Prior to 1920 there were only 18 homes in what originally was called Massapequa Gardens and is now Massapequa Park. Residential and business development progressed fairly rapidly so that in 1931 the village of Massapequa Park became an official formality that helped launch supplementary growth thereby insuring still further swelling of the local population. Responding to the growth of the area in 1927, the Town of Oyster Bay, that encompasses the Massapequas, established preliminary water district boundaries. In 1928 community leaders including Edward H. Floyd-Jones and future Massapequa Park Mayor Peter F. Colleran, focused on forming an official water district. They circulated a petition, obtained consent from owners of 51 percent of the taxable property within the proposed district, and presented it to the Town of Oyster Bay to recognize the Massapequa Water District as a legal entity with jurisdiction over the local water supply.

Aby assisted by attorney George Morton Levy, who gained fame in subsequent years for developing Roosevelt Raceway, and Massapequa resident Assemblyman Edwin Lynde, the entity moved to obtain state approval. In April 1930 the New York State Legislature approved and Governor Franklin D. Roosevelt signed a bill that created the Massapequa Water District. At the time there were 672 residents and an estimated 184 water district customers. The assessed valuation was listed as \$4,665,100 plus Long Island Rail Road property valued at \$50,000 for a total of \$4,715,100. The new Massapequa Water District Board consisting of Thomas H. Fraser, chairman, together with commissioners William Rohr and George Haight, began holding regular weekly meetings in February 1930 dealing successfully with a variety of issues such as establishing district water rates, obtaining funding for construction projects via municipal bonds, installing water meters, and other pertinent issues. The original water district budget was \$9, 650.

For approximately 25 years the Massapequa Water District satisfactorily served a modest population with water purchased from New York Water Service Corporation, a private water supply company.

The enormous transition from urban to suburban settlements that impacted Long Island in the decade following the conclusion of World War II was soon reflected in demands for water in the

Massapequas. Whereas the water district provided water for 184 connections in 1931, in 1955 it would be responsible for 9,090 connections.

Accordingly new infrastructure needs required the Massapequa Water District to ratchet up its services that in 1954 found it constructing miles of transmission mains and four new wells wholly properties of the Massapequa Water District, and other necessary steps to facilitate adequate water service. Writing in 1957, Commissioner Wilbur R. Elling succinctly summarized the transformation.

Since 1946 the number of customers has increased 860% and this tremendous increase has made it impracticable to continue indefinitely the purchase of water from the Corp. [New York Water Corporation] When the district was small there was an advantage in purchasing water from the Corp. in that it enabled the district to enjoy the advantages of being part of a relatively large water supply system. Now the district is large enough to support its independent system.

As a result of this report –by 1961 –the Massapequa Water District supplied the water needs of most of the Massapequa and Massapequa Park residents. That these were growth years was evident in the large number of sewers being installed by Nassau County, and the consequent increase in the Massapequa Water District work force to twenty-five employees in 1969.

On occasion, resources of Massapequa Water District were stretched close to their limits as for example, during the heat wave of July 20, 1980, when a then record of 13.9 million gallons was delivered followed by the pumping of 13.4 million gallons the next day. The water district's maximum well capability then was 14.5 million gallons per day versus a total capacity of 19 million gallons per day now. The excessive demands required up to 80 hours of continuous running for eight district wells for approximately 44,000 people residents in Massapequa and Massapequa Park, the majority of who were serviced by the district.

The Massapequa Water District today. The Massapequa Water District, with central offices, located at 84 Grand Ave., Massapequa, oversees water provisions for a district that encompasses portions of unincorporated Massapequa and for the Village of Massapequa Park. It services the water needs for approximately 13,000 residences, plus businesses and other establishments for a total of approximately 45,500 people among its customers. Actual water use is metered and paid for by each customer. The Massapequa Water District employs twenty-four people including management, office and field workers, most of who are represented by the Civil Service Employees Association (CSEA). There are three commissioners elected for three-year terms on a rotating basis. The current Water Commissioners are Thomas P. Hand, who was elected in January 2012; Joseph T. Tricarico, who was elected in September 2012; and Raymond J. Averna elected in January 2013. The Board's regular meetings are held each Wednesday of the month, in addition to special and emergency situations.

Well # 9, the newest well constructed by the Massapequa Water District and located on Sunrise Highway, is a an example, not only of state of the art well construction, but also serves as a centerpiece of an effort to bring the community closer to the operations of the utility. Whereas in the past residents were not encouraged to see the working of district facilities such as wells, the current perspective is more inviting.

In user-friendly fashion the district hopes to invite residents to visit the operation of Well #9, thereby educating the public as to the role that a water district plays in promoting the health and safety of the community.

In sum, the Massapequa Water District is an often taken for granted service that in fact is an essential feature of community life in modern times. It strives to provide a basic necessity for the health of community residents. Accordingly, an ample and healthful water supply serves to encourage commerce as well as recreational activities. Equally important, it provides water for firefighting needs locally.

ARTICLE I DEFINITIONS

SECTION 1.1 - SHORT TITLE

These Ordinances shall be known and may be cited as the “Ordinances of the Massapequa Water District”.

SECTION 1.2 - DEFINITIONS

The words “Board” or “Board of Commissioners” shall refer to the Board of Commissioners of the Massapequa Water or its duly authorized agent or representative.

The words “District” or “Water District” shall refer to the Massapequa Water District, Town of Oyster Bay, County of Nassau and State of New York.

The District’s “authorized agent or representative” shall include the Board, Superintendent, and all District employees.

The words “Districts’ distribution system” shall mean – The District’s water mains and service lines up to the curb side of the curb stop or curb side angle valve of a meter pit installation.

The phrase “District’s Facilities” shall include all of the District’s property, including but not limited to its wells, storage tanks, pumps, treatment facilities, headquarters, storage yards and its “distribution system”.

The words “consumer” or “customer” mean the owner or tenant or the agent of either who consumes the District’s water or utilizes its services.

The words “consumer’s plumbing system” shall mean – The Consumer’s plumbing starting at the service line on the building side of the curb stop (including the curb stop) or curb side angle valve of a meter pit installation.

The words "consumer water service line" or “water service line” or "service line" or "water service pipe" or "service pipe" shall refer to the pipe running from the corporation stop, wet-cut or cut-in in the District distribution main to the plumbing of the consumer.

The Word “emergency” refers to an unforeseen combination of circumstances or the resulting state that calls for immediate action and/or an urgent need for assistance or relief.

The word “license” shall be deemed to be all authorization or permission to exercise the right to perform any work within the Massapequa Water District, subject, however, to regulations of the Town of Oyster Bay , the Village of Massapequa Park or New York State and the Federal Government.

The word “owner” of the property means the title owner of record, his authorized agent and his successors or assigns.

The words “permanent installation” or “permanent services” or “permanent permits” shall include all other installations, services or permits authorized by the Board.

The word “permit” refers to documents issued by the Massapequa Water District or any other municipality or government agency having jurisdiction over any of the matters affecting the operation of the Water District or affecting any of the matters set forth herein.

The word “person” shall mean all users of water from the public supply, including natural persons, partnerships, corporations, associations, clubs, societies, or any other form of organization. Whenever used with respect to penalty, the term “person” as applied to partnership or associations, shall mean the partners or members thereof, and as applied to corporation, the officers thereof.

The word “Superintendent” shall mean the Superintendent of the Massapequa Water District.

The words “temporary installation” or “temporary service” or “temporary permit” shall include any installation, service or permit not intended to be continued in operation for a period of more than four (4) months. The permit may be extended by the District at its sole discretion.

The words “water main” or “distribution main” or “main” shall refer to the water mains in the distribution system of the District which are generally located in the street and utilized to transmit water to the fire hydrants and/or to the consumer’s water service lines.

ARTICLE II APPLICATION FOR WATER SERVICE

SECTION 2.1 - PERMIT REQUIRED

Regardless of the status of any permits or proceedings before any other governmental entity, no person will be permitted to use the water of the District for any purpose without first obtaining written permission from the Board of Commissioners.

SECTION 2.2 - APPLICATIONS AND ACCEPTANCE

All applications for the use of water or for the use of the water facilities of the District, or for the introduction of water into any premises, or for the extension of any service pipe, or water main for the conveyance of such water, must be made in writing on a form to be provided by the District and signed by the owner of the property on which the installation is to be made.

Evidence of ownership, including a legal description of the property identifying the section, lot and block, must be submitted with the application.

All applications for installation of a fire sprinkler system in any commercial building shall be accompanied by a set of plans and a “demand letter” stating the projected water flow requirements for the building. Both the plans and the demand letter must be prepared by a New York State Licensed Engineer. The applicant must also indicate the status of the premises by the Insurance Services Organization and the Fire Marshall.

Upon receipt of a completed application, the Board of Commissioners shall undertake a review considering the use of the premises, contemplated zoning changes, the total anticipated water demand, impact upon the District's consumer's facilities and any other factor which may affect the health, welfare or safety of the District's consumers.

After review, the Board of Commissioners, in its sole discretion, may approve or reject the application based upon the public interest of the District. Further, the Board of Commissioners may regulate any application by requiring appropriate conditions including, among others, the integration and coordination of the new installation with the District's existing distribution system, at the sole cost of the applicant.

SECTION 2.3- REGISTRATION CARD

Upon final approval by the District, the applicant shall sign a formal registration card. The approved application shall constitute a contract between the owner and the District. The owner agrees 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 to comply with the Ordinances, Rules and Regulations of the District.

Such approved application shall also constitute consent by the owner for the Board to enter upon the premises owned or leased by the applicant for the purpose of installing, inspecting, upgrading, repairing, retrofitting, maintaining or removing any or all meters, valves or pipes of the District's distribution system located thereon, and to read meters and to inspect or test the consumer's plumbing system on such property and the manner in which the water or services of the District are being used.

SECTION 2.4 - FEES, DEPOSITS AND INSTALLATION CHARGES

Applications or contracts for the connection to the District's distribution system or for the use of the District's facilities shall not be accepted or acted upon by the District 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, shall have been paid to the District.

SECTION 2.5 - ARREARAGES TO BE PAID

No application for connection to the District's distribution system for the use of the facilities of the District will be approved, nor will any permit or license be granted, nor will any contract or agreement be entered into with any person, until all charges or arrearages due from such person to the District shall have been paid in full.

SECTION 2.6 - TEMPORARY OR EXTRAORDINARY SERVICE PERMITS

Applications for temporary service or for service of an extraordinary nature will be accepted at the discretion of the Board of Commissioners. Approval of the application may be issued and temporary or extraordinary water service may be supplied provided it does not interfere with the use of water for fire protection and for general purposes. Applicants requiring temporary or

extraordinary water service shall pay a fee for water used and reimburse the District for all expenses incurred by the District in connection with providing the said temporary or extraordinary service. Depending upon the particular circumstances of each application, the District may require a security deposit prior to issuance of the permit.

SECTION 2.7 - CANCELLATION OR SUSPENSION OF PERMITS

All temporary or extraordinary service permits issued by the District for the consumption or use of water and the use of the District's facilities are subject to cancellation, revocation or suspension by the Board of Commissioners or an authorized representative without notice. Cancellation shall take place without refund, at any time, when the distribution system of the District is being damaged or threatened or water wasted or provisions of these Ordinances, Rules of Regulations are being violated.

In the event of such cancellation, revocation or suspension, the District may enter upon any property whereon any of its facilities or property shall be located and, at its discretion, remove the same therefrom.

SECTION 2.8 - REGULATION OF FACILITIES

Nothing in these Ordinances shall be deemed to restrict in any way the Board of Commissioners full power under the law to regulate any of its facilities and installations at any time, including retroactive upgrading of a consumer's plumbing system as it impacts upon those facilities.

SECTION 2.9 – NO LIABILITY FOR DAMAGES

The District, its officers and employees assume no responsibility or liability for any damages, injuries or leakages that may result from an increase or decrease of pressure, discolored water, or a discontinuance of the supply of water. Further, the supply of water may be cut off, discontinued or pressure increased or decreased at any time without notice to the consumer.

SECTION 2.10 - APPLICATION FOR RENEWAL OF WATER SERVICE OR FIREMATIC SPRINKLER LINE

Whenever a consumer shall determine that it is necessary to replace the water service or firematic sprinkler line to his property, or any portion thereof, application must be made to the District. The work must be performed in the same manner as for a new installation.

SECTION 2.11 - EMERGENCY CURTAILMENT OF USE

In the event of an emergency or whenever in the opinion of the Board of Commissioners the water pressure or the supply of the water shall be reduced or is likely to be reduced so that the general welfare, health or safety is affected, the Board may order and direct such curtailment of the use of water or facilities of the District as they may deem necessary. Notice of such order or direction curtailing the use of water may be given personally by an authorized representative of the District, the Nassau County Emergency Reverse 911 Communication System or by mail. Publication of such order or direction in a local newspaper by the District on one occasion shall be deemed due notice to all consumer's of the District.

ARTICLE III BILLING

SECTION 3.1 - BILLS PAYABLE AT DISTRICT OFFICE

All bills for water or water facilities used or services performed by the District shall be paid to the District at its business office, 84 Grand Avenue, Massapequa, Town of Oyster Bay, and Nassau County, New York 11758. All checks in payment of bills shall be received subject to collection. Checks returned by bank uncollected shall be subject to a handling charge.

SECTION 3.2 - NEW SERVICE BILLING

The minimum charge will be applied for new services installed at any time during the billing period.

SECTION 3.3 - BILLING SCHEDULES AND PROCEDURES

All meters will be read on a periodic basis as set forth by the Board of Commissioners.

All bills will be sent to the owner at the premises, or at a different location if requested in writing by the owner.

No bills will be rendered or payment accepted for less than the minimum charges. The minimum gallonage allowed per billing period shall be non-cumulative.

SECTION 3.4 - PENALTIES FOR NON-PAYMENT AND ARREARAGES

All water bills are due and payable when rendered. All delinquent water accounts in excess of thirty (30) days are subject to an additional ten percent (10%) penalty charge. Owners of real property shall be deemed liable for unpaid water charges incurred by the occupant or tenants of the premises.

Where title to real property is conveyed, the grantee or new owner shall be liable for payment of all unpaid water charges against the grantor or former owner.

If such water and service charges are not paid within sixty (60) days from the due date, the water supply may be turned off at the discretion of the Board of Commissioners. Such water supply shall not be resumed or turned on until all charges and penalties are paid and an additional service charge shall have been paid.

Pursuant to Town Law of the State of New York, unpaid water charges shall constitute a lien against the real property upon which or in connection with which the water is used. As required by law, the District will submit to the Town Board of the Town of Oyster Bay a list of delinquent water charge accounts. Such water charges shall constitute a lien against the affected property.

ARTICLE IV
DEPOSITS, FEES, RATES AND MINIMUM CHARGES

SECTION 4.1 - FEES, CHARGES AND DEPOSITS TO BE PREPAID

No person shall take water of the District or otherwise utilize the facilities of the District for any purpose without the permission of the District obtained upon written application and upon payment of all fees, charges and deposits required in connection therewith.

SECTION 4.2 - RATES AND OTHER CHARGES

All water services lines shall be metered unless indicated otherwise in these Ordinances.

Bills shall be rendered on a periodic basis as set by the Board. There shall be a minimum charge for each water service line. Rates and charges shall be determined by the Board and set forth in a rate schedule on file at the District office.

The Board of Commissioners may establish water rates, fees and other charges from time to time pursuant to the authority vested in them by the Town Law of the State of New York and the Nassau County Civil Divisions Act. A listing of same will be filed at the District and are available upon request.

SECTION 4.3 - MINIMUM ANNUAL CHARGE

Minimum annual usage charges shall be fixed by the Board of Commissioners from time to time pursuant to the authority vested in them by the Town Law of the State of New York and the Nassau County Civil Divisions Act.

SECTION 4.4 - RATES OUTSIDE OF DISTRICT

The Board may establish a different or other rate for any water or service furnished outside the geographical limits of the Massapequa Water District. Said rates shall be set forth in a rate schedule that will be kept on file and available at the District's office.

SECTION 4.5 - NEW SERVICE INSTALLATION (TAP) CHARGE

An installation (tap) charge shall be made for each premise into which water shall be introduced for permanent consumption. A schedule of charges and specifications shall be set by the Board and is on file with the District. These charges shall include the material and labor necessary for permit processing, installation and inspection of the tap only. All other material and labor is to be furnished at the owner/consumers expense.

SECTION 4.6 - REMOTE METER READINGS – CHARGES

A service fee may be charged to all water service accounts that do not have a meter that can be remotely read or when the remote water meter reading device has been damaged, removed, is lost or is missing.

SECTION 4.7 – PLUMBER’S PERMITS AND PERFORMANCE BONDS

Plumber’s permits will be issued to persons who establish their qualification to the satisfaction of the Board. Every plumber shall file with the Board a performance bond in the penal sum as established from time to time by the Board of Commissioners for a twelve (12) month period. Such bond shall be placed with one or more sureties acceptable to the Board and shall be conditional that the licensee will pay to the District the amount of all fines or other expenses imposed by the Board in connection with the performance of the work of the licensee upon any facility owned by or which at any time in the future may be owned by the District, and further conditional that the licensee will indemnify and save the District, the Board and the Employees thereof harmless from liabilities and all damages and injuries resulting directly or indirectly from an installation, repair, extension or sue of the facilities of the District performed by him, and further conditioned that the licensee will replace and restore to the satisfaction and approval of the appropriate government authority all streets and pavement removed by the licensee in connection with the work performed by him. Such performance bond is to cover and insure the District against defective material or workmanship of such installations, repair or improvements for a period of one year from the date of final inspection of the installation by the Massapequa Water District as herein provided.

SECTION 4.8 - RESTORATION OF DISCONTINUED SERVICE

The Board has established a schedule of charges for the discontinuance and restoration of services for those circumstances when the consumer’s water supply is turned on or off due to the consumer’s request and/or action by the District. This schedule is on file at the District office.

SECTION 4.9 – AFTER NORMAL HOURS CALLS

The field forces’ normal work week shall be from 8 A.M. to 4:30 P.M., Monday through Friday. Any service calls requiring restoration of service (“Activation”), termination of service (“Shut Off”) or “Meter Reading”, that are answered at other than these hours shall be charged to the consumer as set forth in a rate schedule on file at the District’s office.

No “Activations” will be made on Saturday or Sunday unless it is an emergency as determined by the District or its duly authorized representative. The owner must be present if an emergency situation exists and a “turn on” is authorized. All other situations other than an emergency will be billed at a charge as set by the Board and set forth in a rate schedule on file at the District office.

SECTION 4.10 - MISCELLANEOUS CHARGES

The Board will establish a schedule of charges on file with the District, for miscellaneous services and costs incurred during the ordinary course of business including, but not limited to, final meter readings, testing of meters, returned checks, no-access charge and miscellaneous equipment materials charges.

ARTICLE V
INSTALLATION OF
WATER MAINS AND SERVICES

SECTION 5.1 - WORK ON DISTRICT FACILITIES

No person shall make any attachment to or connection with the pipes or mains of the District or make any repairs, additions, extensions or alterations to the facilities of the District unless they are either an authorized employee of the District or, upon prior receipt of an appropriate permit from the District, a plumber duly licensed by the Town of Oyster Bay and/or the Incorporated Village of Massapequa Park (as applicable) handling a job for a water service applicant previously approved by the District, or an authorized water main contractor handling District work.

SECTION 5.2 - SERVICE LINES

Service pipes, lines, fittings, corporation stops, curb stops, curb boxes, meters, meter setter, stop valves and all other appurtenances shall be of such size, construction and manufacturer as the District shall deem proper to maintain uniformity and quality of equipment. Installation of all service lines shall be in accordance with the current District standards and specifications on file with the District.

Service pipes up to two inches in diameter shall be of pure seamless, Type K soft copper tubing. All fittings must comply with the latest AWWA standard with respect to lead content and all current plumbing codes in the Town of Oyster Bay.

The connection to the main in cases of services over “2” is to be made by means of a “wet cut tapping sleeve” with valve attached, by a competent water main contractor approved by the District. Instead of a “wet cut”, the District reserves the right to require “valve clusters” when deemed necessary. Said contractor is to lay all service pipes from the main to the meter, and provide the necessary valve box with cover. All service pipes used shall be “class 150” or better.

Should the applicant request meter sizes other than the standard 5/8”, 3/4” or 1” sizes, the applicant shall notify the District office in advance of the work to assure that the necessary meter and appurtenances will be available on the date of installation. Lead Goosenecks are prohibited.

SECTION 5.3 - LOCATION OF CURB STOP

The curb stop shall be installed between curb and sidewalk where such exists or at property line where there is no sidewalk and/or curb.

SECTION 5.4 - PROTECTION OF FACILITIES - CONSUMER

All service pipes and appurtenances within private property from the curb line side of the curb box or meter pit shall be kept in good repair and shall be protected from frost and heat at the expense of the owner or consumer. The homeowner shall insure that the service line shall not have any “stray current” due to improper electrical grounds.

SECTION 5.5 – EMERGENCY REPAIR OF CONSUMER SERVICE LINE

The District is responsible for the emergency repair of the consumer's service line from the main to the curb line side of the first curb stop or angle valve off the main. Regardless of location, an upgrade or replacement of the consumer's service pipe due to its age shall be the responsibility of the consumer.

SECTION 5.6 – SEPARATE SERVICE LINES

For all permanent installations, a separate and distinct service line, curb stop and remote meter shall be required for each distinct business entity and/or residence. No more than one distinct business entity and/or residence shall be supplied through any single tap unless the setup is existing and/or approved by an authorized representative of the District. All fire services shall be tapped from the main on a service line separate and distinct from the domestic potable water service.

SECTION 5.7 - INSPECTION AND APPROVAL OF NEW INSTALLATIONS

Except as hereinafter provided, no curb stops or angle valves shall be opened and no water shall be introduced into or permitted to run into any premises after a new connection with the street mains has been made or new extension or attachment has been made unless and until the service lines, extensions and attachments have been inspected by the District and until said meter shall have been officially sealed by the District.

In any occupied premises wherein the introduction of water shall have been authorized or approved by the District and which shall not have been disconnected or cut off by the District, it is not required that the water be cut off or disconnected where minor extensions or attachments are made provided, however, the District shall be notified of such minor extensions or attachment within twenty-four hours of the making thereof. The District reserves the right to require that the consumer remove any attachments or extensions which do not meet the requirements or specifications established by these Ordinances and by the Board of Commissioners.

SECTION 5.8 - SEALING OF NEW INSTALLATIONS

No water shall be introduced into a service line upon any premises until and unless the meter shall have been installed and said meter officially sealed by the District. Thereafter, if the meter seal is broken and or removed by anyone other than a District representative there shall be a charge as established from time to time by the Board of Commissioners.

SECTION 5.9 - PROXIMITY TO SEWAGE AND DRAINAGE LINES

No water main or service line shall be installed in a sewer, electrical, gas or drain trench, nor will any sewer or drain be permitted in any water main or service line trench. No water service line will be permitted to pass within ten feet horizontally and 18" vertically (water being most shallow) of any sewer, cesspool, septic tank or leaching field or within four feet horizontally from an electric or gas line. Under extraordinary circumstances, the District will consider applying Ten State standards.

SECTION 5.10 - DEPTH OF INSTALLATION

All water mains and service lines shall be installed at least four feet six inches (4' 6") below the surface of the ground.

SECTION 5.11 - CHANGES IN GROUND ELEVATION

In the event that a change in ground elevation on private property, or from the property line to the curb line side of the curb box, leaves any service pipe inadequately buried or results in a curb box, meter pit or other appurtenance 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, 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 must be inspected and approved by the District.

SECTION 5.12 - STREET OPENINGS AND EXCAVATIONS

No street or public ground shall be opened or excavated by any consumer or applicant for water service until and unless said consumer or applicant shall have been granted all permits required by the affected governmental authorities or agencies. The excavator must also provide Workers' Compensation and comprehensive general liability insurance naming the District as an Additional Insured in form and amounts on file with the District.

The consumer or applicant making such street opening or excavation shall take all precautions for the safety and convenience of the public and shall assume all responsibility and liability for any resulting injury or damage and agrees to save and hold the District, the Board, its agents and employees harmless from all liability for damages or injuries resulting there from.

SECTION 5.13 - TAPPING TO BE PERFORMED BY DISTRICT REPRESENTATIVE

All tapping of the District mains and setting of meters shall be performed by an authorized representative of the District or by such other person as the Board shall designate. No plumber or other person shall, without specific authorization by the Board, tap or otherwise connect, disconnect or repair any pipe, valve or other appurtenances to any facility of the District, except that a duly registered plumber may make installations and repairs of consumer service lines and appurtenances, provided that the said installation or repair shall in all respects comply with the specifications and requirements as may be established by these Ordinances and by the Board of Commissioners.

SECTION 5.14 - RULES GOVERNING TAPPING

At least 48 hours notice is required between the date of application and request for tapping service. Tapping shall be performed on such days and at such times as the Superintendent of the District *or his authorized representative* shall prescribe.

Size of tap and meter is to be prescribed by the District. The corporation stop, when connected with the main, shall become and remain the property of the Water District. The District reserves the right to inspect all tubing and all connections made by the plumber.

The plumber is to make every effort to prevent any accident occurring while a District employee is inserting the tap in the main. He is to provide pumps and shoring when necessary. Tap holes should be a minimum of 4 feet wide by 4 feet in length, excavated to the main, to the depth necessary to allow proper attachment for the chain of the tapping machine.

No District employee shall be required to enter an excavation that may be construed as hazardous.

SECTION 5.15 - BACKFILLING EXCAVATIONS

Under no circumstances will any excavation containing water mains, appurtenances or facilities belonging to the District, or through which District water is to pass, be backfilled or covered unless and until such water mains, appurtenances or facilities have been inspected by a duly authorized employee or representative of the District.

SECTION 5.16 REMOVAL OF DEFECTIVE INSTALLATIONS

When it is determined 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. Water shall not again be introduced into the premises until the service installation is properly made and approved by the District and all expenses, charges and deposits have been paid by the consumer or owner of the premises.

SECTION 5.17 - ABANDONED OR DISCONTINUED SERVICES TO BE SHUT OFF

Whenever an owner, demolition contractor or other person plans to abandon a service, the District must be provided with five days notice. Such owner, demolition contractor or other person shall then uncover the corporation stop at the connection to the distribution main and immediately notify the Water District that such service is ready for abandonment. The shut off and physical disconnection of the corporation stop or gate valve shall be performed by a District employee. The entire cost of permits uncovering the corporation stop, backfilling, and restoration shall be borne by the owner, contractor or other person abandoning the service.

SECTION 5.18 - CANCELLATION OR SUSPENSION OF PERMITS

The District reserves its rights under the law to revoke any permits, certificates of water availability or other permissions granted at any time the Board determines the system of the District is being damaged, its integrity endangered, its water wasted or its rules and regulations violated in any way. In the event of such cancellation, revocation or suspension, the District may enter upon any premises and remove any of its facilities or property.

SECTION 5.19 - LEAKAGE

All leaks in any service line or appurtenance through which District water is supplied shall be repaired immediately at the expense of the consumer. However, should the leak occur in that portion of the service line that runs *from the District's main to the curb line side of the curb stop or meter pit, the repair of the line and accompanying road patch repair will be performed by the District at no charge to the consumer.* In the interest of conservation, the District may

discontinue service if service line leaks on the owner's property are not promptly repaired within seven calendar days of written notification. Any expense incurred by the District in discontinuing service shall be borne by the owner/consumer.

SECTION 5.20 - RESTORATION OF DISCONNECTED SERVICES

If the supply of water to any premises shall be turned off for any reason, it shall only be restored with the consent and approval of the District by one of its duly authorized representatives after payment of all charges, fees and penalties.

SECTION 5.21 - UNDERGROUND SPRINKLER SYSTEMS

Prior approval must be obtained from the Water District for the installation of any type of underground sprinkler system. A Double Check Valve or other approved device as prescribed by the New York State Department of Health must be installed on all underground sprinkler systems which may be subject to backpressure from acceptable pump installations or elevated piping, or where compressed air is used to winterize the system and where no chemical injection takes place. The device must be installed inside the building and may be installed on the branch for the sprinkler system provided no other hazards such as an auxiliary water supply exists. A Reduced Pressure Zone Device approved by New York State Department of Health must be installed on the main line as containment on those installations where an auxiliary water supply exists or means to inject chemicals exists or where the District identifies other hazardous conditions.

The sprinkler system cannot be branched from a meter pit without specific approval from the District.

The final installation is subject to inspection by the Superintendent or his duly authorized representative.

For swimming pools with a direct fill line please refer to Article VI.

SECTION 5.22 - FIREMATIC SPRINKLER SYSTEMS

No firematic sprinkler system, designed to use water supplied by the District, shall be operated, installed, continued or maintained without the approval of the Superintendent of the Water District or authorized representative and is in full compliance with all of the ordinances, rules and regulations hereinafter set forth and established.

All applications for installation of fire sprinkler systems shall be made to the District and shall contain the name of the contractor making the installation, the beginning and completion dates, and a statement as to whether the plans submitted have been approved by the Insurance Service Organization. The application shall be accompanied by a set of plans and a water flow "demand letter" prepared by New York State Licensed Engineer.

All installations shall be equipped with a Double Check Valve with a bypass meter approved by the District and New York State Department of Health. Wet-pipe systems utilizes antifreeze,

corrosion control additives or any other foreign substance, or which are located near an alternative source of supply (canals, ponds, etc.) shall be equipped with an approved Reduced Pressure Zone Device.

No installation will be permitted where the size of the proposed main will materially interfere with the supply of water to other consumers.

Installation of service lines shall be made by a plumber bonded with the District and shall be a wet-cut installation with no interruption of normal service. The District may require “valve clusters” at its discretion.

All permits for installation of sprinkler systems shall be issued by the Superintendent of the Water District or authorized representative only after full compliance with this ordinance.

SECTION 5.23 - AIR CONDITIONING/REFRIGERATION SYSTEMS

New Air Conditioning/Refrigeration systems may not be connected to the District water system. All existing systems must meet all the criteria of backflow prevention as defined in *Article VI*.

SECTION 5.24 - DEMOLITION: TEMPORARY SERVICE LINE

Whenever an owner, seeking a demolition permit pursuant to Town or Village requirements, applies to the Water District for a temporary service line shut off in lieu of a disconnection at the water main to be accomplished at a later date, a Cash Bond in the form and amount to be established by the Board of Commissioners must be furnished to the Water District prior to the temporary service line shut off and the issuance of a letter to that effect. If a proper disconnection at the water main is not completed within four (4) months after issuance of the letter then such bond will be forfeited to the Water District and the water service at the subject premises shall be disconnected.

SECTION 5.25 NOTICE OF COMPLETION

The consumer, applicant or owner shall file with the District a written report of the completion of all attachments, connections, alterations and extensions of water service lines and appurtenances within twenty-four hours after such completion, specifying the nature, location and type of attachment, connection, alteration or extension.

ARTICLE VI CROSS CONNECTION AND BACKFLOW PREVENTION DEVICES

SECTION 6.1 - STATEMENT OF POLICY

It is the policy of the Water District to protect the public water system by containing potential contamination within the premises of the user. Consumers are required to follow the applicable provisions of the New York State Sanitary Code, as well as the requirements set forth in the Nassau County Department of Health’s Cross Connection Control Handbook and all applicable federal, state and local regulatory requirements.

SECTION 6.2 - STATUTORY AUTHORITY

Chapter I, Title 10, New York State Sanitary Code, Part 5, Drinking Water Supplied, 5-1.31, Cross Connection Control requires that a supplier of water shall protect the public water system in accordance with acceptable procedures by containing potential contamination within the premises of the user in the following manner:

- a) By requiring an acceptable air gap, double check valve assembly reduced pressure zone device or equivalent protective device acceptable and consistent with the degree of hazard posed by the premises served by the connection.
- b) By requiring the users of such connections to submit plans for the installation of protective devices 2” and above to the supplier of water and the Nassau County Department of Health for approval; and
- c) By assuring that all protective devices installed be tested at least annually.

SECTION 6.3 - RESPONSIBILITY OF THE DISTRICT

- a) Inspection

The District shall cause a routine inspection of all premises served which are not already provided with the approved backflow prevention devices. Such inspections shall be conducted at an interval of no longer than one (1) year for non-residential services and five (5) years for residential services. For the purpose of this ordinance, a multiple dwelling and a residence used in part for business purposes shall be considered to be non-residential. Once it has been determined that a premises requires a backflow prevention device, the owner of said premises shall be notified and required to install and maintain an approved double check valve (DCV), reduced pressure zone (RPZ) device or equivalent protective device as appropriate in accordance with the requirements of this ordinance.

- b) Right of Entry

The District, or their authorized agent, shall have the right of entry into any premises during reasonable hours for the purpose of making an evaluation of the premises provided that with respect to the inspection of any single family dwelling under this Article consent to such inspection shall first be obtained from a person of suitable age and discretion therein, or in control thereof.

- c) Multiple Dwellings and Commercial and Industrial Buildings

The District, or its authorized agent, may require the owner of any multiple dwelling, commercial or industrial building to designate some qualified person to be in charge of the water supply for that building.

SECTION 6.4 - DEFINITIONS

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

- a) **APPROVED BACKFLOW PREVENTION DEVICE** is an air gap, reduced pressure zone device, double check valve assembly or equivalent protective device, approved by the New York State Department of Health, to contain existing or potential contamination within a customer's facility.
- b) **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.
- c) **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 the receptacle. The differential distance shall be at least double the diameter of the supply pipe. In no case shall the air gap be less than one (1") inch.
- d) **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 the intended source.
- e) **BACKPRESSURE** means the resulting backflow of 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.
- f) **BACKSIPHONAGE** means the backflow of water 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.
- g) **CERTIFIED BACKFLOW PREVENTION DEVICE TESTER** is a person having completed the required training course and holding a current certification issued by the New York State Department of Health.
- h) **CONTAINMENT** means cross-connection control that isolates the consumer's entire facility from the public water system so as to provide the protection necessary to prevent contamination of the public water supply in the event of backflow from the consumer's facility.
- i) **CROSS-CONNECTION** means a physical connection through which a water supply could be contaminated.

- j) **DEGREE OF HAZARD** means whether a facility is rated as hazardous, aesthetically objectionable or non-hazardous.
- k) **DOUBLE-CHECK VALVE (DCV) ASSEMBLY** 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 water tightness of each valve.
- l) **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 are laboratories, sewage treatment plants, hospitals, and mortuaries.
- m) **INTERCONNECTION** is a joining of two independently operated public water distribution systems.
- n) **LOCAL HEALTH DEPARTMENT ENGINEER** is the Nassau County Health Department Engineer.
- o) **NON-HAZARDOUS FACILITY** is one, which does not require the installation of an acceptable backflow prevention device.
- p) **OUTLET** is the open end of the water supply pipe through which the water is discharged.
- q) **POTABLE WATER** is that which complies with the drinking water quality provisions of the State Sanitary Code, Part 5, and Drinking Water Supplies.
- r) **PRESSURE VACUUM BREAKER** means the installation of pressure vacuum breakers on each zone of a system at a higher elevation than the highest head in accordance with specifications available at the District office.
- s) **REDUCED PRESSURE ZONE (RPZ) DEVICE** means a minimum of two (2) independently acting check valves, together with an automatically operated pressure differential relief valve located between the two (2) check valves. During normal flow and at the cessation of normal flow, the pressure between these two (2) 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.
- t) **INDIVIDUAL WATER SUPPLY** means any water source or system other than the District supply, which may be available in the building or on the premises.

SECTION 6.5 - CROSS CONNECTIONS

Cross-connections between the customer's water system in premises served by the District, which are rated aesthetically objectionable and/or hazardous, are prohibited except where an approved backflow prevention device has been installed to prevent contamination of the potable water system. The District shall determine the degree of hazard posed by the service connection to the premises and shall determine the type of backflow prevention device that is required to be installed. In each instance where a condition, device or practice has a potential for a cross connection with the water supply, an approved air gap, reduced pressure zone device, double check valve assembly or equivalent protective device must be installed commensurate with the degree of hazard encountered.

Individual Water Supply Cross-connections between an individual water supply (i.e. private well) and the potable water supply of the District are prohibited unless specifically approved by the Board of Commissioners and the New York State Department of Health.

SECTION 6.6 - INTERCONNECTIONS

Interconnections are prohibited except for emergency interconnections with other public water purveyors.

SECTION 6.7 - DISTRICT REQUIRED BACKFLOW DEVICES

- a) All new residential services must be equipped, at a minimum, with an approved double check valve assembly ("DCVA"). Any residential service that is allotted dock space also requires the installation of an approved double check valve assembly ("DCVA").
- b) All non-residential services must be equipped with an approved reduced pressure zone ("RPZ") device unless an alternate device is approved by an authorized representative of the District.
- c) All fire service and by-pass lines must be equipped with an approved DCVA and meter.
- d) Where underground sprinkler systems employ chemicals, an approved RPZ device shall be required.
- e) Services with a private well that is, or has the potential to be, interconnected with the public water supply must be equipped with an approved RPZ device.
- f) All underground sprinkler systems and swimming pools with direct fill capability must be equipped, at minimum, with a DCVA.
- g) Pressure vacuum breakers may be installed on underground sprinkler systems in accordance with Nassau County Department of Health and Water District requirements.

- h) All wet-pipe systems utilizing antifreeze, corrosion control additives or any other foreign substance, or which are located near an alternative source of supply (canals, ponds, etc.) shall be equipped with an approved RPZ device.

SECTION 6.8 - APPROVALS, PROCEDURES AND INSTALLATIONS OF
BACKFLOW DEVICES

Applications and instructions for the installation of backflow devices are available at the District. Applications are subject to review and approval by the District. If a device is installed on a 2” or larger service line, a separate application must be made to the Nassau County Department of Health for their approval. Although there is no fee associated with the District’s review, the Nassau County Department of Health does charge for their review of plans in accordance with their latest fee schedule.

In order to insure full containment, backflow devices must be installed immediately after the water meter. No connections shall be made between the meter and the backflow device. All installations shall be made by a duly licensed plumber of the Town of Oyster Bay and/or Village of Massapequa Park as applicable.

Backflow devices must be tested at least once a year by a New York State certified tester. Records of such tests must be filed with the District as required by New York State law.

The approval procedure is as follows:

- a) For Devices Less Than 2”:

The applicant must file with the Water District an application on the current New York State Health Department form, together with plans and specifications for the installation of the proposed backflow prevention device. Copies of the form, typical plans previously approved by the Nassau County Department of Health, and specifications for the installation of the backflow devices, as well as a list of devices acceptable to the New York State Department of Health for containment control are available from the District.

- b) For Devices 2” and Larger:

A separate application must be made to the Nassau County Department of Health and a copy filed with the Water District.

After approval is obtained from the Department of Health, the customer shall have the backflow prevention device installed in accordance with the plans and specifications. Certification that the device was installed in accordance with the approved plan shall be made to the District by the installer. At the completion of the installation, and within forty-five (45) days, the device shall be tested by a Certified Backflow Prevention Device Tester. A report of the results of the test shall be submitted to the District within thirty (30) days of the test.

SECTION 6.9 - TECHNICAL REQUIREMENTS

- a) **New Water Supply Connections**
1. Residential – An approved reduced pressure zone (RPZ) backflow prevention device or double-check valve (DCV) shall be installed in an appropriate meter pit or other approved location on all new water supply connections supplying water to any residential premises.
 2. Commercial, industrial or other non-residential structure connected to the potable water system of the District shall have an RPZ backflow prevention device unless an alternate device is approved by an authorized representative of the District.
- b) **Existing Water Supply Connections**
- Retroactive hereto, an approved backflow prevention device shall be retrofitted in an appropriate meter pit or location as approved by the District for all existing water supply systems or services, which include but are not limited to:
1. an irrigation system;
 2. a private well that is interconnected or has the potential to be interconnected with the public water supply;
 3. a solar heating system; and
 4. any system rated aesthetically objectionable and/or hazardous by the Nassau County Department of Health or the District.

The same retrofit requirements apply to all industrial, commercial and other non-residential structures.

c) **Maintenance Requirements**

1. **General Requirements**

It shall be the responsibility of the non-residential building and premises owners to perform required testing and to maintain all backflow prevention devices within their building or on their premises in good working order and to make no piping or other arrangements for the purpose of by-passing the backflow devices.

The owner at his sole cost and expense is responsible for complying with the New York State and Nassau County Department of Health's Rules and Regulations for control of backflow and cross-connections.

2. **Testing and Repair of Backflow Prevention Devices**

Backflow prevention devices installed for the purpose of containment shall be tested annually (when required) starting from the date of the initial test performed at the time of installation. Testing shall be conducted by a New York State Department of Health Certified Backflow Prevention Device Tester. Each backflow device tested shall bear an inspection certificate tag indicating the date of the latest test and the name and address of the Certified Tester who conducted the test. The owner or tester shall file a report of the test on the appropriate Department of Health form with the District within thirty (30) days of conducting the test. Any device which fails a test shall be repaired and retested within thirty (30) days.

ARTICLE VII WATER METERS

SECTION 7.1 - WATER TO BE METERED

Except as otherwise provided herein, all water service shall be rendered and supplied through meters of a size, make and type approved and furnished by the District. Fire services containing private hydrants are required to be metered. All water meters remain the property of the District.

SECTION 7.2 - INSTALLATION OF NEW METERS

A meter is defined as the meter and its accessories including remote reading devices.

All meters shall be installed in a heated space in the interior of a dwelling, store or other building in an accessible location approved by the District.

All meters shall be set in an accessible manner in a place approved by the Board and shall not be obstructed in any manner that will interfere with the prompt reading, repairing, *replacement*, testing or inspecting thereof.

Meters shall be set with the inlet and the outlet in a horizontal plane with the register on top.

No outlet of any kind may be installed in any service line between the main and the meter.

The meter shall be installed within the building at the closest practicable point where the service line enters the building. Wherever the meter shall be located within the building, a one-quarter (1/4) turn ball valve shall be located on both the inlet and outlet side of the meter.

No lead or joint compound shall be used on joints between the main and the meter. Installation materials must comply with the applicable State/Local plumbing codes and AWWA standards.

No water shall be introduced into either new water mains or new water service lines unless and until the same shall have been inspected and approved by the District, and, if there is an inside meter on the premises, until said meter has been changed to a new remote read type, if not already done so, and has been officially sealed by the District.

SECTION 7.3 - PROTECTION OF METERS

No hot water lines or other unit's capable of producing heat shall be located within one foot of the meter.

SECTION 7.4 - REPAIR AND REPLACEMENT OF METERS

The cost of a water meter installed in new construction or necessitated by renovation shall be the responsibility of the consumer.

All meters and accessories which, in the opinion of the Board, have become unsuitable for further use shall be replaced by another meter at the expense of the District. Meters shall not be tampered with or disturbed by any unauthorized persons. Unauthorized tampering with water meter seals is a misdemeanor and offenders will be prosecuted to the fullest extent of the law.

In the event that tampering or disturbance damages or destroys a meter, the meter shall be repaired or replaced by the District at the expense of the owner or consumer.

In the event that seals on water meters are found to be broken from any cause whatsoever, unless prior permission had been obtained from the Superintendent *or his designated representative*, the property owner will be billed in the amount of three (3) times the average bill of the last two (2) highest billing periods. Service may be discontinued if such is deemed advisable by the Superintendent.

The consumer shall notify the District immediately in the event that any meter fails to register, its seal is broken, or it otherwise becomes out of order.

Where in the opinion of the Board, any meter has been made inaccessible or has been obstructed in any manner; or where repair, maintenance or replacement of a meter has been refused or access denied by consumer where such meter is located, then the Water District may deem same abandoned and promptly install a new meter outside the subject premises and charge all expenses of the new installation to the consumer.

SECTION 7.5 - METER PITS

Meters may be installed in outside underground meter pits as a special exception when expressly authorized by the Board. Meter pits shall be located on the curb side of the consumer's property line in the municipal right-of-way.

The original meter pit installation shall be made by the consumer/builder at his own expense and shall conform in all respects to the requirements and specifications on file with the District.

Routine maintenance of the meter pit will be the responsibility of the District. The District however, will not be responsible for repair or replacement of the meter pit caused by vandalism, a consumer's negligence or a change of elevation caused by the consumer.

SECTION 7.6- ENTRY UPON PREMISES

The Board of Commissioners, its authorized employees and agents are authorized to come upon the premises of the consumer at all times for the purpose of reading, inspecting, repairing, maintaining, removing, or testing the water facilities, meters and appurtenances through which water of the District is supplied.

SECTION 7.7 - REMOVAL OF DEFECTIVE INSTALLATIONS

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

SECTION 7.8 - TESTING METERS

A water meter will be tested upon receipt of *the consumer's* written request and upon payment of a charge as established from time to time by the Board of Commissioners. In the event that the water meter is found to be registering within the guidelines promulgated by the American Water Works Association, his payment shall be forfeited as a testing charge. If the meter is found to be over-registering, *the consumer's* deposit shall be returned and an adjusted bill shall be rendered, for the last billing period.

ARTICLE VIII HYDRANT REGULATIONS

SECTION 8.1 - FIRE DEPARTMENT AUTHORIZATION

The Chief of the Fire Department, or his authorized assistants, may open a fire hydrant in the event of a fire or fire drill or for tournament purposes. The Fire Department shall promptly notify the District whenever they use a hydrant.

SECTION 8.2 - USE OF HYDRANTS

Other than the Fire Department, no person shall open or interfere with any fire hydrant or draw water from there for any purpose without first having filed an application and receiving a permit from the District. *A fee will be charged in accordance with the schedule as established from time to time by the Board of Commissioners.*

SECTION 8.3 - APPLICATION FOR PERMIT

All applications for permits shall be accompanied by the applicant's New York State Department of Environmental Conservation license and registration number. All vehicles for which a permit is requested must be inspected by the District prior to the issuance of the permit. The District reserves the right to charge any permit holder for improper use of, or damage to, a hydrant.

SECTION 8.4 PERMIT DECAL

Upon receipt of payment for a permit, a decal will be issued where applicable. Decals must be visible and affixed on the driver's door of the truck for which the permit was issued. For trailers, the decal must be affixed to the tank itself on the driver's side approximately in the middle of the tank.

SECTION 8.5 – TRUCK/TRAILER IDENTIFICATION

Individual's or Company's name, place of business and telephone number shall be clearly and permanently displayed on both sides of vehicle. Required information shall be visible so as to be read by unaided, normal vision from a distance of not less than twenty (20') feet.

SECTION 8.6 - DESIGNATED HYDRANTS

Use of hydrants will be limited to those hydrants indicated on a list maintained in the District office provided to the permit holder by the District.

SECTION 8.7 - REPORTING OF HYDRANT DAMAGE OR MISUSE

Any damage, or evidence thereof, arising out of hydrant use authorized by permit, or out of previous, unreported, unauthorized use, shall be reported to the District. All persons are to report any observed, unauthorized use of hydrants to the District.

SECTION 8.8 - HYDRANT ACCESS - PLANTING OF TREES, BUSHES, ETC.

All trees, bushes, etc., must be trimmed and clear an existing fire hydrant by a minimum measurement of a 6 foot radius.

SECTION 8.9 - HYDRANT FLOW TEST

Any person or corporation requesting a flow test on any hydrant for the purpose of determining the static and residual pressures shall first petition the District Superintendent in writing. Said request shall set forth the location to be tested and a proposed date, time and reason therefore. The hydrant shall be opened and closed solely by District personnel or its authorized agents. The actual flow test itself will be conducted by the applicant at his own expense with the applicant's own gauges. A non-refundable fee set forth in the rate schedule on file at the District will be charged by the District for administration of the application and services provided. A copy of the results shall be provided to the District.

SECTION 8.10- MANDATORY USE OF BACKFLOW PREVENTION SYSTEMS ON TANKS AND TRUCKS

To pass inspection, each vehicle which utilizes District fire hydrants for purposes other than fire fighting, shall be equipped with a properly functioning control valve and backflow prevention device in compliance with specifications on file with the District.

- a. All hydrant connections shall be with approved adaptor and reducer fitting.

To prevent tank overflow and spills, tanks must be equipped with a one and one-half (1 ½”) inch control valve located on the hydrant to allow operator to shut off water flow while filling tank.

- b. No hydrants shall be used to fill tanks on vehicles unless a reduced pressure backflow preventer or permanently attached piping with an air-gap minimum of twice the diameter of the pipe between the fill-pipe and the tank is used.
- c. Connection for other truck/trailer tanks shall have a control valve and backflow prevention device.
- d. In all connections, hydrants shall be opened to full capacity.
- e. Hydrant openings and closings shall be accomplished only by the use of an approved hydrant wrench, with flow started and controlled by the one and one-half (1 ½”) inch valve. Upon completion of filling tanks, the hydrant shall be completely shut off and all caps are to be replaced.
- f. There will be absolutely no chemicals mixed or added to tanks at hydrant sites; chemicals are to be added at the job site. Any spills at hydrant sites are to be cleaned up immediately and reported to the District. A copy of current and valid chemical application permits/licenses shall be submitted to the Water District prior to issuance of a permit.
- g. Each backflow prevention system shall be inspected and/or tested at least annually by an authorized agent or certified tester of the New York State Department of Health as a condition precedent to the issuance of any permit by a public water purveyor. A copy of the current test report must be submitted and kept on file at the District.
- h. Backflow prevention apparatus shall be visible on the exterior of each vehicle upon unassisted observation.
- i. Each vehicle must be equipped with an approved hydrant wrench, which must be presented when the tank is inspected by the District.

SECTION 8.11 - TEMPORARY HYDRANT PERMITS

Contractors authorized to do business in the District may make applications for temporary or seasonal use of designated fire hydrants. Specifications for hydrant use together with the applicable fees and charges are set forth in a rate schedule on file with the District.

SECTION 8.12 – JETTING AND PUDDLING PROHIBITED

Use of water in connection with jetting or puddling is prohibited during construction or backfilling.

SECTION 8.13 – PONDING PROHIBITED

Use of the District water supply to create or maintain a man-made pond is prohibited.

SECTION 8.14- HYDRANT METERING

The District shall determine the necessity for attaching a meter to the hydrant which shall be installed by a duly authorized representative of the District.

SECTION 8.15 – CHARGES FOR RELOCATION OF HYDRANTS

Any person or corporation requesting the relocation of a hydrant must first petition the Board of Water Commissioners by letter, giving them the location and reason for relocating. After the Board of Water Commissioners has become familiar with the condition, the petitioner will be so notified if the petition is approved or denied. The cost of such relocation will be estimated and the amount paid to the Massapequa Water District before such work shall be performed.

SECTION 8.16 - CANCELLATION OF PERMITS

The District reserves the right to cancel any permit granted without refund at any time when the distribution system of the District is being damaged or water wasted or any provisions of these Ordinances, Rules and Regulations are being violated by the permit holder.

ARTICLE IX WATER CONSERVATION STATEMENT OF POLICY AND LEGISLATIVE INTEREST

SECTION 9.1 - LEGISLATIVE FINDINGS

That the Board of Commissioners believes it is in the best interest of the District with respect to the sufficiency of its water supply to regulate or limit the use of water throughout the District premised upon the following:

- a) The District must conserve, protect and manage the water supply, as it is dependent upon a sole source aquifer system which serves the domestic, industrial, commercial and/or recreational needs of individuals within the District's own jurisdictional boundaries and throughout Nassau County; and
- b) A ground water geohydrological firm was retained by Nassau County to proceed with the development of a Ground Water Management Program and, working with the Department of Public Works of Nassau County, undertook extensive research, including interviews with water purveyors and major water users with a view toward development of a Comprehensive Management/Conservation Program; and
- c) The New York State Department of Environmental Conservation having imposed pumping restrictions on the public water purveyors in Nassau County in 1986.

SECTION 9.2 - STATEMENT OF POLICY

It has always been the policy of the Massapequa Water District to preserve the quantity and quality of our potable water supply and to encourage conservation by District consumers. In recognition of the legislative findings herein and in order to implement the District's conservation policy, the Board of Commissioners duly enacts the following Water Conservation ordinances.

SECTION 9.3 - USE OF WATER FOR LAWN SPRINKLING AND IRRIGATION

1. Sprinkling Restrictions

- a) All water sprinkling for lawns, gardens and shrubbery is prohibited between the hours of 10 a.m. and 4 p.m. from January 1st through December 31st.
- b) EVEN-numbered addresses (and addresses without numbers) may sprinkle on EVEN-numbered days during the prescribed hours. ODD-numbered addresses may sprinkle on ODD-numbered days during the prescribed hours.
- c) Sprinkling during periods of precipitation is prohibited. All automatic on/off time controlled sprinkling systems must be fitted with rain sensing and/or soil moisture detecting and shut down devices.
- d) Nassau County regulations state that owners of private wells must follow the mandatory sprinkling restrictions imposed by the District.
- e) The use of a hose, sprinkler or irrigation system with water supplied by the District, or otherwise, so as to cause a spray or flow of water, which spray or flow of water shall extend into the sidewalk or roadway, is hereby prohibited.
- f) All hoses shall be equipped with a shut-off nozzle that is automatically self-closing, and necessitates had pressure on the valve to permit the flow of water.
- g) Wash down of driveways and sidewalks with garden hoses are prohibited.
- h) Car washing is permissible at any time providing that there is a shutoff valve at the discharge end to allow shutoff between wash and rinse.
- i) These restrictions apply to and control private wells.

SECTION 9.4 - CHANGE OF WATER SPRINKLING TIMES

Nothing herein contained is intended to prohibit the District from changing or otherwise limiting sprinkling times in cases of emergency or to meet demands for water for other purposes as may be deemed necessary subject to conditions prescribed by the Board of Commissioners.

SECTION 9.5 - WATER SAVING DEVICES

- a) All additions and alterations to plumbing fixtures to any premises within the District shall conform to all State, County, Town of Oyster Bay and Village of Massapequa Park, where applicable, performance standards.
- b) The provisions of this section shall apply to all residential structures, including but not limited to one and two-family residences, townhouses, condominiums, multiple residences, hotels and motels that are issued a building or alteration permit after the effective date of this section.

This section shall also apply to commercial and industrial structures that are issued a building permit after the effective date of this section.

- c) All additions and alterations to existing residential structures that are issued a building permit after the effective date of this section shall comply with the provisions of this section when the work includes the installation or replacement of plumbing fixtures and fittings specified in this section.
- d) All additions and alterations to existing commercial and industrial structures that are issued a building permit after the effective date of this section shall comply with the provisions of these ordinances when the work includes the installation or replacement of plumbing fixtures and fittings as specified in these ordinances.
- e) The licensed contractor, owner and/or consumer responsible for the installation of water flow control plumbing fittings specified in this section shall provide proof, upon request, to the District certifying that the fittings are in conformance with the maximum water flow to volumes specified herein. Testing reports from a recognized, independent testing laboratory or reports of tests performed by the manufacturer, using established principles of mechanics, shall be acceptable.
- f) All water flow control fittings installed as specified herein shall be maintained in a sanitary working condition and free of defects which may reduce the effectiveness of water conservation.

SECTION 9.6 - MAXIMUM CAPACITY AND USAGE OF PLUMBING FIXTURES

- a) Tank-type water closets shall be designed to flush with a maximum of 1.6 gallons of water.
- b) Shower heads used for the purpose of bathing, lavatory faucets and sink faucets shall have a maximum flow capacity of 2.0 gallons per minute.
- c) Car washing establishments must be equipped with water recirculation facilities.
- d) Swimming pools with a total capacity in excess of 3,000 gallons must be

equipped with filter systems which will eliminate the need to empty and refill such pools more than once per year.

SECTION 9.7 - PENALTY FOR VIOLATION OF ABOVE SECTION

Each consumer violating any subdivision of these Articles may be charged a civil penalty punishable by a fee of not more than Two hundred fifty (\$250.00) dollars, for each violation. A notice of violation shall be sent by ordinary and certified mail to the consumer's billing address on file at the District and shall be delivered to the premises at the time of the violation by leaving the notice affixed to the front door or door portal.

Any fee not paid within the time provided shall be treated as an unpaid water rent and sent to the appropriate town for collection by addition to the tax bill. Any unpaid fine shall bear interest equal to that of an unpaid water rent.

SECTION 9.8 - COMMERCIAL AND INDUSTRIAL AIR CONDITIONING AND REFRIGERATION EQUIPMENT, ETC.

a) Required Water Recycling System

All water cooled equipment installed *within the District's boundaries* and connected directly or indirectly with the water system of the District, whether for comfort air conditioning, industrial cooling, refrigeration, processing or other purpose is prohibited except if such equipment is provided with a water-recycling system such that District water is used only for the initial filling of the installation and make-up water required by evaporation or flushing.

b) Conversion of Existing Systems

All existing water-cooled equipment shall be converted to an air-operative system or equipped with a water-recycling system.

c) Required Backflow Prevention Device

The water supply line from the District to all premises having water-cooled equipment shall be provided with a reduced pressure zone backflow device.

d) Manufacturing or Cooling Equipment

Consumers utilizing water for manufacturing or cooling equipment must have low water or low pressure cut-off switches installed on their equipment.

SECTION 9.9 - OUTDOOR FOUNTAINS, SPRAY PONDS, ETC.

The use of water is PROHIBITED in outdoor fountains, spray ponds and similar facilities when re-circulating in excess of five gallons per minute.

SECTION 9.11 - APPLICATION OF REGULATIONS

The provisions of this ordinance shall apply to all persons using water from the Massapequa Water District water system regardless of whether or not such person using water shall have a contract in his own name for water service with the District.

SECTION 9.12 - REGISTRATION OF EXISTING UNDERGROUND SPRINKLING SYSTEMS

1. Owners or users of existing underground sprinkler systems installed before the enactment of this ordinance, whether automatic or manually operated shall register those systems by filing a registration form with the District. Registration of all existing systems must be filed within one hundred twenty (120) days of the effective date of this ordinance.
2. The service line supplying water to all existing underground sprinkler systems shall be provided with an approved backflow prevention device in accordance with the State Sanitary Code and Nassau County Department of Health regulations.

SECTION 9.13 - PERMITS FOR NEW SPRINKLER SYSTEMS OR ALTERATION OF EXISTING SYSTEMS

1. A permit is required for any new underground lawn sprinkler system or the alteration or addition to an existing underground lawn sprinkler system. A permit application and plans of the proposed sprinkler system shall be filed at the District Office along with the appropriate fee. The plan accompanying the application shall be drawn to a scale not smaller than one (1") inch equals forty (40') feet, and shall show the name of the property owner, tax section, block and lot, boundary lines of the property, layout of the system, number of sprinkler zones, location of rain or moisture sensors, make and model number of the clock controller, maximum sprinkler flow, source of water supply, size of the supply line and the location of the meter pit, curb stop for the sprinkler system and backflow prevention device. After approval of the plans by the District the system may be installed.
2. The District prior to the issuance of the permit must make an inspection of the completed, installed system.
3. A separate application and plan is required for the approval of the installation of the backflow prevention device in accordance with Nassau County Department of Health regulations. (see Article VI)

SECTION 9.14 - REQUIREMENTS FOR NEW UNDERGROUND SPRINKLER SYSTEMS

1. All new underground sprinkler systems must conform to the requirements of the Nassau County Department of Health, Massapequa Water District, Town of Oyster Bay and/or Inc. Village of Massapequa Park.

2. All new underground lawn sprinkler systems shall be equipped with a programmable time clock controller for control of the sprinkler system valves, a rain or a soil moisture sensor capable of interrupting the operation of the sprinkler system when watering, as determined by the sensor, is required, and a separate curb stop control valve on the water supply line to the sprinkler system.
3. Rain sensors shall be of a type capable of detecting a minimum of one-eighth (1/8") inch of rainfall and automatically interrupt and prevent the sprinkler system from operating. It shall further be capable of allowing the rainfall to evaporate and when sufficient evaporation has occurred, to automatically reset and allow continuation of normal sprinkling.
4. Approved moisture sensors shall be interfaced with the programmable time clock controller or the electrically operated sprinkler control valves, and shall prohibit sprinkling when the matric potential of the soil measured by the sensor is below the preset pressure selected for the soil in which it is used.
5. Time clock controllers shall be a programmable type, which shall automatically operate the sprinkler system. Time clock controllers shall have the following minimum features:
 - a) An adjustable clock monitor for starting the water cycle at any hour of the day or night.
 - b) A calendar program which allows automatic water cycles on any day, odd or even day or every third day on a repeating basis.
 - c) A sequence timer with variable time adjustment of a minimum of five (5) minute increments. Timing shall be independently variable for each sprinkler zone.
 - d) Override features, which are activated by the rain or soil moisture sensor to prevent the automatic watering cycle from starting when watering is not required.
 - e) Operational settings and programming of the time clock controller shall be readily accessible on the face of the controller.
 - f) All systems shall be electrically wired directly to the power source. Bypass switches of any type are prohibited.
6. The water service line supplying any underground sprinkler system shall be provided with an approved backflow prevention device approved and installed in accordance with the requirements of the Nassau County Department of Health.
7. The source of water supply for any new underground sprinkler system shall be either by a separate metered service line connection made to a water main of the Massapequa Water District or by a connection to the existing water service line to

the premises. If the source is from the water service line to the premises, the connection must be made to the line after the water meter and shall be provided with a separate *shut off valve*.

ARTICLE X
VIOLATIONS OF ORDINANCES TAMPERING WITH
DISTRICT FACILITIES—PENALTIES

SECTION 10.1 - DAMAGE TO DISTRICT FACILITIES

Any contractor, consumer, plumber, municipality or utility which causes damage to any of the District's water mains, valves, valve boxes, hydrants, service lines or appurtenances shall repair same at their expense. The repair shall be made in accordance with the District's standards and specifications with new materials by an approved plumber or water main contractor under the supervision of the Water District. If any contractor, plumber, municipality or utility refuses to repair said damage, the District will effect repairs and bill the appropriate entity accordingly.

SECTION 10.2 - VIOLATION OF ORDINANCES

A violation of the terms and provisions of these Ordinances may result in the imposition of civil penalty under the Nassau County Civil Divisions Act not to exceed the sum of Two Hundred Fifty (\$250.00) Dollars for each violation and/or the termination of water service.

SECTION 10.3 - CRIMINAL TAMPERING IN THE SECOND DEGREE APPLICABLE
SECTIONS OF THE PENAL LAW OF THE STATE OF NEW YORK

A person is guilty of criminal tampering in the second degree when, having no right to do so nor any reasonable ground to believe that he has such right, tampers or makes connection with the property of a gas, electric, sewer, steam or waterworks corporation, telephone or telegraph corporation, common carrier, or public utility operated by a municipality or District, except that in any prosecution under this section, 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.

SECTION 10.4 - THEFT OF SERVICES

A person is guilty of theft of service when:

- a. 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 shall be presumptive evidence that the person to whom the service is at the time being furnished by or through such a 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 consent of the supplier of the service is presumed to do so with the intent to avoid, or to enable another to avoid, payment for the service involved; or

- b. 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 service is a Class A misdemeanor

ARTICLE XI AMENDMENTS AND EFFECTIVE DATE

SECTION 11.1 - AMENDMENTS

The right is reserved to change or amend these ordinances at any time in a manner provided by law.

SECTION 11.2 - REVOCATION OF PREVIOUS ORDINANCES

All ordinances, rules, regulations, resolutions, orders and directions heretofore issued by the Board of Commissioners are hereby revoked, cancelled and annulled insofar as they shall be inconsistent with any of the within ordinances.

SECTION 11.3 - EFFECTIVE DATE

The foregoing ordinances, rules and regulations of the Massapequa Water District first duly adopted by the Board of Commissioners of the District on the 25th day of August 1958, and amended on the 22nd day of February, 1994 (effective the 1st day of March, 1994); and now on the 21st day of December, 2011 shall take effect on the 1st day of January, 2012.