

## Chapter 73: WATER

[HISTORY: Adopted by the Town Board of the Town of Rosendale as indicated in article histories. Amendments noted where applicable.]

### GENERAL REFERENCES

Sewers — See Ch. 58.

Subdivision of land — See Ch. 60.

Zoning — See Ch. 75.

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## ARTICLE I General Provisions [Adopted 9-12-1984 by L.L. No. 4-1984]

### § 73-1. Board of Water Commissioners.

- A. Board of Water Commissioners shall be constituted to be composed of five members, one of whom shall be designated as Chairman of the Board of Water Commissioners. The term of all members shall be five years and appointments made on a staggered basis. All members will reside within the district. One appointment shall be made each year. The Chairman shall be elected by the Board of Water Commissioners on a yearly basis. The Board of Water Commissioners shall serve without salary.
- B. The Board of Water Commissioners shall hold monthly meetings at a time to be designated by the Commissioners but within one week of and prior to the regular monthly Town Board meeting. The Water Commissioners are to be held responsible to the Town Board for general operation of the Water District, preparation of its annual budget, subject to Town Board approval, and monthly reports to the Town Board. No change in the rules and regulations of the Rosendale Water District will be made without the approval of the Town Board.

### § 73-2. Superintendent of the Water District; Water Clerk.

The Superintendent of the Water District shall generally act as agent for the Board of Water Commissioners in the issuance of permits, billing for services and inspection of work. All money in payment for permits or services shall be paid to the Water Clerk at the Town Hall, Rosendale. In the case of permits for connections, use of water for construction or the like, a receipt for any fees stipulated, signed by the Water Clerk, must be in the hands of the Superintendent of the Water District before work proceeds. The Superintendent of the Water District and Water Clerk shall report to the Board of Water Commissioners at each regular meeting covering work done and money received.

### § 73-3. Depositing of funds.

All money received on behalf of the Rosendale Water District shall be deposited in the bank authorized by the Town Board.

### § 73-4. Claims and charges against district.

Claims and charges against the district shall be audited by the Board of Water Commissioners, submitted to the Town Board for their approval, and all approved claims shall be paid by the Supervisor.

### § 73-5. Permits.

- A. No person or corporation shall use the water supplied by the district for any purpose whatsoever nor connect to the pipes or mains of the water system without having first obtained a permit upon written application therefor and after having first paid the charges pertaining to the introduction of water to the premises.
- B. No permit for water will be issued unless said application has complied with all applicable federal, state and local municipal laws, rules, regulations and ordinances and until the Superintendent of the Water District receives approval by the Building Inspector.
- C. All applications for introduction of water to any premises for the use of water shall be made upon a form approved by the district for such purpose and shall be signed by the owner or his or her or its duly authorized agent. Such application shall contain a specific statement of all uses for which water is desired.
- D. If usage beyond that stated in the application occurs, the Water Commissioners will assume that fraud was intended and may, at their discretion, bring charges of such against the applicant, and a fine not exceeding \$250 may be imposed. Should it be found that applicant misjudged the usage, the Water Commissioners are empowered to make

such adjustments and charges subject to the best interests of the Water District as a whole.

**§ 73-6. Authorization to make connections and repairs.**

- A. No person shall make any attachment to or connection with any of the pipes or mains of the district nor make any repairs, additions or alterations to the service pipes, except on the consumer's side of the meter, unless he or she is an employer or person or corporation authorized to do so by the Board of Water Commissioners.
- B. A list of such persons authorized shall be on file in the office of the Town Clerk, Town Hall, Rosendale, New York.
- C. All persons authorized will be required to carry adequate public liability insurance coverage, specifically protecting, holding harmless and naming as insureds the Rosendale Water District and the Town of Rosendale in the minimum of \$100,000/\$300,000 for bodily injury liability and \$300,000 for property damage liability.

**§ 73-7. Application for permission to do work; bonds.**

Any person or corporation may make application upon a form approved by the district to the Board of Water Commissioners for the purpose set forth in § 73-6. The application shall be accompanied by a payment and performance bond in such sum as shall be fixed by the Board of Water Commissioners to sufficiently protect the interests of the Town of Rosendale and the Rosendale Water District (in a minimum of at least \$10,000), with one or more sureties acceptable to the Board of Water Commissioners, conditional that he, she or it will comply with these rules and regulations, will perform all of the specified proposed work contained in the application in an approved and acceptable workmanlike manner and in accordance with all federal, state and local municipal laws, rules, regulations and ordinances, will fully pay all contractors, subcontractor employees and for all material used, consumed or installed in connection with the work proposed and contained in the foregoing application, will pay to the district all fees, penalties or other charges required hereby in consequence of the work undertaken and that he, she or it, immediately upon completion of the proposed work contained in the application, will restore openings made in the streets, roads, lanes and other public places and pavement thereon and therein to the same standard of condition as before the work started and keep and maintain the same in such condition for a period of one year after the work has been completed and, in case of failure so to do, will pay to the proper authority in the premises the cost of putting the same in such condition, or it may be arranged with the Superintendent of Highways to complete the restoration of the opening. The Board of Water Commissioners may at their discretion, grant or deny such application. Such permission, so given, may be revoked by the Board of Water Commissioners at any time.

**§ 73-8. Tapping mains; fee.**

- A. No person shall cause or allow any person or entity acting on his behalf to tap any main or distributing pipe or make or interfere with any connection with the water system unless under the direction of and in the presence of the Superintendent or unless he be an employee of the district or unless specific permission in each case be given by the district; nor shall any person make any alterations or additions in and about water pipes, other than on the consumer's side of the meter, unless a written permit shall have been given by the district upon written application therefor.
- B. A minimum fee of \$50 shall be paid by the applicant to the district upon receipt of a permit for the installation of domestic taps (3/4). The Water Commissioners may charge an additional amount if the tap is larger or of an unusual nature.

**§ 73-9. Street openings.**

No street or public place shall be opened by any person or entity for the purpose of making a connection with the mains or for laying of water pipe or fixtures unless prior written permission shall have been granted by the authority having jurisdiction there, including but not limited to the following:

- A. The Town Superintendent of Highways for Town roads, the County Superintendent of Highways for county roads and the State Regional Highway Engineer for state roads, also the local Fire Department must be notified and necessary clearance received in writing.
- B. Whenever any street or public place shall have been opened for the purpose of making a connection with the mains or for the laying of water pipes or fixtures, the applicant shall have proper regard for the public safety and convenience, and said street or place shall be restored to its original condition as soon as practicable. At all times open trenches shall be guarded with barricades, and sufficient warning lights or flares shall be displayed at night.

**§ 73-10. Service pipes.**

- A. Service pipes shall be laid and covered at least four feet below the surface of the ground at all points. The curb cock

shall be installed within the property line of the landowner. The meter shall be installed within the building to be served as close as practical to the point where the service pipe enters, unless otherwise directed or permitted in writing by the district, and shall be set with the inlet and outlet in a horizontal line with the register on top and shall be so located as to be readily accessible at all times for reading, inspection or repair. A stop valve shall be provided within the building on the inlet side of the meter. No red or white lead or joint compound shall be used on joints between the main and the meter. No tee or other fitting through which water can be taken will be permitted on the service pipe between the main and the meter. Meters may be set outside of buildings in the underground pits only by special permission of the district. The method of setting the meter shall conform to specifications and directions which will be furnished by the district for each specific instance.

- B. In the event that a change in ground elevation leaves a service pipe insufficiently buried or results in the curb box projecting above the ground or being covered with earth, the consumer shall promptly lower or raise his service pipe and curb box to conform to the new ground elevation. In case the consumer fails or neglects after due notice to make such alterations promptly, the supply of water will be shut off until the alterations are completed, and a service charge of not less than \$10 will be made to cover the labor and expenses of the district. Should it be necessary for the Water District to make these necessary alterations, a decision remaining solely within the discretion of the district, the resulting expense, both labor and material, shall be added to the next water bill and be paid in like manner as regular water charge.
- C. Only flared joints may be used between main and meter spud. Mains shall be buried no more than six feet below the surface of the ground level at any point or section.

#### **§ 73-11. Meters.**

- A. Permanent water service shall be rendered by meter only. In order that there may be uniformity of make and design and to give the greatest efficiency in operation and maintenance, all meters shall be of such make and type approved by the Board and shall be provided by the district.
- B. Service pipes and meters and the appurtenances thereto shall be kept in good repair and protected from the frost by the consumer at his own expense.
- C. Where a water meter fails to register the correct quantity of water delivered through it, or where it otherwise becomes out of order, written notice thereof shall be given the district. A substitute meter will be loaned the consumer while the original meter is not in use. Cost of repairs or replacement shall be borne by the Water District if found that such breakdown is due to normal usage. Should a consumer complaint be found to be unwarranted, then in that event, the reasonable cost of removal, inspection and replacement shall be at the consumer's expense. In such event, the minimum fee to the consumer shall be \$10. The fitting supplied by the district free of charge to the consumer (residences) shall be no longer than three-fourths-inch. In cases where larger meters are necessary, as in commercial use, then the consumer shall pay for the meter at the time of making application for such water service. Such meter shall be made available to the consumer for an amount equal to the additional purchase cost to the Water District (i.e., cost difference between a standard-size residential meter and a commercial meter and/or oversized residential meter).

#### **§ 73-12. Vacancy notice; abandonment.**

- A. In case a house or other building is to be closed or become vacant, written notice thereof should be given the district by the property owner in order that the meter may be read and curb cock closed. Where such notice is not given and pipes burst from freezing or other cause, the value of water lost by reason thereof, as estimated by the District Superintendent, together with the additional sum of \$10 to cover labor and expense to the district, shall be added to next bill and paid in like manner as regular water charges.
- B. When, for any reason, a service line to a property is to be abandoned, the property owner shall notify the Water District immediately. The owner at his own cost, procurement and expense, shall then have such service line disconnected at the main and the corporation cock shut off. Upon certification of the completion of the foregoing, the owner's name shall be removed from the Water District ledger except for an ad valorem assessment, if applicable. Otherwise, a minimum quarterly charge will be billed. The disconnection of the service line shall be done only under the supervision of the Water District at the owner's expense. If the owner's name is removed from the Water District ledger a ten-dollar reinstallation charge will be made and collected before water is turned on and meter reinstalled.

#### **§ 73-13. New connections.**

Where a new connection is made with street mains and where new extensions or attachments are made in unoccupied houses, the curb cock shall be closed by the person making the connection, extension or attachment and shall not be opened until notice of the completion of the work shall be given the district, the work has been inspected and approved by the district and the meter read. Pipes and connections between the main and meter shall not be covered until so

inspected and approved. No new construction shall create dead ends unless circumstances warrant it with the permission of the Water Board.

**§ 73-14. Corporation cock, curb cock, box and service pipe; maintenance.**

- A. Each service shall be provided with a corporation cock, curb cock and box and service pipe from the street main to a point within the property line. The corporation cock shall be provided by and remain the property of the district. The curb cock and box shall be provided by the property owner and located as designated by the Superintendent of the Water District. The service line from the corporation cock to the meter must be three-fourths K copper and shall be installed by the property owner or his agent and maintained by the property owner. The service pipe and fitting and the meter settings shall be of a make, size and pattern determined by the Water District.
- B. It is the responsibility of the property owner to maintain and keep the curb cock accessible and in operable condition. If it becomes necessary, the Water District will replace inoperable curb cocks and bill the property owner for all expenses incurred.

**§ 73-15. Fire hydrants and valves.**

- A. No person or persons shall open fire hydrants or draw water therefrom except the Superintendent of the Rosendale Water District and persons under his or her direction, or with his or her permission, except in case of fire, when the Chief of the Fire Department, his assistants, officers and/or members of the Fire Department, shall have free and entire control of the hydrant for the purpose of extinguishing fires. In the event of a fire drill, the Chief of the Fire Department shall provide the Rosendale Water District with 15 days' prior written notice of an intention to schedule said drill, specifying date, time and place, and the district will attempt to reasonably facilitate the needs of the Fire Department where possible.
- B. No person or persons except the Superintendent and employees under his or her direction shall open or close any valve or gate in any water main or street pipe or, in any manner, interfere with or obstruct same.

**§ 73-16. Turning on after being turned off.**

Where water has been turned off by direction of the district, it shall not be turned on without permission of the district.

**§ 73-17. Rents, charges and penalties, for late payment.**

- A. Bills for water service shall be prepared and become due and payable to the district on a quarterly basis per year. Bills shall be sent in the name of the property owner of record at the address shown on the tax assessment rolls of the property or at a different address if requested in writing by the property owner. Such payment shall be paid to the Water Clerk at the Town Hall office during regular business hours. A penalty of 10% per annum shall be charged on all bills overdue. The Board of Water Commissioners may order service discontinued to consumers where accounts are 30 days in arrears. If the service is discontinued for arrears in payment, the service will not be restored until the amount due for water, plus the ten-percent penalty, plus the sum of \$20 to cover restoration of service, is paid.
- B. Water rents and charges and penalties thereon shall be a lien upon the real property on which water is used. The Water Clerk shall prepare and file with the Supervisor a statement showing all water rents and charges with penalties thereon in arrears for more than 30 days. This statement shall contain a brief description of the property to which the water was supplied or upon which charges were incurred, and liable to pay the same, for the purpose of levying the same as a tax against the property.

**§ 73-18. Separate meters.**

Each dwelling, house trailer, business or building (or part thereof having unrelated occupancy or distinctive use) shall have a separate meter. However, where a dwelling is a multiple dwelling (a building containing more than one unit utilized or adapted for use as a dwelling), and the landlord supplies water to tenants, one meter shall be considered ample. Bills for water service of this nature will be prorated on the basis of one minimum per family or unit or business. The property owner is ultimately responsible for paying all water rent and charges.

**§ 73-19. Authorization to enter premises.**

The Superintendent of the district or his or authorized agents shall have full power to enter the premises of any consumer, at all reasonable hours, to read the meter or examine fixtures, plumbing and the manner of using water.

**§ 73-20. Steam boilers.**

In all places where steam boilers or hot-water tanks are supplied with water from the water system, the responsibility rests with the owner or consumer to see that the plumber places a suitable safety valve, vacuum valve or other proper device to prevent damage from collapsing or explosion when water is shut off. The District shall not be liable for any damage resulting from sudden shutting off of the supply of water from any steam boiler or other fixture deriving its supply from the water system.

**§ 73-21. Right to limit use.**

The district reserves the right to limit the amount of water furnished to any consumer should circumstances seem to warrant such action, although no limit may be stated in the application or permit for use; or said district may entirely shut off the water supply used for manufacturing purposes or for furnishing power or for lawn sprinkling, at any time, by giving reasonable notice of such intended action, or in case of making or constructing new work or in making repairs or in an emergency, the right is reserved to shut off the water from any consumer without notice for as long as may be necessary.

**§ 73-22. Changes in pressure.**

The district shall not be liable for any damage or loss of any name or kind to property or persons which may arise from or be caused by any change, diminution in or increase of water pressure from any cause whatever.

**§ 73-23. Air conditioners.**

All air-conditioning units using circulation water will be required to be so equipped so that the initial supply may be recirculated through the unit.

**§ 73-24. Service lines.**

- A. All service pipes 3/4 inch up to and including two inches outside diameter between the main and meter shall be Domestic Type K soft copper tubing. The minimum size of service from the main to the premises shall be 3/4 inch outside diameter. All services three inches outside diameter and above shall be ductile iron to conform to the standard of the Rosendale Water District for its mains.
- B. All service pipes to any premises shall be laid and covered at least four feet below the surface of the grade lines of the street and shall extend at right angles from the street main to the property line, where a curb cock shall be attached and valve box placed.
- C. There shall be a stop and waste valve placed on every supply pipe just inside the building or cellar.
- D. Every connection or service pipe must be laid with not less than six inches slack; such slack shall not be more than two feet from the main, and in such a manner as to prevent rupture from settlement.
- E. No service application will be granted for any premises, including trailers, which is not served by approved type of sanitary facilities.
- F. No application for water service will be granted for any premises or property which cannot comply with the foregoing provisions. The installation of so-called private water lines is prohibited.

**§ 73-25. Actions in case of violations or leakage.**

Whenever any of the provisions of these rules or regulations are violated, the Board of Water Commissioners may order the Superintendent of Water to shut off the water and remove the meter. In case of leakage causing wastage of supply, the Superintendent may, at his or her discretion, act before consulting the Board of Water Commissioners.

**§ 73-26. Penalties for offenses.**

- A. Any violation of rules and regulations is hereby declared to be an offense punishable by a fine not to exceed \$250 or imprisonment not to exceed six months, or both said fine and imprisonment.
- B. Any willful act whereby said Water District or any property, apparatus or appliance pertaining thereto shall be injured, or the supply of water obstructed, impaired or made less pure shall be deemed a misdemeanor punishable as provided for in the first subsection of this section.
- C. This law shall not impair the right of the Town of Rosendale Water District to seek any and all other forms of redress and compensation, including punitive damages in any other court or legal forum.

**§ 73-27. Right to amend rules; notification to affected areas.**

- A. The right is reserved to change and amend these rules and regulations, to make special rates, variations and contracts in all proper cases, or to turn off the water supply without notice in case of extensive repairs or other necessity without liability for damages for lack of water, or for any damage which may result from the turning off of water supply.
- B. Every effort will be made by the Water Superintendent to notify affected areas of such work, he or she will use whatever means he or she feels the situation warrants.

### **§ 73-28. Appointment of Water District employees.**

Appointments of all Water District employees shall be by recommendation of the Water Commission to the Town Board.

### **§ 73-29. Word usage; definitions.**

- A. Usage. Except where specifically defined herein, all words used in this chapter shall carry their customary meanings.
  - (1) Words used in the present tense shall include the future.
  - (2) Words used in the singular number include the plural, and words used in the plural number include the singular, unless the context clearly indicates the contrary.
  - (3) The word "shall" is always mandatory. The word "may" is permissive.
  - (4) "Building" or "structure" includes any part thereof.
  - (5) The word "lot" includes the word "plot" or "parcel."
- B. Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be as follows:
 

**BUILDING** — Any structure which is permanently affixed to the land, has one or more floors and a roof and is intended for the shelter, housing or enclosure of persons, animals or chattel.

**PERSON** — An individual, firm, company, association, society, corporation or group.

**ROSENDALE WATER DISTRICT BOUNDARIES** — The physical boundaries as presently established or as may be extended from time to time as duly provided by Town Law.

**TOWN** — The Town of Rosendale, Ulster County, New York.

**TOWN BOARD** — The duly elected Town Board of the Town of Rosendale or its authorized deputy or representative.

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## **ARTICLE II Protection of Water Supply [Adopted 10-8-1986 by L.L. No. 2-1986]**

### **§ 73-30. Applicability.**

The rules and regulations herein set forth, duly made and enacted in accordance with the provisions of §§ 1100 to 1107 of the Public Health Law of the State of New York shall apply to the Rosendale Water District, reservoirs and wells and all watercourses tributary thereto or which may ultimately discharge into said Rosendale water reservoirs and wells or which may be developed in the future to serve as sources of the water supply to the Town of Rosendale Water District. This shall apply to the Mountain Road reservoir, the Still Pond reservoir, the Snyder Mine water supply and the Creeklocks Road Well No. 1. It shall also apply to any future water supplies obtained by the Rosendale Water District.

### **§ 73-31. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

**CHLORIDE SALT** — The solid compounds or the solutions of potassium chloride (commonly used as fertilizer), calcium chloride (commonly used for winter road maintenance) or sodium chloride (commonly used for water softener regeneration).

**HERBICIDE** — Any substance used to destroy or inhibit plant growth.

**HUMAN EXCRETA** — Human feces and urine.

**JUNKYARD** — An area where two or more unregistered, old or secondhand motor vehicles are being accumulated

for purposes of disposal, resale of used parts or reclaiming certain materials such as metal, glass, fabric and/or the like.

**LINEAR DISTANCE** — The shortest horizontal distance from the nearest point of a structure or object to the high water mark of a reservoir or to the edge, margin or steep bank forming the ordinary high water line of a watercourse.

**PESTICIDE** — Any substance used to destroy or inhibit pests such as rodents and insects.

**POLLUTANT** — Dredge, spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, chemical waste, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water.

**RADIOACTIVE MATERIAL** — Any material in any form that emits radiation spontaneously. "Radiation" shall mean ionizing radiation, that is, any alpha particle, beta particle, gamma ray, x-ray, neutron, high-speed proton and any other atomic particle producing ionization, but shall not mean any sound or radio wave or visible, infrared or ultraviolet light.

**REFUSE** — All putrescible and nonputrescible solid wastes, including garbage, manure, rubbish, ashes, incinerator residue, street cleanings, dead animals, offal and solid commercial and industrial wastes.

**REFUSE DISPOSAL AREA** — Land used for the depositing of refuse, except that it shall not include the land used for the depositing of refuse from a single family, a member of which is the owner, occupant or lessee of said land, or any part of a farm on which only animal wastes resulting from the operation of such farm are deposited; provided, however, that said refuse shall be deposited and disposed of in accordance with any and all local municipal and/or state mandated rules, regulations, ordinances, statutes and/or laws.

**RESERVOIR** — Any natural or artificial lake or pond which is tributary to or serves as a source of the Rosendale Water District.

**SEWAGE** — Any liquid or solid waste matter from a domestic, commercial, private or industrial establishment which is normally carried off in sewers or waste pipes.

**SEWAGE DISPOSAL SYSTEM** — Any system used for disposing of sewage.

**TOXIC CHEMICALS** — Any compound or substance, including but not limited to gasoline, kerosene, fuel oil, or diesel oil, which is or may be harmful or poisonous to humans.

**TREATMENT WORKS** — Any treatment plant, sewer, disposal field, lagoon, pumping station, septic system, constructed drainage ditch or surface water intercepting ditch, incinerator, area devoted to sanitary landfill or other works not specifically mentioned in this definition, installed for the purpose of treating, neutralizing, stabilizing or disposing of sewage.

**WATERCOURSE** — Every spring, stream, marsh or channel of water of any kind which flows or may flow into the Town of Rosendale Water District water supply.

**WATERSHED** — The entire drainage area contributing water to the Rosendale Water District water supply.

**WATER SUPPLY** — The public water supply of the Town of Rosendale Water District.

**WELL(S)** — Well(s) now used as a source of water supply or to any additional well(s) which may be constructed as a source for the water supply of the Town of Rosendale Water District.

### **§ 73-32. General prohibitions.**

No person, including state agencies or political subdivisions having jurisdiction, shall perform any act or grant any permit or approval which may result in the contravention of the standards for raw water quality as contained in Part 170 of Title 10 (Health) of the Official Compilation of Codes, Rules and Regulations of the State of New York (10 NYCRR 170).

### **§ 73-33. Specific prohibitions.**

- A. Cemeteries. No interment of a human body shall be made within a linear distance of 250 feet from any reservoir or watercourse.
- B. Chloride salt. No chloride salt shall be stored within a linear distance of 500 feet from any reservoir or watercourse, except in weatherproof buildings or watertight vessels.
- C. Herbicides and pesticides. No herbicides or pesticides shall be stored, discharged, applied or allowed to enter into any reservoir or watercourse unless a permit to do so has been obtained from the appropriate state agency having jurisdiction.
- D. Human excreta and sewage.

- (1) No human excreta or sewage shall be deposited or allowed to escape into any reservoir or watercourse on the watershed.
  - (2) No human excreta or sewage shall be deposited or spread upon the surface of the ground at any point on the watershed or within a linear distance of 250 feet from the well(s).
  - (3) No human excreta or sewage shall be buried in the soil on the watershed unless deposited in trenches or pits at a linear distance of not less than 250 feet from any reservoir or well(s) or watercourse and covered with not less than one foot of soil in such a manner as to effectually prevent its being washed into any reservoir or watercourse by rain or melting snow.
  - (4) No privy receptacle or facilities of any kind for the deposit, movement, treatment or storage of human excreta or sewage shall be constructed, placed, maintained or allowed to remain within a linear distance of 250 feet from any reservoir or watercourse or 250 feet distance of the well(s), except:
    - (a) Watertight receptacles;
    - (b) Water-flushed toilets connected by a watertight pipe to a sewage disposal system that has been approved by the appropriate state agency having jurisdiction over such facilities; and
    - (c) A properly designed, constructed and operated treatment works that has been approved by the appropriate state agency having jurisdiction over such facility.
  - (5) No portion of the seepage unit (tile field, seepage pit or equivalent) of a subsurface sewage disposal system shall be constructed, placed or allowed to remain within a linear distance of 250 feet from any reservoir or watercourse or 250 feet of the well(s).
  - (6) Every watertight receptacle used for containing human excreta or sewage shall be emptied when the receptacle is filled to within six inches of the top.
  - (7) In emptying a watertight receptacle or in transferring its contents to a transportable receptacle, all necessary care shall be exercised to prevent contamination of any reservoir or watercourse. All such transporting receptacles shall be provided with tightly fitting covers which are securely fastened when transporting wastes to the place of ultimate disposal. The contents of the watertight receptacles shall be disposed of in accordance with Subsection D(3) of this section or at a properly designed, constructed and operated sewage disposal system that has been approved by the appropriate state agency having jurisdiction over such facility.
  - (8) Before any existing sewage disposal system is altered or any new sewage disposal system is constructed on the watershed, the plans in relation thereto shall have been first approved by the appropriate state agency having jurisdiction over such facility. Standards for waste treatment works as published from time to time by the appropriate state agency having jurisdiction over such facility and Subsection D(5) of this section shall comprise the criteria to approve any proposed sewage disposal system.
- E. Radioactive material. No radioactive material shall be disposed of by burial in soil within a linear distance of 2,500 feet from any reservoir or watercourse or well(s) and not within a linear distance of 2,500 feet from any reservoir or well(s) or watercourse unless authorization has been obtained from the appropriate state agency and such burial is in accordance with the provisions of Part 16 of Title 10 (Health) of the Official Compilation of Codes, Rules and Regulations of the State of New York (10 NYCRR 16).
- F. Recreation.
- (1) Bathing and swimming. No bathing and swimming shall be allowed in any reservoir or watercourse owned by the Town of Rosendale Water District.
  - (2) Boating. No boating shall be allowed in or upon the waters of any reservoir or watercourse owned by the Town of Rosendale Water District, except by duly authorized employees of the community in the performance of their duties of supervision and maintenance of the water supply.
  - (3) Fishing and trespassing. No fishing or trespassing shall be allowed in or upon any reservoir or watercourse owned by the Town of Rosendale Water District within a linear distance of 1,000 feet from the water supply intakes, except by duly authorized employees of the Town of Rosendale Water District in the performance of their duties of supervision and maintenance of the water supply.
  - (4) Motorized vehicles. No motorized vehicles shall be allowed on water district property, except those authorized by the Rosendale Board of Water Commissioners and its agents.
- G. Solid waste.
- (1) Junkyards. No junkyard shall be located within a linear distance of 250 feet from any reservoir, well(s) or watercourse.

- (2) Refuse. No refuse shall be deposited on or beneath the surface of ground within a linear distance of 250 feet from any reservoir, well(s) or watercourse.
  - (3) Refuse disposal area. No refuse disposal area shall be located within a linear distance of 500 feet from any reservoir, well(s) or watercourse.
- H. Toxic chemicals. No container used for the storage of toxic chemicals shall be buried beneath the surface of the ground within a linear distance of 500 feet from any reservoir, well(s) or watercourse.
- I. Trespassing. No unauthorized personnel shall be allowed on property owned by the Town of Rosendale Water District.
- J. Miscellaneous.
- (1) Structures. No hut, tent, shelter or building of any kind, except a waterworks structure, shall be permitted on the water or ice of any reservoir, well(s) or watercourse owned by the Town of Rosendale Water District.
  - (2) Other wastes. No pollutant of any kind shall be discharged or allowed to flow into any reservoir, well(s) or watercourse or on or beneath the surface of the ground within 1,500 feet of any reservoir, well(s) or watercourse. This restriction shall not apply to the effluent from a treatment works installed in accordance with plans which first have been submitted to and approved by the appropriate state agency having jurisdiction over such facilities.
  - (3) Buried tanks. No tanks for gasoline or fuel oil storage or any other possible contaminant shall be buried within a linear distance of 500 feet from any reservoir, well(s) or watercourse.

### **§ 73-34. Inspections.**

The entity or responsible authority, the Town of Rosendale Water Commissioners or any person or persons charged with the maintenance or supervision of the public water supply system shall, by its officers or their duly appointed representative, make regular and thorough inspections of the reservoir, well(s) or watercourses and watershed to ascertain whether these rules and regulations are being complied with. It shall be the duty of the Town of Rosendale Board of Commissioners to cause copies of any rules and regulations violated to be served upon the persons violating the same together with notices of such violations. If such persons served do not immediately comply with the rules and regulations, it shall be the further duty of the Town of Rosendale Water Commissioners to promptly notify the State Commissioner of Health of such violations. The Rosendale Water Commissioners shall report to the State Commissioner of Health in writing annually, prior to the 30th day of January, the results of the regular inspections made during the preceding year. The report shall state the number of inspections which were made, the number of violations found, the number of notices served, the number of violations abated and the general condition of the watershed at the time of the last inspection.

### **§ 73-35. Penalties for offenses.**

Penalties for violations of these rules and regulations shall be those specified by § 1103 of the Public Health Law.

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## **ARTICLE III Cross-Connections and Backflow Prevention [Adopted 10-8-1986 by L.L. No. 3-1986]**

### **§ 73-36. Purposes.**

The purposes of this article are:

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

### **§ 73-37. Interpretation of provisions.**

The regulations are to be reasonably interpreted. It is the intent of these regulations to recognize that there are varying degrees of hazard and to apply the principle that the degree of protection should be commensurate with the degree of hazard. Where a relationship between the Commission and the individual customer is mentioned, it should be

understood that the Commission is acting on behalf of the municipality in which the customer is located.

### § 73-38. Definitions.

- A. For the purpose of this article, unless it is plainly evident from the context that a different meaning is intended, certain terms used herein are defined as follows:

**AIR GAP SEPARATION** — 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 and in no case less than one inch.

**APPROVED CHECK VALVE** — A check valve that seats readily and completely. It must be carefully machined to have free-moving parts and assured watertightness. The face of the closure element and valve seat must be bronze, composition or other noncorrodible material which will seat tightly under all prevailing conditions of field use. Pins and bushings shall be bronze or other noncorrodible, nonsticking material, machined for easy, dependable operation. The closure element (e.g., clapper) shall be internally weighted or otherwise internally equipped to promote rapid and positive closure in all sizes where this feature is obtainable.

**APPROVED DOUBLE-CHECK-VALVE ASSEMBLY** — An assembly of at least two independently acting approved check valves, including tightly closing shutoff valves on each side of the check-valve assembly and suitable test cocks plus connections available for testing the water tightness of each check valve. This device shall be approved by the New York State Health Department and on their list of approved devices.

**APPROVED REDUCED-PRESSURE PRINCIPAL BACKFLOW PREVENTION DEVICE** — A device incorporating two or more check valves and an automatically operating differential relief valve located between the two checks, two shutoff valves, and equipped with necessary appurtenances for testing. The device shall operate to maintain the pressure in the zone between the two check valves, less than the pressure on the public water supply side of the device. At cessation of normal flow, the pressure between the check valves shall be less than the supply pressure. In case of leakage of either valve, the differential relief valve shall operate to maintain this reduced pressure by discharging to the atmosphere. To be approved, these devices must be readily accessible for maintenance and testing and installed in a location where no part of the device will be submerged. This device shall be approved by the New York State Health Department and on their list of approved devices.

**APPROVED WATER SUPPLY** — Any water supply approved by, or under the public health supervision of, a public health agency of the State of New York, the County of Ulster or the Town of Rosendale Water District. In determining what constitutes an "approved water supply," the Department of Public Health of the State of New York (herein called the "State Health Department") shall have the final judgment as to its safety and potability.

**ATMOSPHERIC VACUUM BREAKER** — A New York State Health Department approved device which allows atmospheric pressure to enter a line under a back siphonage condition through a gravity operated vent valve.

**AUXILIARY WATER SUPPLY** — Any water supply on or available to the premises other than the Town water supply.

**CONSUMER** — Any person to whom water is sold and furnished from the Town of Rosendale Water District.

**CONTAMINATION** — An impairment of the quality of the district water supply by the presence of any foreign substance (organic, inorganic, radiological or biological) to a degree which creates a hazard to the public health.

**COMMISSIONER** — The Board of Water Commissioners and designated agent of the Town of Rosendale, or his/her authorized representatives.

**COUNTY HEALTH OFFICER** — The Ulster County Health Officer, his/her assistants or authorized deputies acting as, or any other person appointed as, Health Officer of the County of Ulster.

**CROSS-CONNECTION** — Any unprotected connection between any part of the Town Waterworks System used or intended to supply water for drinking purposes and any source or system containing water or substance that is not or cannot be approved as safe, wholesome and potable for human consumption.

**NONTOXIC SUBSTANCE** — Any substance of a nonpoisonous nature that may create a moderate or minor hazard to the water supply system.

**PERSON** — Any natural person, firm, association, organization, partnership, trust or association or persons, joint venture, corporation or company, and includes the United States, the State of New York, the County of Ulster, any special purpose district and any officer or agent thereof.

**PREMISES** — Integrated land area, including improvements thereon, undivided by public thoroughfares or water distribution mains of the Town of Rosendale Water District, where all parts of the premises are operated under the same management and for the same purpose.

**PROTECTIVE DEVICE** — Any of the following devices:

- (1) Air gap separation.
- (2) Approved reduced-pressure principal backflow prevention device.
- (3) Approved double-check-valve assembly.

**SERVICE CONNECTION** — The terminal end of a service connection from the Town water supply at its point of delivery to the consumer. If a meter is installed, "service connection" means the downstream end of the meter. No unprotected takeoffs from the service line ahead of any meter or backflow protective device located at the point of delivery to the consumer shall be permitted.

**TOWN** — The Town of Rosendale Water District.

**TOWN WATER SUPPLY** — An approved water supply sold and delivered to consumers' premises through the Waterworks System of the Town of Rosendale Water District.

**TOXIC SUBSTANCE** — Any substance (liquid, solid or gaseous), including raw sewage and lethal substances, or any substance suspected of being hazardous to human health that, when introduced into the water supply system, creates or may create a danger to the health and well being of the consumer.

B. "Shall" is mandatory; "may" is permissive.

**§ 73-39. Where protection required; type.**

- A. Auxiliary water supply. Each service connection from the Town water supply for furnishing water to premises having an auxiliary water supply shall be protected against backflow of water from the premises into the Town water supply.
  - (1) If the auxiliary water supply is handled in a separate piping system with no known cross-connection, the Town water supply shall be protected by an approved double-check-valve assembly installed at the service connection to the premises. When the auxiliary water supply may be contaminated, the Superintendent may order the Town water supply protected by an air gap separation or an approved reduced-pressure principle backflow prevention device installed at the service connection.
  - (2) If the auxiliary water supply is handled in a separate piping system and cross-connections are known to exist between the Town water supply and the auxiliary water supply which cannot presently be eliminated, the Town water supply shall be protected by an approved reduced-pressure principle flow prevention device installed at the service connection to the premises. When the auxiliary supply may be contaminated, the Superintendent may order the Town water supply protected by an air gap separation installed at the service connection.
- B. Toxic or hazardous substances. Should a facility be rated hazardous, a reduced-pressure zone device would be required independent of a separate system handling the auxiliary water system. The Town would also require a reduced-pressure zone device if the facility were rated nonhazardous and the auxiliary water system did not meet the water quality requirements of Part 5 of the Sanitary Code.
- C. Nonhazardous substances. 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 Town water supply, is handled in such a manner as to constitute a cross-connection, the Town water supply shall be protected by an approved double-check-valve assembly.
- D. Nonhazardous to hazardous. In the event that a facility is rated nonhazardous and on such a date becomes hazardous, notification of at least 30 days shall be given to the Superintendent before the change takes place. Protection by the use of a protective device as required on hazardous substances shall be installed.
- E. Sewage treatment plant and pumping stations. At the service connection to any sewage treatment plant or sewage pumping station, the Town water supply shall be protected by an air gap separation. The air gap shall be located as close as practicable to the service connection, and all piping between the service connection and the receiving tank shall be entirely visible. If these conditions can not be reasonably met, the Town water supply shall be protected with an approved reduced-pressure principal backflow prevention device, provided that this alternative is acceptable to both the Superintendent and the County Health Officer. A final decision in this matter shall be made by the State Health Department.
- F. Fire system.
  - (1) At the service connection to any premises in which a fire protection system is installed, the Town water supply shall be protected based on the water source and arrangement of supplies in accordance with the following classifications:
    - (a) Class 1.

[1]

Direct connection from public water mains only; no pumps, tanks or reservoirs; no physical

connections from auxiliary water supplies; no antifreeze or other additives of any kind; all sprinkler drains discharging to atmosphere, dry wells or other safe outlets.

[2] Protection: double-check-valve assembly if not already installed in the system.

(b) Class 2.

[1] Same as Class 1, except booster pumps may be installed in the connections from the street mains.

[2] Protection: double-check-valve assembly if not already installed in the system.

(c) Class 3.

[1] Direct connection from public water supply main, plus one or more of the following: elevated storage tanks; fire pumps taking suction from aboveground covered reservoirs; or tanks and pressure tanks.

[2] Protection: double-check-valve assembly.

(d) Class 4.

[1] Directly supplied from public mains similar to Classes 1 and 2 and with an auxiliary water supply on or available to the premises; or an auxiliary supply located within 1,700 feet of the pumper connection.

[2] Protection: air gap or reduced-pressure principle backflow prevention device.

(e) Class 5.

[1] Directly supplied from public mains and interconnected with auxiliary supplies, such as pumps taking suction from reservoirs exposed to contamination or rivers and ponds; driven wells; mills or other industrial water systems; or when antifreeze or other industrial water systems; or where antifreeze or other additives are used.

[2] Protection: air gap or reduced-pressure principle backflow prevention device.

(f) Class 6.

[1] Combined industrial and fire protection systems supplied from the public water mains only, with or without gravity storage or pump suction tanks.

[2] Protection: determined by the Superintendent upon review of engineering drawings of the system.

(2) Lawn sprinkling systems. At the service connection to any permanently installed lawn sprinkling system, the Town water supply shall be protected by an approved double-check-valve assembly. If the lawn sprinkling system handles liquid fertilizers or other chemicals, the Town water supply shall be protected by an approved reduced-pressure principle backflow prevention device.

(3) Residential water supply. All future construction and/or repair to individual residential customers shall be required to have installed a double-check-valve assembly. All laboratory faucets and all ordinary hose bibbs shall be installed with an atmospheric vacuum breaker.

#### § 73-40. Responsibility of consumer.

- A. Consumer responsibility. It shall be the responsibility of each consumer at his/her own expense to furnish, install and keep in good working order and safe condition any and all protective devices required in this article. The Town shall not be responsible for any loss or damage directly or indirectly resulting from or caused by the improper or negligent installation, operation, use, repair or maintenance of or interfering with any protective service by any consumer or any other person.
- B. Conflicts. Whenever two or more conditions exist on any premises for the correction of which different protective devices are required in this article, the consumer shall be required only to install the protective device which, in the opinion of the Superintendent and County Health Officer, affords the maximum protection to the Town water supply.

#### § 73-41. Inspections; records; powers of Superintendent.

- A. The consumer on whose premises any protective device is installed shall have each such device inspected annually. If successive inspections disclose repeated failures in the operation of any device, the Superintendent may require more frequent inspections. Each device shall be repaired, overhauled or replaced at the expense of the consumer whenever it is found to be defective.
- B. Records of such test, repairs and overhauls shall be kept, and a copy of such records shall be forwarded to the

Superintendent on an annual basis.

- C. The Superintendent shall be the designated public official empowered to decide whether or not said inspections required herein are performed properly. If, following demand therefor, the consumer fails to have any of the inspections made as required herein or to make the above-described records available, the Superintendent shall have the right to inspect the device, and the consumer shall pay the cost thereof.

**§ 73-42. Noncompliance; discontinuance of service; notices; right of entry.**

- A. No water service connection shall be installed on the premises of any consumer unless the Town water supply is protected as required by this article.
- B. Delivery of water to the premises of any consumer may be discontinued by the Superintendent if any protective device required by this article has not been installed, inspected, tested and maintained or is defective or has been removed or bypassed.
- C. Delivery of water shall be discontinued immediately and without notice to the consumer if the Superintendent or County Health Officer determines that the Town water supply is being contaminated or is in immediate danger of contamination; a protective device required by this article has not been installed or is defective or has been removed or bypassed; and the consumer cannot immediately be located. Delivery of water shall not be resumed until any protective device required by this article and approved by the Superintendent has been properly installed or until conditions at the consumer's premises causing the contamination or danger of contamination have been abated or corrected to the satisfaction of the Superintendent and County Health Officer.
- D. Except as provided in Subsection C, delivery of water shall not be discontinued until written notice thereof has been given to the consumer. The notice shall state the conditions or defects which must be corrected; the manner in which the stated conditions or defects are to be corrected; and the date on or after which delivery of water will be discontinued, which shall not be less than 15 nor more than 90 days following the date of delivery of mailing of the notice. The Superintendent may grant the consumer an extension of an additional period not to exceed 90 days if he or she determines the consumer has exercised due diligence but has been unable to comply with the notice within the time originally allowed. The notice shall be given by delivering the same to the consumer, the manager or agent thereof, or to any person in charge of or employed in the place of business of the consumer, or, if the consumer has no place of business, then at the place of residence of the consumer, if known, or by leaving the notice at either the place of business or the residence of the consumer. If the consumer cannot be found and service of the notice shall be mailed, postage fully prepaid, addressed to the consumer at the place of business or residence set forth in the application of the consumer for water service in the records of the Town. Once discontinued, delivery of water shall not be resumed until any protection device required by this article and approved by the Superintendent has been properly installed or until the conditions at the consumer's premises creating the need for a protective device have been abated or corrected to the satisfaction of the Superintendent and the County Health Officer.
- E. For the purpose of making any inspections or discharging the duties imposed by this article, the Superintendent and County Health Officer shall have the right to enter upon the premises of any consumer. Each consumer, as a condition of the continued delivery to his premises, of water from the Town water supply shall be considered as having stated his consent to the entry upon his premises of the Superintendent and County Health Officer for the purposes stated herein.

**§ 73-43. Effect on presently installed devices.**

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 § 73-41, be excluded from the requirements of rules so long as the Superintendent is assured that they will satisfactorily protect the Town's water supply. Whenever the existing device is moved from the present location or requires more than minimum maintenance which constitutes a hazard to health, the unit shall be replaced by a backflow prevention device meeting the requirements of this article. All future service lines for domestic water use shall be installed with an approved double check valve on the service line downstream of the water meter. Whenever repairs or modifications are made to existing services, a double check valve shall be installed.

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**ARTICLE IV Drought Emergency Plan [Adopted 7-12-1989 by L.L. No. 1-1989]**

**§ 73-44. Stage I.**

- A. Criteria: Mountain Reservoir is 144 inches below dam; Still Pond is 18 inches below overflow.
- B. Procedure: Declare Stage I, automatic use of well number 1 and:

- (1) No person or entity shall cause, permit or allow:
- (a) The continuing of any leak or waste from any water pipe, valve, faucet, conduit, equipment, facility or device connected to the district water system or which utilizes district water, on or in any premises owned, leased, managed, operated or controlled by such person or entity.
  - (b) The washing of any vehicle by means of a hose, fire hydrant or other active source connected to the district water system, except a commercial vehicle-washing operation, if equipment has been installed and is utilized so that at least 50% of the water used is recirculated by means of a system approved by the Water Department or cut hours by 1/2.
  - (c) The washing of any street, sidewalk, driveway, outdoor areaway, outdoor steps, building exterior or other structure by means of a hose, fire hydrant or other active source connected to the Town water system or which utilizes district water.
  - (d) The use of water from any source for any ornamental purpose, including but not limited to use in fountains, artificial waterfalls, reflecting pools, lakes and ponds.
  - (e) The use of water from the district water system to water any lawn, golf course, ornamental shrub, plant or tree, except that:
    - [1] District water may be used to water any lawn, tree shrub, garden or golf course greens and tees only, from 4:00 p.m. to 8:00 p.m.
    - [2] District water may be used at any time to irrigate, from a hand-held container, vegetables or fruits grown for human consumption.
    - [3] Plant nurseries and other commercial users engaged in the business of growing, distributing or selling plants may use such water on their business premises for watering ornamental shrubs, plants or trees, provided that each such user reduces its use of water by 15% or such other percentage as may hereafter be prescribed for nonresidential water users.
  - (f) The opening or use of any fire hydrant or of the water therefrom for any purpose other than fire protection.
  - (g) The operation of an air-conditioning system utilizing water from the district water system in a cooling tower, unless, within 30 days from the effective date of this regulation, a separate meter is installed to continuously measure the flow of water to the cooling tower.
  - (h) Operate any air-conditioning system in excess of two tons of rated capacity or greater or any refrigeration unit rated at 10 horsepower or greater using water from the district water system, unless such air-conditioning system or refrigeration unit is equipped with a water recirculating device approved by the Department.
  - (i) The use of water from the district water system to fill or maintain the water level in any swimming pool, except that provided that the pool is operated with recirculating equipment, district water may be used as necessary to maintain the water level in such pool.
- (2) Each nonresidential user of water from the district water system shall prepare and retain a water consumption reduction plan, enabling it to reduce its use of water in stages of 15%, 20% and 25%, based upon its water consumption during the calendar year. Such plans shall be designed so as to achieve and maintain the 15% reduction promptly and to achieve the twenty- and twenty-five-percent reduction immediately upon the declaration of a Stage II and Stage III emergency, respectively. Each such user shall promptly implement the first phase of its plan during Stage I and shall reduce its consumption by 15%. On and after 30 days from the effective date of this regulation, each such user shall have its water consumption reduction plan available at all times for inspection and copying by employees of the Water Department.

C. Notification. Notification shall be made to the following officers and/or entities at the following telephone listings or, in the event that said telephone listings are changed, at their current telephone listings:

<b>Officer or Entity</b>	<b>Telephone Listing</b>
Town Supervisor	658-3159
Water Board Chairman	658-9268
Daily Freeman	331-5000
Hudson Valley Newspapers	691-2000
Times Herald Record	255-0600

WGHQ (radio station)	331-8200
WKNY (radio station)	331-1490
WTZA (television)	339-6200

**§ 73-45. Stage II.**

- A. Criteria: Mountain Reservoir is 144 inches below dam; Still Pond is 24 inches below overflow and dropping for seven days; well on automatic.
- B. Procedure: Declare Stage II. If, at any time, the Water Superintendent determines that the measures set forth under Stage I of this regulation have not resulted in a sufficient level of conservation in light of existing water supply conditions, a Stage II drought emergency shall be declared. Upon declaration of a Stage II emergency, in addition to those measures set forth hereinabove, and in place of Subsection B(1)(e) and (i) under Stage I:
- (1) No person or entity shall cause, permit or allow:
    - (a) The user of water from the district water system to fill or maintain the water level in any swimming pool.
    - (b) The use of water from the district water system to water any lawn, golf course, ornamental shrub or plant, except that District water may be used to irrigate, from a hand-held container, vegetables or fruits grown for human consumption.
  - (2) Each nonresidential user of water from the district water system shall fully implement its Stage II water consumption plan and shall immediately reduce use of water by no less than 20%.
- C. Notification. Notification shall be made to the following officers and/or entities at the following telephone listings or, in the event that said telephone listings are changed, at their current telephone listings:

<b>Officer or Entity</b>	<b>Telephone Listing</b>
Town Supervisor	658-3159
Water Board Chairman	658-9268
Daily Freeman	331-5000
Hudson Valley Newspapers	691-2000
Times Herald Record	255-0600
WGHQ (radio station)	331-8200
WKNY (radio station)	331-1490
WTZA (television)	339-6200

**§ 73-46. Stage III.**

- A. Criteria: Still Pond is 36 inches below overflow; Mountain Reservoir is 144 inches below dam; well on automatic.
- B. Procedure: Declare Stage III. If, after the imposition of the measures set forth in Stage II of this regulation, the Water Superintendent finds that water consumption must be further reduced, a Stage III emergency shall be declared. In addition to the measures set forth hereinabove:
- (1) All nonresidential users of water from the district water system shall reduce their consumption by no less than 25%.
  - (2) All users, both residential and nonresidential, shall install water-flow-restricting devices in all shower heads.
  - (3) All air-conditioning systems utilizing water from the district water system shall be operated only in accordance with hourly restrictions established by the Water Superintendent.
  - (4) Water District personnel shall proceed with one of the following temporary emergency measures:
    - (a) Rondout Creek.
      - [1] Pump water from the Rondout Creek to the Still Pond Reservoir.
      - [2] Install electric service on Town property on the corner of James Street and Parkcrest Drive.
      - [3] Install 230 volt, 250 gpm centrifugal pump.
      - [4] Install 1,800 feet PVC schedule 80 pressure pipe, eight inches diameter.

[5] Commencing pumping.

(b) Snyder Mine.

[1] Pump water from the Snyder Mine to the Still Pond Reservoir.

[2] Procure 250 gpm Civil Defense gasoline or diesel pump and deliver to site.

[3] Install the necessary feet of temporary eight-inch pipe.

[4] Commence pumping.

[5] Monitor daily levels at Snyder Mine supply and Tillson Estates water supply.

(c) Rosendale Recreation Center.

[1] Pump water from tributary stream behind Rosendale Recreation Center to the Still Pond.

[2] Commence pumping.

C. Notification. Notification shall be made to the following officers and/or entities at the following telephone listings or, in the event said telephone listings are changed, at their current telephone listings:

<b>Officer or Entity</b>	<b>Telephone Listing</b>
Town Supervisor	658-3159
Water Board Chairman	658-9268
Daily Freeman	331-5000
Hudson Valley Newspapers	691-2000
Times Herald Record	255-0600
WGHQ (Radio Station)	331-8200
WKNY (Radio Station)	331-1490
WTZA (Television)	339-6200

**§ 73-47. Penalties for offenses.**

- A. Violations of this regulation shall be punishable by fines and penalties established by Local Law No. 4-1984, "Rules and regulations of the Water District," section entitled "Penalties and Violations." *Editor's Note: See Art. I, General Provisions, § 73-26, Penalties for offenses.*
- B. In addition to any penalties which may be imposed by the Town Board, where a leak and waste notice has been served in accordance with Town Board rule and the condition to which such notice relates has not been corrected, a penalty of up to \$50 per day may be imposed by the Water Superintendent and added to the water rents relieved on the tax roll.
- C. Water service may be terminated for violation of any provision of this regulation or for any waste of water.

**§ 73-48. Variance.**

Upon the written application of any person or entity, the Board of Water Commissioners may, at its discretion, grant a variance relieving such person or entity from compliance with any of the requirements of this regulation, if such person or entity demonstrates to the satisfaction of the Board of Commissioners that undue hardship would otherwise result; that there are no possible alternatives; that the applicant has taken and will take all possible measures to conserve water, with a complete description of such measures and the water savings to be effected; and that such variance is not inconsistent with the purposes of this emergency regulation. In connection with any variance which may be granted, the Board shall impose such terms and conditions as they deem appropriate.

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**ARTICLE V Fire Flow Capabilities [Adopted 9-8-1999 by L.L. No. 2-1999]**

**§ 73-49. Purpose.**

The purpose of this article is to insure, in any future water district formed by the Town, that the appurtenances are constructed to the standard which provides necessary fire flows to standards as mandated herein.

### § 73-50. General construction standards.

All new construction of community public water supplies, for any municipal water district formed in the Town, shall be designed, constructed, and maintained in such a manner as to be able to meet the requirements of the New York State Department of Health (quality and quantity) and the Insurance Services Office (fire flow capabilities).

### § 73-51. Design formula.

- A. For said community public water supplies, in any municipal water district, as defined in 10 NYCRR Subpart 5-1.1, effective May 27, 1998, the design shall be to the standard provided by the following formula by the American Insurance Association:

$$Q = 1020 \sqrt[1.01]{P}$$

Where  
 Q = Necessary fire flows in gallons per minute.  
 P = Population of water district in thousands of people.

- B. The minimum acceptable value of Q shall not be less than 500 gallons per minute. The flow rate Q shall be maintained for a minimum number of hours equal to  $Q/1000$  with the minimum not to be less than two hours, and not to exceed 10 hours. An appropriate amount of distribution storage shall be provided to store the necessary water for fire-fighting purposes equal to Q multiplied by the amount of time the flow must be maintained in minutes.

### § 73-52. Design requirements.

The design requirements to meet the above-referenced standards shall include:

- Minimum water distribution pipe size of eight-inch diameter;
- Average fire hydrant spacing of 500 feet;
- Elevated water storage facilities or ground level storage with fire booster pumps.

### § 73-53. Waiver of requirements.

The requirement for fire flows may be waived by the Town Board if there is a sound technical and/or financial reason why the community public water supply cannot meet the requirements as set forth herein.

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## ARTICLE VI Rules, Regulations and Rates for High Falls Water District [Adopted 12-13-2006 by L.L. No. 6-2006]

### § 73-54. Intent and purpose.

It is the intent of the Town Board of the Town of Rosendale to establish the rules, regulations and a system to set rates

governing the High Falls Water District in order to:

- A. Benefit the health, safety and welfare of the people of the Town of Rosendale.
- B. Meet mandated requirements in the High Falls Water District for the portion of the district in the Town of Rosendale;
- C. Promote the elimination or control of cross-connections, actual or potential, between the consumer's in-plant potable water system(s) and nonpotable water system(s), plumbing fixtures and industrial piping systems;
- D. Provide for the maintenance of a continuing program of cross-connection control which will systematically and effectively prevent the contamination or pollution of all potable water systems;
- E. Clarify the rights and obligations of the High Falls Water District and Water District consumers;
- F. Coordinate all rules as required by the intermunicipal agreement between the Towns of Marletown and Rosendale, and agreements with the City of New York and its Water Board.

### **§ 73-55. Statutory authority.**

This article is enacted in accordance with Articles 9 and 12 of the Town Law of the State of New York, the Municipal Home Rule Law, § 10 of the New York Statute of Local Governments, and other legislative authority of the State of New York, which grant the Town Board of the Town of Rosendale the authority to enact local laws for the purpose of promoting the health, safety and welfare of the people of the Town, and regulate special water districts within the Town.

### **§ 73-56. Definitions.**

Unless otherwise expressly stated, for the purposes of this article, the following terms shall have the meanings indicated below. Words used in the present tense include the future. The singular number includes the plural and the plural number includes the singular. The terms "shall" and "must" are mandatory and not optional.

AIR GAP — See "backflow preventer."

#### **APPROVED**

- A. The term "approved" as herein used in reference to a water supply shall mean a water supply that has been approved by the health agency having jurisdiction.
- B. The term "approved" as herein used in reference to an air gap, a double check valve assembly, a reduced pressure principle backflow prevention assembly or other backflow prevention assemblies or methods shall mean approval by the administrative authority having jurisdiction.

AUXILIARY WATER SUPPLY — Any water supply on or available to the premises other than the High Falls Water District's approved public water supply from the City of New York will be considered an auxiliary water supply. These auxiliary waters may include water from a public potable water supply other than the High Falls Water District, or any natural source(s) such as a well, spring, river, stream, harbor, etc., or used waters or industrial fluids. These waters may be contaminated or polluted or they may be objectionable and constitute an unacceptable water source over which the High Falls Water District does not have sanitary control.

BACKFLOW — The undesirable reversal of flow of water or mixtures of water and other liquids, gases or other substances into the pipes of the potable supply of water from any source or sources. See also "backsiphonage" and "backpressure."

BACKFLOW PREVENTER — An assembly, device or means designed to prevent backflow.

- A. AIR GAP — A physical separation between the free-flowing discharge end of a potable water supply pipeline and an open or non-pressure-receiving vessel. An "approved air gap" shall be at least double the diameter of the supply pipe measured vertically above the overflow rim of the vessel but in no case shall be less than one inch (2.54 cm).
- B. REDUCED PRESSURE PRINCIPLE BACKFLOW PREVENTION ASSEMBLY — An assembly containing two independently acting approved check valves together with a hydraulically operating, mechanically independent pressure differential relief valve located between the check valves and at the same time below the first check valve. The units shall include properly located resilient seated test cocks and tightly closing resilient seated shutoff valves at each end of the assembly. This assembly is designed to protect against a non-health hazard (i.e., pollutant) or a health hazard (i.e., contaminant). This assembly shall not be used for backflow protection of sewage or reclaimed water.
- C. DOUBLE CHECK-VALVE BACKFLOW PREVENTION ASSEMBLY — An assembly composed of two independently acting, approved check valves, including tightly closing resilient seated shutoff valves attached at each end of the assembly and fitted with properly located resilient seated test cocks. This assembly shall only be

used to protect against a non-health hazard (i.e., pollutant).

**BACKPRESSURE** — Any elevation of pressure in the downstream piping system (by pump, elevation of piping, or steam and/or air pressure) above the supply pressure at the point of consideration which would cause, or have the potential to cause, a reversal of the normal direction of flow.

**BACKSIPHONAGE** — A form of backflow due to a reduction in system pressure which causes a subatmospheric pressure to exist at a location in the water system.

**CONSUMER** — Owner of a property which is served by the High Falls Water District. Reference in this article of the Town Code to a consumer as herein defined shall include such consumer's duly authorized agent(s) or representative(s).

**CONTAMINATION** — An impairment of the quality of water which creates an actual hazard to the public health through poisoning or through the spread of disease by sewage, industrial fluids, waste, etc.

**CROSS-CONNECTION** — Any unprotected actual or potential connection or structural arrangement between a public potable water system or a consumer's potable water system and any other source or system through which it is possible to introduce into any part of the potable water system any used water, industrial fluid, gas, or substance other than the intended potable water with which the system is supplied. Bypass arrangements, jumper connections, removable sections, swivel or changeover devices and other temporary or permanent devices through which or because of which backflow can or may occur are considered to be cross-connections.

A. **DIRECT CROSS-CONNECTION** — A cross-connection which is subject to both backsiphonage and backpressure.

B. **INDIRECT CROSS-CONNECTION** — A cross-connection which is subject to backsiphonage only.

**CROSS-CONNECTION CONTROL BY CONTAINMENT** — The appropriate type or method of backflow protection at the service connection, commensurate with the degree of hazard of the consumer's potable water system.

**CROSS-CONNECTION, CONTROLLED** — A connection between a potable water system and a nonpotable water system with an approved backflow prevention assembly properly installed and maintained so that it will continuously afford protection commensurate with the degree of hazard.

**DISTRICT** — The High Falls Water District, whose fiduciary officers are the Town Boards of Marletown and Rosendale. Wherever it is referred to herein that permission be granted by, or that an application be made to, or that an act be done by, or that an act be approved by the District, it shall mean the High Falls Water District Superintendent, unless such permission, application or act requires approval of the Rosendale Town Board pursuant to applicable laws of New York State.

**HAZARD, DEGREE OF** — Either a pollution (non-health) hazard or contamination (health) hazard based upon evaluation of conditions within a water system.

**HAZARD, HEALTH** — An actual or potential threat of contamination of a physical or toxic nature to the public potable water system or the consumer's potable water system that would be a danger to the public health.

**HAZARD, PLUMBING** — An internal or plumbing-type cross-connection in a consumer's potable water system that may be either a pollution (non-health) or a contamination (health) hazard. This includes but is not limited to cross-connections to toilets, sinks, lavatories, wash trays and lawn sprinkling systems. Plumbing-type cross-connections can be located in many types of structures, including homes, apartment houses, hotels and commercial or industrial establishments. An appropriate type of backflow prevention assembly, if permitted to exist, must properly protect such a connection.

**HAZARD, POLLUTION** — An actual or potential threat to the physical properties of the water system or the potability of the public or the consumer's potable water system but which would not constitute a health or system hazard as defined herein. The maximum degree or intensity of pollution to which the potable water system could be degraded under this definition would cause a nuisance or be aesthetically objectionable or could cause minor damage to the water system or its appurtenances.

**HAZARD, SYSTEM** — An actual or potential threat of severe danger to the physical properties of the public or the consumer's potable water system or of pollution or contamination which would have a protracted effect on the quality of the potable water in the system.

**INDUSTRIAL FLUIDS** — Any fluid or solution which may be chemically, biologically or otherwise contaminated or polluted in a form or concentration which would constitute a health, system, pollution or plumbing hazard if introduced into an approved water supply. This may include, but not be limited to: polluted or contaminated used waters; all types of process waters and used waters originating from the public potable water system which may deteriorate in sanitary quality; chemicals in fluid form; plating acids and alkalis; circulated cooling waters connected to an open cooling tower and/or cooling waters that are chemically or biologically treated or stabilized with toxic substances; contaminated

natural waters such as from wells, springs, streams, rivers, bays harbors, seas, irrigation canals or systems, etc.; oils, gases, glycerins, paraffins, caustic and acid solutions and other liquid and gaseous fluids used industrially for other processes or for fire-fighting purposes.

METER — A device for measuring the volume of water used which only the High Falls Water District may provide.

NONPOTABLE WATER — See "water, nonpotable."

NYCRR — New York Codes, Rules and Regulations, the official compilation of codes, rules and regulations of New York State.

PLUMBING HAZARD — See "hazard, plumbing."

POLLUTION — An impairment of the quality of the water to a degree that adversely and unreasonably affects the aesthetic qualities of such water for domestic use. See also "hazard, pollution."

POTABLE WATER — See "water, potable."

SCHEDULE OF CHARGES — The Schedule of Charges for the High Falls Water District of the Towns of Marbletown and Rosendale, Ulster County, NY, wherein are specified the current rents, fees, taxes, deposits, penalties and other bills and charges pertaining to said water district as established by resolution of the Town Boards of both towns.

SERVICE CONNECTION — The terminal end of a service connection from the public potable water system; that is, where the High Falls Water District may lose jurisdiction and sanitary control of the water at its point of delivery to the consumer's water system. If a water meter is installed at the end of the service connection, then the service connection shall mean the downstream end of the water meter.

SERVICE PROTECTION — See "cross-connection control by containment."

SYSTEM HAZARD — See "hazard, system."

TOWN BOARD — The Town Boards of the Towns of Marbletown and Rosendale, Ulster County, New York.

TOWN CLERK — The Town Clerk of each Town of Marbletown and Rosendale.

USED WATER — See "water, used."

WATER, NONPOTABLE — A water supply that has not been approved for human consumption by the health agency having jurisdiction.

WATER, POTABLE — Any public potable water supply that has been investigated and approved by the health agency having jurisdiction. The system must be operating under a valid health permit. In determining what constitutes an approved water supply, the health agency has final judgment as to its safety and potability.

WATER SUPERINTENDENT — The person designated by the Marbletown and Rosendale Town Boards as responsible for the day-to-day oversight, operation and repairs of the High Falls Water District and invested with the authority and responsibility for the implementation of an effective cross-connection control program and for enforcement of the provisions of this article. The Water Superintendent shall generally act as agent for the Town Board in the issuance of permits, inspection of work, and quarterly reading of meters. Reference in this article of the Town Code to the Water Superintendent shall include the Water Superintendent's duly authorized agent(s) or representative(s). See also "district."

WATER SYSTEM — See § 73-57 of this article.

WATER, USED — Any water supplied by the High Falls Water District or an auxiliary water supplier from a public potable water system to a consumer's water system after it has passed through the service connection and is no longer under the control of the District.

### **§ 73-57. Water system.**

- A. The water system shall be considered as made up of two parts: the District system and the consumer system.
- B. The District system shall consist of the source facilities and the distribution system, and shall include all those facilities of the water system under the complete control of the District up to the point where the consumer's system begins at the consumer side of the curb box.
- C. The source shall include all components of the facilities utilized in the production, treatment, storage and delivery of water to the distribution system.
- D. The distribution system shall include the network of conduits used for the delivery of water from the source to the consumer's system.
- E. The consumer's system shall include those parts of the facilities beyond the termination of the District's distribution

system that are utilized to convey potable water to points of use.

**§ 73-58. Regulations and requirements.**

A. Application for connection; insurance coverage.

(1) If not hooked up initially when the facilities and infrastructure was constructed for the District, any person or corporation located within the High Falls Water District shall make application to the Town Boards for hook-up to the District water supply. The application shall be accompanied by a bond in such sum as shall be fixed by the Town Boards in consultation with the Highway Superintendent and the Water Superintendent, with one or more sureties acceptable to the Board, on the condition that the applicant shall comply with the provisions of this article of the Town Code; shall pay to the District all fees, penalties or other charges required hereby in consequence of the work undertaken; shall restore openings made in streets, roads, lanes and other public places and pavement thereon and therein to the same standard of condition as before the work commenced; shall keep and maintain the same in such condition for a period of one year after the work has been completed and, in case of failure so to do, shall pay to the District the cost of putting the same in such condition. The Town Board may, at its discretion, grant or deny such application. The Town Board may, at any time, revoke such permission so given.

(2) Insurance coverage.

(a) Any person, plumber or corporation obtaining a permit to make connections with the District system, before commencing work, shall have executed and filed in the office of the Town Clerk the following required insurance coverages:

[1] Public liability.

[a] Contractor's liability.

[b] Owner's protective (High Falls Water District named as additional insured).

[c] Each in the following minimum amounts: \$500,000/\$1,000,000.

[2] Property damage: \$200,000/\$500,000.

[3] Blasting coverage (if applicable): \$100,000/\$200,000.

[4] License and permit bond: in the amount of \$10,000 guaranteeing that the holder will observe the laws of the municipalities involved and will hold the District harmless for any damage done.

(b) The bonds, insurance and certificates herein required must be approved by the District's counsel as to form and sufficiency.

- B. Permanent water service shall be provided only after the installation of a District-approved meter. All meters shall be of such make and type as, from time to time, may be approved by the Town Board, and shall be purchased from the District. Each installed meter shall be subject to quarterly charges established by the District, whether or not the premises in which the meter is located are occupied or in use.
- C. No person or corporation shall use the water supplied by the District for any purpose whatsoever without having first obtained a permit upon written application therefor, after having first paid the charges pertaining to the introduction of water to the premises.
- D. Applications for introduction of water to any premises or for the use of water shall be made upon a form furnished by the District for such purpose, and shall be signed by the owner of the premises or said owner's duly authorized agent. Such application shall contain a statement of all uses for which water is desired. If usage beyond that stated in the application occurs or, in the opinion of the Town Board in consultation with the Water Superintendent, exceeds the supply available, water service may be discontinued. Application for additional uses may be made at any time and a permit may be granted therefor subject to the best interests of the District as a whole.
- E. No person shall make any attachment to or connection with any of the pipes or mains of the District, nor make any repairs, additions or alterations to the service pipes, except on the consumer's side of the meter, unless such person is an employee of the District or is a person or corporation authorized so to do by the Town Board.
- F. No person shall tap any main or distributing pipe or interfere with any connection with the water system unless under the direction of and in the presence of the Water Superintendent, or unless such person is an employee of the District, or unless specific permission in each case be given by the District; nor shall any person make any alterations or additions in and about water pipes other than on the consumer's side of the meter unless a written permit shall have been obtained from the District upon written application therefor.
- G. No street or public place shall be opened by any person for the purpose of making a connection with the mains or for the laying of water pipes or fixtures unless permission shall have been granted by the authority(ies) having

jurisdiction therein.

- H. Whenever any street or public place shall have been opened for the purpose of making a connection with the mains or for the laying of water pipes or fixtures, the permit holder shall have proper regard for public safety and convenience and said street or place shall be restored to its original condition as soon as practicable. Open trenches shall be guarded with barricades, and sufficient warning lights or flares shall be displayed after dusk.
- I. Service pipes shall be laid at least four feet six inches below the surface of the ground at all points. The curb cock shall be installed between the sidewalk space and the curblin, close to the curblin if possible. The meter shall be installed within the building to be served, as close as practicable to the point where the service pipe enters, unless otherwise directed or permitted by the District, and shall be set with the inlet and outlet in a horizontal line with the register on top and shall be so located as to be readily accessible at all times for reading, inspection or repair.
- J. For new residential installations:
  - (1) A stop valve shall be provided within the building on the inlet and outlet side of the meter;
  - (2) A double check valve backflow prevention device shall be placed on the outlet side of the meter between the meter and the stop valve as close to the meter as is practicable; and
  - (3) A pressure regulator, not to exceed 80 psi, shall be placed on the inlet side of the meter between the stop valve and the meter as close to the meter as is practicable.
- K. For existing residential services: The same installations as in Subsection J above, or installations satisfying the requirements of NYCRR Part 5-1.3, may be required in existing residential services if it is determined by the Water Superintendent that the residential service poses a potential hazard for backflow contamination.
- L. All installations required by this section shall be installed and completed on all services within the District, and all new connections approved by permit shall conform to the requirements of these regulations as follows:
  - (1) Provision shall be made to prevent hot water from reaching the meter.
  - (2) No red or white lead or joint compound shall be used on any joint between the main and the meter.
  - (3) No tee or other fitting through which water can be taken shall be permitted on the service pipe between the main and the meter.
  - (4) A meter may be set outside of a building in an underground pit only by special permission of the District and, in such cases, the construction of the pit and the method of setting the meter shall conform to the directions which shall be furnished by the District for each specific instance.
- M. In the event that a change in ground elevation leaves a service pipe insufficiently buried, or results in the curb box projecting above the ground or being covered with earth, the consumer shall promptly lower or raise such service pipe and curb box to conform to the new ground elevation. In case the consumer fails or neglects to make such alterations promptly, the supply of water shall be shut off until the alterations are completed, and a charge, to be fixed by the Town Board, shall be made to cover the labor and expense by the District resulting from the consumer's failure to comply.
- N. Service pipes and meters and any appurtenances thereto shall be kept in good repair and protected from frost by the consumer at his or her own expense.
- O. A stop or waste cock shall be provided within the building so located that all piping on the consumer's side of the meter can be drained whenever necessary on all new connections approved by permit.
- P. In case a building is to be closed or become vacant, notice thereof shall be given to the District in order that the meter may be read and the curb cock closed. Where such notice is not given and pipes burst from freezing or other cause, the value of water lost by reason thereof, as estimated by the Water Superintendent, together with the additional sum, to be fixed by the Town Board, to cover labor and expense to the District, shall be added to the next bill and be paid in like manner as regular water charges.
- Q. Where a new connection is made with street mains and where a new extension or attachment is made in an unoccupied building, the person making the connection, extension or attachment shall close the curb cock. Notice of the completion of the work shall be given to the District and the curb cock shall not again be opened until the work has been inspected and approved by the District and the meter read. Pipes and connections between the main and the meter shall not be covered until inspected and approved.
- R. Where a meter fails to register the correct quantity of water delivered through it, or where a meter otherwise becomes out of order or in need of repair, another meter shall then be installed by the District on loan to the consumer for a period of time necessary for the District to test and/or repair the meter in question.
- S. Where repairs to a meter are found necessary, such repairs shall be made by the District and the cost thereof borne by and billed to the consumer. When, in the opinion of the Water Superintendent, a meter becomes

unsuitable for further use, it shall be replaced by another at the District's expense. When repairs are found not to be necessary, and it was inspected at the insistence of the consumer, the consumer shall pay the costs of testing.

- T. No person shall open, interfere with or draw water from any fire hydrant in the District without permission from the District, except that hydrants may be opened by or on the order of any member of the Fire Department or any fire commissioner within the District in case of fire for the purpose of attaching thereto fire hose and equipment. Whenever a hydrant has been opened and used, notification of such fact shall be promptly given to the District. No tools or implements shall be used to open any hydrant except such as are furnished by the District or by a fire department operating within the District.
- U. Where water has been turned off by direction of the District, it shall not be again turned on without permission of the District.
- V. Installation of a service connection, unless otherwise permitted by the District, shall conform to the rules and regulations herein provided for permanent service.
- W. Each service shall be provided with a corporation cock, curb cock and box from the street main to a point between the outside sidewalk line and the curbline. The curb cock and box shall be located as designated by the Water Superintendent. The consumer shall be responsible for the installation of the service.
- X. The service pipe and fitting and the meter settings shall be of a make, size and pattern determined by the Town Board.
- Y. The District is responsible only for the water connection from the main supply line to the first curb stop. From that point on, the waterline is the responsibility of the consumer.
- Z. In all places where steam boilers or hot water tanks are supplied with water from the water system, the owner or consumer shall ensure that a suitable safety valve, vacuum valve, or other proper device is installed to prevent damage from collapse or explosion when water is shut off. The District shall not be liable for any damage resulting from sudden shutting off of the supply of water to any steam boiler or other fixture deriving its supply from the water system.
- AA. The District shall not be liable for any damage or loss of any kind to property or persons that may arise from or be caused by any change, diminution in or increase of the water pressure from any cause whatsoever.
- BB. Pipe and fitting standards.
  - (1) Service pipes and fittings, corporation cocks, curb cocks, curb boxes, pressure regulators, backflow prevention devices, shut-off valves, meter and meter setting shall conform to such standards and shall be of such make and type as the Town Board shall adopt and shall be of such size as the Water Superintendent deems proper. Service pipes from the street main to the water meter, if less than two inches in diameter, shall be of pure, seamless, service type K copper tubing with brass fittings and valves. Tubing shall be of the following thickness:

Nominal Pipe Size (inches)	Outside Diameter of Tubing (inches)	Gauge (B.W.G.)
3/4	7/8	16
1	1 1/8	16
1 1/4	1 3/8	16
1 1/2	1 5/8	16

- (2) Connections above two inches shall be cement-lined ductile iron or copper and must conform to the District's standards of water mains.

**§ 73-59. Water for construction purposes.**

- A. A person or corporation desiring to use water for construction purposes shall make application therefor to the District, setting forth the location, including street address, section, block and lot of the subject property, the name of the owner of said property and the owner's mailing address if different from said property, the name and address of the applicant if different from the owner, the object and purpose of the use of water, the quantity of water estimated to be needed, and such other information as the Water Superintendent shall require. If such application is granted, the supply of water shall be furnished in such manner as the District shall allow. The water rate of such water usage shall be the same as for all other District consumers, with a minimum charge as shall be specified in the Schedule of Charges. A meter shall be furnished by the District for the use, for which the consumer shall be charged a reasonable amount by the District. Where the Water Superintendent shall deem it advisable, an inspector appointed by the Town Board shall be retained to monitor the work at a wage to be fixed by the Town Board and to be paid by

the consumer. Where water for such purpose is taken from a hydrant, provision shall be made for protection of the meter and for quick disconnection in case such hydrant is needed to extinguish any fire.

- B. No application for water use for construction purposes shall be granted unless a bond for such amount as the Water Superintendent shall deem sufficient, approved as to sureties and form by the Town Board, shall be delivered by the applicant to the District to indemnify the District for any damage which may be suffered to its water system, gate boxes, meters, valves or fire hydrants by reason of the construction proposed.
- C. All applications for water use for construction purposes shall contain a provision that the applicant agrees to indemnify and save harmless the District and the Towns of Marletown and Rosendale from damages or injury to person(s) or property as a consequence of the construction work done in installing and connecting water to the subject premises, or by reason of any acts of omission or commission committed by the applicant or persons acting on the applicant's behalf.
- D. The provisions of this section, insofar as they provide for the deposit of money to secure payment of water charges, and insofar as provision is made, pursuant to § 73-63G of this article, for reimbursement of surplus deposit, shall apply to the use of water for the purposes addressed by this section except as provided in § 73-63H of this article pertains to governmental entities.

### § 73-60. Cross-connection control.

- A. Purposes. The purposes of the provisions of this section are:
  - (1) To protect the public potable water supply of the District from the possibility of contamination or pollution by isolating within consumers' internal distribution systems or consumers' private water system such contaminants or pollutants as could backflow into the public water system; and
  - (2) To promote the elimination or control of existing cross-connections, actual or potential, between consumers' in-plant potable water systems and nonpotable water systems, plumbing fixtures and industrial piping systems; and
  - (3) To provide for the maintenance of a continuing program of cross-connection control which will systematically and effectively prevent contamination or pollution of all potable water systems.
- B. Responsibility. The Water Superintendent shall be responsible for the protection of the public potable water distribution system from contamination or pollution due to the backflow of contaminants or pollutants through the water system connection. If in the judgment of the Water Superintendent an approved backflow prevention assembly is required at the consumer's water service connection for the safety of the water system, the Water Superintendent shall give notice in writing to said consumer to install such approved backflow prevention assembly (ies) at (a) specific location(s) on said consumer's premises. The consumer shall immediately install such approved backflow prevention assembly(ies) at the consumer's own expense. Failure of the consumer to comply with the Water Superintendent's notice shall constitute grounds for discontinuing water service to the premises.
- C. Requirements for cross-connections.
  - (1) The District shall protect the public water system by containing potential contamination within the premises of the consumer in the following manner:
    - (a) By requiring installation at the consumer's expense of an approved air gap, reduced-pressure-zone device, double check valve assembly or equivalent protective device consistent with the degree of hazard posed by any service connection;
    - (b) By requiring consumers to submit plans for the installation of protective devices to the District and/or to the New York State Department of Health for approval; and
    - (c) By ensuring that all protective devices are tested at least annually. Such tests shall be performed at the expense of the consumer. Records of such tests and their results shall be maintained by the consumer and made available to the Water Superintendent. Such tests shall be conducted by certified backflow-prevention device testers in compliance with the following requirements:
      - [1] "General tester" certification will be issued when an applicant for such certification presents proof of satisfactory completion of a training course for testers of backflow-prevention devices which has been approved by the New York State Department of Health.
      - [2] "Limited tester" certification will be issued when an applicant for such certification presents proof of employment by a manufacturer as its agent for the servicing, maintaining and testing of backflow-prevention devices.
      - [3] The New York State Department of Health has the authority to require any person applying for certification or renewal of certification as a certified tester of backflow-prevention devices to take a

written, oral or practical examination, if it deems such examinations to be reasonably necessary in determining the applicant's qualifications. The results of such examinations may be the sole basis for approval or disapproval of an application for certification or renewal of certification.

- [4] Both a general tester and a limited tester must submit proof that they are still engaged in the activity represented by their current certification at least three months before the expiration date of a current certificate.
  - [5] Certification will be suspended or revoked, upon proper notice and an opportunity for a hearing thereon, for any of following reasons: submission of false test reports for backflow-prevention devices; proof that the person is no longer engaged in servicing, maintaining and testing backflow-prevention devices; or failure to apply for recertification.
- (2) District consumers shall not establish or maintain a separate source of drinking and domestic water. Existing separate sources of water, that are not connected to the consumer's drinking and domestic water supply, may continue to be utilized for other purposes.
  - (3) All new consumers of a public water system shall prevent cross-connections between the potable water piping system and any other piping system within the premises.
  - (4) Any installation, service, maintenance, testing, repair or modification of a backflow prevention device shall be performed in accordance with the requirements of the New York State plumbing code. All individuals who perform testing of backflow prevention devices shall be certified in compliance with the requirements of Subsection C(1)(c)[1] through [5] above and corresponding Town Code section.
  - (5) An approved backflow prevention assembly shall also be installed at the consumer's expense on each service line to a consumer's water system at or near the property line or immediately inside the building being served but before the first branch line leading off the service line in all cases where the following conditions exist:
    - (a) On premises having an auxiliary water supply which is not or may not be of safe bacteriological or chemical quality and which is not acceptable as an additional source by the Water Superintendent, the public water system shall be protected against backflow from the premises by installing an approved backflow prevention assembly in the service line commensurate with the degree of hazard.
    - (b) On premises where any industrial fluids or any other objectionable substance is handled in such manner as to create an actual or potential hazard to the public water system, the public system shall be protected against backflow from the premises by installing an approved backflow prevention assembly in the service line commensurate with the degree of hazard. This shall include the handling of process waters and waters originating from the District's system which have been subject to deterioration in quality.
    - (c) On premises having either (1) internal cross-connections that cannot be permanently corrected or protected against, or (2) intricate plumbing and piping arrangements or where entry to all portions of the premises is not readily accessible for inspection purposes, making it impracticable or impossible to ascertain whether or not dangerous cross-connections exist, the public water system shall be protected against backflow from the premises by installing as approved backflow prevention assembly in the service line.
  - (6) The type of protective assembly required under Subsection C(5)(a) through (c) shall depend upon the degree of hazard which exists in accordance with the following specifications:
    - (a) On any premises where there is no auxiliary water supply as described in Subsection C(5)(a) of this section and it is not subject to any of the following rules, the public water system shall be protected by an approved air gap or an approved reduced pressure principle backflow prevention assembly.
    - (b) On any premises where there is water or substance that would be objectionable but not hazardous to health if introduced into the public water system, the public water system shall be protected by an approved double check valve backflow prevention assembly.
    - (c) On any premises where there is any material dangerous to health that is handled in such manner as to create an actual or potential hazard to the public water system, the public water system shall be protected by an approved air gap or an approved reduced pressure principle backflow prevention assembly. Examples of premises where these conditions will exist include sewage treatment plants, sewage pumping stations, chemical manufacturing plants, hospitals, mortuaries and plating plants.
    - (d) On any premises where there are unprotected cross-connections, either actual or potential, the public water system shall be protected by an approved air gap or an approved reduced pressure principle backflow prevention assembly at the service connection.

- (e) On any premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete in-plant cross-connections survey, the public water system shall be protected against backflow from the premises by either an approved air gap or an approved reduced pressure principle backflow prevention assembly on each service line to the premises.
- (7) All backflow prevention assemblies shall be approved by the New York State Department of Health and shall comply with PWS-14, Approved Backflow Prevention Assemblies, as described in the New York State Department of Health's Environmental Health Manual, wherein is contained a list of approved backflow prevention assemblies.
- (8) It shall be the duty of the consumer at any premises where backflow prevention assemblies are installed to have a field test performed by a certified backflow prevention assembly tester upon installation and at least once per year. Where the Water Superintendent deems the hazard to be of sufficient magnitude, he or she may require field tests at more frequent intervals. These tests shall be at the expense of the consumer and shall be performed by District personnel or by a certified tester approved by the Water Superintendent and/or the Ulster County Health Department. It shall be the duty of the Water Superintendent to see that these tests are made in a timely manner. The consumer shall notify the Water Superintendent in advance when the tests are to be undertaken so that he or she may witness the field tests if he or she deems it appropriate to do so. Whenever backflow prevention assemblies are found to be defective they shall be repaired, overhauled or replaced at the expense of the consumer. Records of such tests, repairs and overhaul shall be kept by the consumer and made available to the Water Superintendent.
- (9) All presently installed backflow prevention assemblies 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 testing and maintenance requirements contained in this article be excluded from the requirements of these rules so long as the Water Superintendent finds that they will satisfactorily protect the District's system. Whenever an existing device is moved from its present location or requires more than minimum maintenance or when the Water Superintendent finds that the maintenance constitutes a hazard to health, the unit shall be replaced by an approved backflow prevention assembly meeting the requirements of this section.

D. Hazards. The following is a partial list of facilities that are especially likely to have cross-connection hazards:

Automobile plants  
Auxiliary water systems, such as wells  
Beverage bottling plants  
Breweries  
Buildings heated by boilers where treatment chemicals are used  
Buildings with certain types of air-conditioning systems  
Chemical plants and plating facilities  
Film laboratories  
Food procession plants  
Furniture stripping  
Hospitals, medical buildings, sanitariums, morgues and mortuaries  
Irrigation systems  
Laundries and dye works  
Meatpacking plants  
Metal manufacturing  
Printing operations  
Radioactive materials production or research plants  
Restricted, classified or other facilities closed to the public  
Sewage  
Swimming pools

**§ 73-61. Enforcement.**

- A. Whenever any provision of this article or corresponding Town Code provision is violated, the Town Boards may order the Water Superintendent to shut off the water and remove the meter to the premises where such violation exists. In case of leakage causing wastage of water supply, the Water Superintendent may, at his or her discretion, act before consulting the Town Board.
- B. No water service connection to any premises shall be installed or maintained by the District unless the water supply is protected as required by this article. Water service to any premises shall be discontinued by the District if a backflow prevention assembly required by this article is not installed, tested and maintained as provided herein, or if it is found that a backflow prevention assembly has been removed or bypassed, or if an unprotected cross-connection exists on the premises. If service has been discontinued pursuant to the provisions of this article, service will not be restored until such conditions or defects are corrected.
- C. The consumer's system shall be open for inspection at all reasonable times to authorized agents of the District to determine whether unprotected cross-connections or other structural or sanitary hazards, or any violation(s) of these regulations, exist. When such a condition becomes known, the Water Superintendent shall deny or immediately discontinue service to the premises by providing for a physical interruption in the service line until the consumer has corrected the condition(s) in conformance with the provisions of this article relating to plumbing and water supplies.
- D. The Water Superintendent shall, under the conditions described hereinbelow, have full authority to:
  - (1) Enter the premises of any consumer, during reasonable hours, to read the meter or to inspect fixtures, plumbing and manner of using water, but may so enter for these purposes only.
  - (2) Limit the amount of water furnished to any consumer should circumstances warrant such action, although no limit may be stated in the application or permit for use.
  - (3) Entirely shut off the water supply to any consumer for uses such as, but not limited to, commercial and industrial uses, car washing, lawn and garden watering, and the filling of pools, at any time, by giving reasonable notice of such intended action.
  - (4) Shut off the water to any consumer without notice for as long a period as may be necessary in the case of making or constructing new work, or in making repairs, or in an emergency.
  - (5) Prohibit, after proper notice posted on the Town bulletin board and published in the Town's official newspaper (s), for conservation purposes, the use of water for washing cars, lawn and garden watering and the filling of pools, or other uses enumerated in the notice.
  - (6) Reduce the water supply, during periods of emergency, to consumers outside the District in proportion to the reduction of water available to the District. Where, in the judgment of the Water Superintendent, there is a potential of short supply of water for District consumers, the Water Superintendent may, at his or her sole discretion, curtail, suspend or terminate the supply of water to consumers outside the District during the continuation of such emergency period. Such curtailment, suspension or termination shall apply equally to all consumers outside the District without special privilege to one over another.
  - (7) Shut off the water supply without notice in case of repairs, construction or installation of extensions, or other necessity, without liability for damages that may result from the shutting off of the water supply.

**§ 73-62. Responsibilities of Town Clerk and Water Department Clerk of each town.**

The Town Clerk or Water Department Clerk of each Town in the District shall:

- A. Be a custodian of the Schedule of Charges pursuant to § 73-63B of this article and Town Code.
- B. Receive payment for permits, water charges and water rents and billing for services. Checks or money orders shall be made payable to the High Falls Water District and delivered to the Town Clerk at the Town offices. Payment of any fees stipulated for permits for connections, use of water for construction or the like must be remitted to and a receipt issued by the Town Clerk before work may proceed.
- C. Report to the Town Board at each monthly business meeting moneys received by the District. District funds shall be segregated from all other funds of the Town. Claims and charges against the District shall be audited and paid in the same manner as other Town charges.
- D. Deposit forthwith in such bank(s) or trust company(ies) as the Town Board may from time to time designate all money received by the Town Clerk or Water District on behalf of the District.
- E. Report to the Town's Assessor, in conformance with § 73-63F of this article, any delinquencies in water rents, charges and penalties.

**§ 73-63. Charges.**

- A. Water rates and other charges, including tax on capital repairs and/or improvements, for water service shall be established by resolution of the Town Boards of Marbletown and Rosendale after a public hearing in each town, which shall be held no sooner than 10 calendar days after publication of notice of such hearing in the official newspaper(s) of the Town on such charges and tax.
- B. The Schedule of Charges and water rates for the District shall be on file in the office of the Town Clerk and shall be available to the public upon request. All special District users shall be subject to a minimal usage amount plus an annual fee for capital reserve, whether or not any water is actually used. The water rates and other charges are subject to change by resolution of the Town Boards from time to time to reflect actual costs of the operation and capital costs of the District. The Boards shall review the rates and other changes annually prior to adopting a budget for the High Falls Water District.
- C. The Schedule of Charges for the District shall be on file in the office of the Town Clerk and shall be available to the public upon request.
- D. Before an application for service is approved and the connection made, an applicant for such connection shall pay to the District, pursuant to § 73-62B of this article, and Town Code, the full amount of the service connection charge.
- E. The District may, at its discretion, furnish water to consumers outside the District, provided that all metered charges to such consumers shall be at the rate and costs as determined by the District and permitted by NY DEP.
- F. Bills for water service shall become due and payable quarterly. Payment shall be made to the District at the office of the Town Clerk in each town, in accordance with § 73-62B of this article. Bills shall be due when presented. A penalty pursuant to the Schedule of Charges as defined herein and as cited in Subsection B shall be charged on all bills 30 calendar days overdue. The Town Board may order service discontinued to consumers who are 60 calendar days in arrears. If service is discontinued for arrears in payment, service will not be restored until payment is made of the amount due for water, plus the specified penalty, plus an additional amount as specified in the Schedule of Charges to cover the expense of discontinuance and restoration of service.
- G. Water rates and charges and any penalties for late payment thereon shall be a lien upon the real property at which the meter is installed. The Town Clerk shall report any water rents, charges and penalties remaining unpaid on or about the 10th day of November of each year to the Town's Assessor, who shall report such delinquencies to Ulster County for the purpose of levying such amounts as a tax against the property affected.
- H. When water is required for use in connection with building construction, application therefor shall be made to the District. Where the applicant is not the owner of the premises, deposit of such sum as the Water Superintendent shall deem sufficient to pay for water to be used and charges attendant thereon shall be paid in advance by the applicant to the District as provided in § 73-62B of this article and Town Code. Where, after installation and commencement of use of water, in the opinion of the Water Superintendent, more water is used or will be used than is covered by the deposit, the Water Superintendent may then require a further deposit, in default of which he or she may discontinue service when the amount of water charges and other District charges equals the amount of the deposit. After completion of the work, any surplus of the deposit in excess of the amount of the water charges and other expenses attendant thereon shall be refunded to the applicant upon claim duly made therefor to the Town Board. Charges for this purpose shall be the same as provided in the Schedule of Charges for permanent service, except that if a meter is returned to the District in good and serviceable condition, the cost thereof to the applicant shall be refunded by the District.
- I. Deposits to secure payment of charges for water used for construction purposes as required by § 73-59D of this article shall not be required of New York State or any municipal corporation or any district, bureau or department thereof, where the work is being done by such entity's own employees and where the purpose for which the water is used had been duly authorized, in which event bills for water charges shall be rendered only at such times and for such use as the Water Superintendent shall require.

**§ 73-64. Advisory Commissioners.**

The High Falls Water District shall have five Advisory Commissioners who shall be appointed by the Town Board, one member from the Marbletown Town Board, one member from the Rosendale Town Board, two Marbletown customers who reside in the District, and one Rosendale customer who resides in the District. The Commissioners shall serve in an advisory capacity to both Town Boards and be subject to Town Board direction and oversight. The term of the customer Commissioners shall be three years. The Commissioners shall meet regularly and provide recommendations for operations, capital cost and extensions of the High Falls Water District, along with an advisory role in connection with cooperation and contract with the New York City Department of Environmental Protection and the New York City Water Board.

**§ 73-65. Extensions to District.**

In the event applications are made by individuals or entities to expand and extend the High Falls Water District beyond its current boundaries, they are subject to approval of the District's Town Boards and also subject to:

- A. Consent and agreement with the New York City DEP and Water Board.
- B. All additional charges, if imposed by NYCDEP for exceeding the volume of water allowed to the District as set by NYCDEP, shall be borne by the extension.
- C. All construction hook-up and additional charges incurred by the District shall be borne by the recipient and not by the District.

**§ 73-66. Penalties for offenses.**

Each violation of any provision of this article shall constitute a misdemeanor and shall, upon conviction of such violation, be punishable by a fine not exceeding \$500, or by imprisonment not exceeding 30 days, or by both.

**§ 73-67. Amendment procedure.**

This article and Town Code addition establishing the rules and regulations governing the High Falls Water District may be amended at any time, subject to the provisions of New York State Town Law and other applicable legislative authority of the state of New York, as amended from time to time.

**§ 73-68. Title.**

This article of the Town Code shall be known and may be cited as the "High Falls Water District Regulations."