

# Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE  
162 WASHINGTON AVENUE, ALBANY, NY 12231

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

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

~~County~~

~~City~~

Town

~~XXXX~~

of MACHIAS

Local Law No. 2 of the year 19 92

"A local law ESTABLISHING CROSS CONNECTION CONTROL FOR THE TOWN OF  
MACHIAS WATER (Insert Title) SYSTEM"

Be it enacted by the TOWN BOARD of the  
(Name of Legislative Body)

~~XXXX~~

~~City~~

Town

~~XXXX~~

of MACHIAS as follows:

(SEE ATTACHED SHEETS)

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

## ARTICLE I

### LEGISLATIVE INTENT

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

## ARTICLE II

### DEFINITIONS

- 1) Cross Connections. The terms "cross connection" as used in this Local Law means any unprotected connection between any part of a water system used or intended to be used as a supply of water for drinking purposes in a source or systems containing water or substance that is not or cannot be approved as equally safe, wholesome and potable for human consumption.
- 2) Approved Water Supply. The term "approved water supply" means any water supply approved by the New York State Department of Health.
- 3) Auxiliary Supply. The term "auxiliary supply" means any water supply on or available to the premises other than the approved public water supply.
- 4) Vacuum Breaker - Pressure Type and Non-Pressure Type. A vacuum breaker which can only be used for internal plumbing control and, therefore, not acceptable as a containment device.
- 5) Approved Check Valve. The term "approved check valve" means a check valve that seals readily and completely. It must be carefully machined to have free moving parts and assured water tightness. The face of the closure element and valve seal must be bronze, composition, or other non-corrodible material which will seal tightly under all prevailing conditions of field use.

Pins and bushings shall be of bronze and other non-corrodible, non-sticking material, machined for easy dependable operation. The closure element shall be internally weighted or otherwise internally equipped to promote rapid and positive closure in all sizes where this feature is obtainable.

- 6) Approved Double Check Valve Assembly. The term "approved double check valve assembly" means two single independently acting check valves, including tightly closing shut off valves located at each end of the assembly and suitable test connections. This device must be approved as a complete assembly.
- 7) Approved Reduced Pressure Zone Device. The term "approved reduced pressure zone device" means a minimum of two independently acting check valves together with automatically operated pressure differential relief valve located between the two check valves. 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 shut off valves located at each end of the device, and each device shall be fitted with properly located test cocks. This device must also be approved as a complete assembly.
- 8) Air Gap Separation. The term "air gap separation" means a physical break between a supply pipe and a receiving vessel. The air gap shall be at least double the diameter of the supply pipe, measured vertically above the top rim of the vessel, in no case less than one inch.
- 9) Water Supervisor. The term "water supervisor" means the consumer or a person on the premises charged with the responsibility of complete knowledge and understanding of the water supply piping within the premises and for maintaining the consumer's water system free from cross connections and other sanitary defects, as required by this Local Law and all other required regulations and laws.
- 10) Certified Back Flow Prevention Device Tester. The terms "certified flow prevention device tester" is an individual who has successfully completed a New York State Department of Health approved course in the testing of back flow prevention devices and has been issued a certificate by the New York State Department of Health.

### ARTICLE III

- A) Where Protection is Required. The water system shall be required

to maintain a degree of protection commensurate with the degree of hazard regardless of whether the hazard is immediate or potential. To that extent, the Cross Connection Control Manual published by NYSDOH shall be used, as a guide, to determine where protection is "required". It shall be the responsibility of the water user to provide and maintain such required protection devices and such devices shall be of a type acceptable to the New York State Department of Health. Plans for the installation of protective devices must be submitted to the Superintendent of the Village Water Department and the County Health Department for approval.

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

(1) Where a residential customer maintains an auxiliary water supply in addition to the public water supply, the two systems must not be interconnected. Where the two systems are interconnected, the following options will be deemed appropriate with existing New York State policies and recommendations and with this local law.

a. Disconnection of the auxiliary water supply from the public water supply. An inspection to determine compliance will be made initially and at least every three years thereafter or whenever the property is sold. The inspection may be made by the water supplier or the local building codes inspector;

b. Installation of an acceptable Reduced Pressure Zone (RPZ) device on the public water supply connection;

c. Proper abandonment of the auxiliary water supply;

d. Sampling for the auxiliary water supply to determine quality in accordance with Sections 5-1.50 and 5-1.51 of the New York State Sanitary Code. Sampling frequency will be specified by the State or local health department. Where water quality does not meet the standards, one of the first three alternatives would apply.

(2) At the service connection to any premises on which a substance that would be objectionable (but not necessarily hazardous to health if introduced into the public water supply) is handled so as to constitute a cross connection, the public water supply shall be protected by an approved double check valve assembly.

(3) At the service connection to any premises on which a substance of unusual toxic concentration or danger to health is or may be handled; but not under pressure, the public water supply shall be protected by an air gap separation or an

approved reduced pressure zone back flow prevention device. If an air gap is installed, it shall be located as close as practical to the water meter, and all piping between the water meter and receiving tanks shall be entirely visible. A reduced pressure zone device when installed shall be located as close as possible to the property line.

(4) At the service connection to any premises on which any material dangerous to health, or toxic substance and toxic concentration, is or may be handled under pressure, the public water supply shall be protected by an air gap separation. The air gap shall be located as practical to the water meter, and any piping between the water meter and receiving tanks shall be entirely visible. If these conditions cannot reasonably be met, the public water supply shall be protected with an approved reduced pressure zone back flow prevention device and it shall be located as close as possible to the property line.

(5) At the service connection to any sewage treatment plant or sewage pumping station, the public water supply shall be protected by an air gap separation. The air gap shall be located as close as practicable to the water meter and all piping between the water meter and receiving tanks shall be entirely visible. If these conditions cannot be reasonably met, the public water supply shall be protected by an approved reduced pressure zone back flow prevention device and it shall be located as close as possible to the property line.

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

#### ARTICLE IV

##### PENALTIES AND RECOURSE FOR NON-COMPLIANCE

- A) No water service connection to any premises shall be installed or maintained by the water user, unless the water supply is protected as required by this Local Law and such other applicable local, state and federal laws, rules and regulations.

B) If any facility served by a water system denies a water department person access to their premises for the purposes of determining if protection to the public water system is necessary, then the maximum protection condition shall be imposed with the requirement that the number of devices shall equal the number of service lines.

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

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

\$250.00

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

Termination of Service

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

\$300.00 and/or termination  
of water service

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

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

#### ARTICLE V

#### EFFECTIVE DATE

This Local Law shall take effect upon filing with the office of the Secretary of State.

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

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

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 1992 of the ~~(County)(City)(Town)(Village)~~ of MACHIAS was duly passed by the TOWN BOARD on November 23 1992, in accordance with the applicable provisions of law.  
(Name of Legislative Body)

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

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 19\_\_\_\_, and was (approved)(not disapproved)(repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 19\_\_\_\_, in accordance with the applicable provisions of law.  
(Name of Legislative Body) (Elective Chief Executive Officer\*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 19\_\_\_\_, and was (approved)(not disapproved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 19\_\_\_\_. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 19\_\_\_\_, in accordance with the applicable provisions of law.  
(Name of Legislative Body) (Elective Chief Executive Officer\*)

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

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 19\_\_\_\_, and was (approved)(not disapproved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 19\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 19\_\_\_\_, in accordance with the applicable provisions of law.  
(Name of Legislative Body) (Elective Chief Executive Officer\*)

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

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

~~I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 19\_\_\_\_, became operative.~~

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

~~I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19\_\_\_\_ of the County of \_\_\_\_\_, State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 19\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.~~

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

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.

\_\_\_\_\_  
Clerk of the County legislative body, City, Town or Village Clerk  
or officer designated by local legislative body  
**Town Clerk**

(Seal)

Date: November 23, 1992

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

STATE OF NEW YORK

COUNTY OF Cattaraugus

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

\_\_\_\_\_  
Signature

**Town Attorney**

\_\_\_\_\_  
Title

~~XXXXXX~~

~~City~~

Town

~~Village~~

of Machias

Date: November 25, 1992



## **NOTICE OF PUBLIC HEARING**

**NOTICE IS HEREBY** given that there has been presented to the Town Board of the Town of Machias, Local Law No. 2-1992 entitled "A LOCAL LAW ESTABLISHING CROSS CONNECTION CONTROL FOR THE TOWN OF MACHIAS WATER SYSTEM" which proposes to safeguard potable water supplies from potential contamination by preventing back flow from a water user's system into the public water system.

**THEREFORE**, pursuant to statute, the Town of Machias will hold a public hearing on the local law at the Town Hall, Monday, November 23rd, 1992 at 8:00 p.m. at which time all persons interested will be heard.

Marjorie Tillow  
Town Clerk