

(Please Use this Form for Filing your 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~~ of LYNDONVILLE, NEW YORK
~~Town~~
Village

Local Law No. 1 of the year 19 85.....

A local law Providing for the Installation and Inspection of Backflow Prevention Devices
(insert title)

on the Water Systems of Customers of the Village of Lyndonville's
Water Distribution System

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

~~County~~
~~City~~ of LYNDONVILLE
~~Town~~
Village as follows:

SECTION 1. CROSS-CONNECTION CONTROL - GENERAL POLICY.

1.1 Purpose. The purpose of this Local Law is:

1.1.1 To protect the public potable water supply of the Village of Lyndonville from the possibility of contamination by isolating within its customers' internal distribution system(s) of its customers' private water system(s) such contaminations or pollutants which could backflow into the public water supply system; and

1.1.2 To comply with the requirements of the New York State Sanitary Code 5-1.31.

1.2 Responsibility. The Village of Lyndonville Superintendent shall be responsible for the protection of the Village of Lyndonville distribution system from contamination due to the backflow of contaminants through the water service connection. If, in the judgement of said Superintendent, an acceptable backflow prevention device is required at the Village's water service connection to any customer's premises, for the safety of the water system, the Superintendent or his designated agent shall give notice in writing to said customer to install such an acceptable backflow prevention device at each service connection to this premises. The customer shall immediately install such approved device or devices at this own expense; and failure, refusal or inability on the part of the customer to install said device or devices immediately shall constitute a ground for discontinuing water service to the premises until such device or devices have been properly installed.

SECTION 2. DEFINITIONS.

2.1 Acceptable Backflow Prevention Device is an acceptable air gap, reduced pressure zone device or double check valve assembly as used to contain potential contamination within a facility. In order for the reduced pressure zone device or the double check valve assembly to be acceptable it must be listed on the most current version of the New York State Department of Health list of Acceptable Devices.

- 2.2 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.
- 2.3 Air Gap means the unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture, or other device and the flood level rim of said vessel. An approved air-gap shall be at least double the diameter of the supply pipe, measured vertically, above the top of the rim of the vessel; and in no case less than one inch.
- 2.4 Approved means accepted by the Village of Lyndonville Superintendent as meeting an applicable specification stated or cited in this Local Law, or as suitable for the proposed use.
- 2.5 Auxiliary Water Supply means any water supply on or available to the premises other than the Village of Lyndonville approved public water supply. These auxiliary waters may include water from another purveyor's public potable water supply or any natural source(s) such as a well, spring, river, stream, harbor, etc., or used waters. These waters may be contaminated or they may be objectionable and constitute an unacceptable water source over which the water purveyor does not have sanitary control.
- 2.6 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 the Village of Lyndonville supply system from any source other than its intended source.
- 2.7 Certified Tester means that individual or firm approved to accomplish the necessary inspections and operational tests of backflow prevention devices.
- 2.8 Contamination means the presence in water of a substance that tends to degrade its quality.
- 2.9 Customer means a water user served by the Village of Lyndonville supply system.
- 2.10 Customer's Water System means the piping used to convey water supplied by the Village of Lyndonville supply system throughout a customer's facility. The system shall include all those parts of the piping beyond the control point of the Village of Lyndonville. The control point is either the curb valve or the main valve located in the public right of way that isolates the customer's facilities from the Village distribution system.
- 2.11 Degree of Hazard means whether a facility is rated as Hazardous, Aesthetically Objectionable or Non-Hazardous.
- 2.12 Double Check Valve Assembly, Acceptable means an assembly composed of two single, independently acting check valves, including tightly closing shutoff valves located at each end of the assembly and suitable connections for testing the watertightness of each check valve.
- 2.13 Hazardous Facility is one in which substances may be present which if introduced into the public water system would or may endanger or have an adverse effect on the health of other water customers. Typical examples: laboratories, sewage treatment plant, chemical plants, hospitals, mortuaries.

- 2.14 Non-Hazardous Facility is one which does not require the installation of an acceptable backflow prevention device.
- 2.15 Public Water Supply System means the Village of Lyndonville system including the source, treatment works, transmission mains, distribution system and storage facilities serving the public. This includes the distribution system up to its connection with the customer's water system.
- 2.16 Reduced Pressure Zone Device, Acceptable means a device containing a minimum of two independently acting check valves, together with an automatically operated pressure differential relief valve located between the two check valves. During normal flow and at the cessation of normal flow the pressure between these two checks shall be less than the 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. 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.
- 2.17 Superintendent means the Superintendent of the Department of Public Works of the Village of Lyndonville.

SECTION 3. REQUIREMENTS

- 3.1 The customers water system shall be open for inspection at all reasonable times to authorized representatives of the Village of Lyndonville.
- 3.2 The Village of Lyndonville shall rate a customer's water system according to its degree of hazard to the public water supply system. Some of the factors to be considered are the use and availability of contaminants, the availability of an auxiliary water supply and the type of fire fighting system in use.
- 3.3 An acceptable backflow prevention device shall be installed on each service line to a customer's water system at or near the property line or immediately inside the building being serviced, but in all cases, before the first branch line leading off the service line, as follows:
- 3.3.1 Whenever a customer's water system is rated hazardous, an acceptable reduced pressure zone device or air gap shall be installed.
- 3.3.2 Whenever a customer's water system is rated aesthetically objectable, as a minimum, an acceptable double check valve assembly shall be installed.
- 3.4 The design of the installation of an acceptable backflow prevention device must be prepared in accordance with New York State Laws and regulations. The design must be approved by the Superintendent and all agencies required by the applicable New York State, County of Orleans and Village of Lyndonville laws and regulations.
- 3.5 It shall be the duty of the customer at any premises where backflow prevention devices are installed to have certified inspections and operational test made at least once a year. In those instances where the Superintendent deems the hazard to be great enough, he may require certified inspections at more frequent intervals. Certified inspections and operational test must also be made when any backflow prevention device is to be installed, repaired, overhauled, or replaced, in addition to the requirement of an annual certified inspection and operational test. All inspections and tests shall be at the expense of the customer and shall be performed by the device manufacturer's representative, Village of Lyndonville personnel, or by a certified tester approved by the Village of Lyndonville Superintendent. The Village of Lyndonville shall make available the names, addresses, and telephone numbers of those persons which are certified as testers for backflow prevention devices. It shall be the duty of the Superintendent to see that certified inspection and operational tests of the backflow prevention devices are made. The customer shall notify the Superintendent

in advance, in writing, when the tests are to be undertaken so that he or his representative may witness the tests if it is so desired. These devices shall be repaired, overhauled or replaced at the expense of the customer whenever said devices are found to be defective. Records of such tests, repairs and overhaul shall be kept and made available to the Superintendent. Copies of all testing and maintenance records shall be sent to the Superintendent immediately after the work is performed.

3.6 All presently installed prevention devices which do not meet the requirements of this section but were approved devices for the purposes described herein at the time of installation and which have been properly maintained, shall, except for the inspection and maintenance requirements under Section 3.5.6, be excluded from the requirements of these rules so long as the Superintendent is assured that they will satisfactorily protect the utility system. Whenever the existing device is moved from the present location or requires more than minimum maintenance constitutes a hazard to health, the unit shall be replaced by a backflow prevention device meeting the requirements of this section.

3.7 No water service connection to any customer's water system shall be installed or maintained by the Village of Lyndonville unless the water supply is protected as required by State Laws and regulations and this Local Law. Service of water to any premises shall be discontinued by the Village of Lyndonville if a backflow prevention device required by this Local Law is not installed, tested and maintained, or if it found that a backflow prevention device has been removed or by passed. Service will not be restored until such conditions or defects are corrected.

SECTION 4. ENFORCEMENT AND PENALTIES

4.1 A violation of the provisions of Section 3 of this Local Law is a misdemeanor punishable by a fine not to exceed One Thousand and 00/100 (\$1,000.00) Dollars or by imprisonment not exceeding six (6) months, or by such fine and imprisonment. In lieu of, or in addition to, such fine and imprisonment or both, each such violation shall be subject to a civil penalty not exceeding One Thousand and 00/100 (\$1,000.00) Dollars for any one case, to be recovered in an action or proceeding brought by the Village Attorney of the Village of Lyndonville in Court of competent jurisdiction. Each day of a continuing violation shall be subject to a separate such fine, imprisonment or civil penalty.

4.2 The Village Attorney may maintain an action or proceeding in the name of the Village in a Court of competent jurisdiction to compel compliance with this Local Law or restrain by injunction any violation of this Local Law, notwithstanding the provisions of subsection 4.1 hereof for a penalty or other punishment.

4.3 Where any violation of this Local Law causes expense to the Village, such violation may also be punishable by a civil suit against the violator, brought by the Village Attorney of the Village of Lyndonville in the name of the Village in a Court of competent jurisdiction, to recover such additional cost.

SECTION 5. LAW IN FORCE.

5.1 This Local Law will be effective upon its proper filing as required by law.

(Complete the certification in the paragraph which applies to the filing of this local law and strike out the matter therein 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.1..... of 1985....
~~8XXXX~~
~~XXX~~ of ~~XXXX~~ Lyndonville..... was duly passed by the Board of Trustees.....
Village (Name of Legislative Body)

on February 11..... 1985.... in accordance with the applicable provisions of law.

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

I hereby certify that the local law annexed hereto, designated as local law No. of 19.....
County
City of was duly passed by the
Town of (Name of Legislative Body)
Village

on 19..... and was approved by the Elective Chief Executive Officer *
not disapproved
repassed after disapproval
and was deemed duly adopted on 19....., in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19.....
County
City of was duly passed by the
Town of (Name of Legislative Body)
Village

on 19..... and was approved by the Elective Chief Executive Officer *
not disapproved
repassed after disapproval
on 19..... Such local law was submitted to the people by reason of a mandatory referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the special election held on 19....., in accordance with the applicable provisions of law.

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

I hereby certify that the local law annexed hereto, designated as local law No. of 19.....
County
City of was duly passed by the
Town of (Name of Legislative Body)
Village

..... 19..... and was approved by the On
not disapproved
repassed after disapproval
Elective Chief Executive Officer *
..... 19..... Such local law being subject to a permissive referendum and no valid petition requesting such referendum having been filed, said local law was deemed duly adopted on 19....., in accordance with the applicable provisions of law.

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the 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 power to approve or veto local laws or ordinances.

