

**ORDINANCES
OF THE
ALBERTSON WATER DISTRICT
ADOPTED JULY 19, 2022**

The following are the ordinances, rules and regulations established pursuant to law by the board of commissioners of the Albertson Water District, Town of North Hempstead, N.Y., and are considered a part of the contract with each person or persons taking or using water furnished by the Albertson Water District.

General Information for Consumers

1. The rules and regulations of the Albertson Water District and the Ordinances are part of the contract for water supply with the consumer.
2. All consumers and persons utilizing the water of the district must comply with the Ordinances, rules and regulations as well as all other applicable Federal, State and local laws.
3. All District personnel must be given access to the consumer's plumbing system on any premises. They will carry with them proper photo identification. However, if you have any doubts concerning their identity, you should ask them to identify your water meter number. In addition, you may call the District office for further confirmation.
4. The owners of real property are liable for the water rents and charges on such property whether it is occupied by the owner or his tenant or is unoccupied. If not paid, pursuant to law the water rents, charges and applicable penalties become a lien upon the owner's property.
5. All consumers are required to promptly notify the office of the Albertson Water District of any change of ownership or occupancy or address to which bills are to be sent
6. All questions concerning a consumer's bill should be called to the attention of the district prior to its due date.
7. The district assumes no responsibility on private property for the freezing of the consumers plumbing or for leakages occurring therein, nor will it assume any liability for damages resulting therefrom.
8. It is the intention of the district to notify consumers when the water mains serving their area will be temporarily turned off. However, it may not be possible or practical to do so in all circumstances. If the consumer's plumbing is in proper condition, no damage should occur from turning the water either off or on. In all events, the district is not liable for any damage that may be caused by

turning the water in the mains off or on.

9. Water conservation is needed to preserve our limited water supply. Effective January 1, 1991 New York State promulgated more stringent requirements for water saving fixtures such as low-capacity toilets, urinals, showerheads, and faucets. These standards are now mandated throughout the District.

10. The use of lead solder for potable water is prohibited.

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ARTICLE 1 DEFINITIONS

§1.1 - Short Title.

These ordinances shall be known and may be cited as the Ordinances of the Albertson Water District.

§ 1.2 - Definitions.

"District" means the Albertson Water District, Town of North Hempstead, N.Y.

"Board" or "Board of Commissioners" means the Board of Commissioners of the Albertson Water District, or its duly authorized representatives.

"Consumer" means the owner of real property being served by the Albertson Water District.

ARTICLE 2 APPLICATION FOR WATER SERVICE

§ 2.1- Letters of Water Availability

No letter of water availability or an application for a new water service will be issued until the existing water service is disconnected at the water main by an approved contractor of the Albertson Water District at the water main and the existing water meter pit is removed and the area is properly restored to a safe condition.

§ 2.2 - Application & Acceptance.

No person or corporation will be permitted to use the water of the district for any purpose without having first obtained permission from the Board, based on written application. Application for the introduction of water to any premises, or for the extension of any pipe for the conveyance of such water, shall be made upon an application furnished by the district for the purpose, signed by the consumer or his agent. District specifications shall be met in all installations. Expenses attending the introduction of water to any premises must be paid by the applicant at the time of making application or when the amount is determined by the Board. Applicants for water service must present proof satisfactory to the Board of ownership of the property in question, and furnish a correct property description at the time application is made.

No water shall be used for any purpose other than that represented in the application.

In cases where new construction or redevelopment of premises entails an increase in the volume of water to be furnished the premises, a Request for Availability of Water shall be filed by the applicant on a form furnished by the district.

§ 2.3 - Applicants' arrearage to be paid.

No application for the use or installation of water or use of the facilities of the district will be approved for, nor will any permit or license be granted to, nor will any contract or agreement be entered into with, any persons until all charges or arrearage due to the district shall have been paid.

§ 2.4 - Temporary or extraordinary service permits.

Written applications for temporary service or for service of an extraordinary nature will be accepted at the discretion of the Board. Applicants requiring temporary or extraordinary water service if approved shall pay a fee as stipulated by the Board.

**ARTICLE 3
BILLING**

§ 3.1 - Bills payable at District office.

All bills for water or water facilities used, or services performed by the district shall be paid to the district at its business office, 184 Shepherd Lane, Roslyn Heights, N.Y. 11577

§ 3.2 Bills to be rendered and paid quarterly.

Meters will be read quarterly and consumers will be billed quarterly.

No bills will be rendered or payment accepted for less than the minimum charge.

§ 3.3 - Penalties for non-payment and arrearage.

All bills are due and payable when rendered.

If such water and service charges are not paid within Thirty (30) days from the due date, a ten percent (10%) penalty shall be charged on the arrears, and the water supply may be cut-off and discontinued. Such water supply shall not be resumed until all charges are paid and an additional water restoration fee has been paid.

All unpaid water and service charges by the district shall be a lien upon the real property in connection with which such water or service was used.

§ 3.4 - Returned Check Fee

Cash or certified check only, as established from time to time by the Board.

**ARTICLE 4
DEPOSITS, FEES, RATES & MINIMUM CHARGES**

§ 4.1 - Schedule of rates.

All water metered in the district will be charged at the rate per thousand gallons established from time to time by the Board.

§ 4.2 - Minimum rates.

The minimum rate for regular service shall be as established from time to time by the Board.

§ 4.3 - Service outside the District.

The Board will establish a different rate for any water service furnished outside the geographic limits of the district.

§ 4.4 - Service calls made outside normal working day.

The district's field force shall work a normal day from 8 A.M. until 4 P.M., prevailing time, Monday through Friday, excluding official holidays. Any requested service, other than emergencies, turn-on, shut-off, or meter reading, rendered outside the normal working day shall be charged to the consumer at the rate established from time to time by the Board.

§ 4.5 - Inspection of meter installations.

Upon the request of a consumer, developer, plumber or contractor, an inspection of any site of an installation of a water meter pit and appurtenances shall be made without charge. The Board reserves the right to impose a charge, billed at the current labor rate, if more than one inspection is required.

§ 4.6 - Service charge for private fire protection.

Whenever a fire sprinkler system shall be installed on any premises within the limits of the district, the owner thereof shall pay to the district a service charge for the availability of water to meet the maximum possible demand of such a system.

The annual rate payable in advance for fire sprinkler charges, external Siamese connections or hydrant rental on private property, shall be as established from time to time by the Board.

§ 4.7 - Fees; testing & repair of meters.

The district reserves the right to test any meter at its own expense at any time. At the request of the consumer, the water meter will be tested. The cost of such test shall be established from time to time by the Board. In the event the meter proves at least two percent too fast, there will be no charge for testing. If the meter tests accurately the consumer will be responsible for the cost of the test. As per the current American Water Works Association guidelines the consumer will be rebated the same percentage that the meter exceeds a true measurement over and above the billing of the most recent billing period.

All commercial water meters over the size of 1" will be required to be tested by the consumer as follows and replaced every ten (10) years. Additionally, if the meter is found to be non-functional or inaccurate prior to the test or after the test it must be replaced. To validate the test a district employee is to be present at the day and time of the test. Testing will only be performed weekdays excluding holidays between the hours of 9am and 3pm.

1-1/2" Meters Every 5 years
2" Meters Every 5 years
3" Meters Every 3 years
4" Meters Every 2 years
6" Meters Every 1 years

§ 4.8 – New water service

A charge shall be made for each premises into which water shall be introduced. This charge shall include but is not limited to the following materials and services which shall be furnished by the district.

Water meter.

Z Setter with an approved double-check valve.

Extension curb box and rod.

Curb stop.

Corporation stop.

24" x 48" pit.

Pit cover with No. 2 ring.

Copper tubing: main to pit priced at the cost of a 60' or 100' roll.

Labor / Tapping Fee at the rate established from time to time by the Board.

The service line and each of the above items shall be installed by the district at the expense of the consumer. For water service larger than one-inch in diameter, specifications are available at the district office.

A list of current charges for new water service shall be maintained on file at the district's office and adjusted from time to time.

§ 4.8 a – New commercial or nonresidential water service

For new commercial or nonresidential water service. (See Sec. 5.10)

§ 4.9 - Service replacement & repair; District policy.

The district will assume responsibility for all residential service lines, and the repair and replacement of meters for residential applications only, excluding backflow-prevention devices, of not greater than one-inch diameter from the water main to the property line. The line will be defined as a point ten (10) feet in from the curb, or from the road edge where no curbing exists. All commercial, non residential service lines and water meters will be the responsibility of the property owner from the water tap in the water main.

ARTICLE 5

INSTALLATIONS

§5.1 Water Service Connections to District's Water mains

Only District employees and representatives are authorized to make any attachment, alteration or connection to any pipe or main of the district. No one may open the street for the purpose of tapping a water main or disconnecting a house connection service line without first obtaining a road opening permit from the proper highway authorities.

The applicant must also call for a utility mark-out and case number. No tap or disconnect will be scheduled without a mark-out case number on file with the district. Once these requirements are satisfied, the district will make the appropriate mark outs to its mains and services and schedule the tap or disconnect.

§5.2 Liability of the Excavator

The district is NOT RESPONSIBLE for the excavation, backfilling or recovery of the work site which always remains the sole responsibility of the applicant. Any individual or entity making street openings or excavations shall take all precautions for the safety and convenience of the public, and shall save and hold the District, the Board, its agent and employees harmless from all liability for damages or injuries arising therefrom.

§5.3 Insurance Requirements

Prior to scheduling of a disconnect or new tap, the applicant shall have first secured and delivered to the District a Certificate evidencing Comprehensive General Liability Insurance from a New York State licensed Insurance Company with a rating no lower than "A - " in the latest edition of A.M. Best's Key Rating Guide, in an amount to be set at the district's sole discretion covering both personal injury and property damage. They must also deliver an endorsement under that policy naming the district as an "Additional Named Insured." The coverage naming the District as an Additional Named Insured shall be "primary and non-contributory" with any other insurance independently owned by the district.

§5.4 Bond Requirements

Every approved contractor or plumber shall execute and file with the District a bond in the sum of at least ten thousand (\$10,000.00) dollars with one or more sureties acceptable to the Board, conditioned upon the contractor's (i) compliance with the Rules and Regulations of the District, (ii) payment to the District of the amount of all fees or other expenses imposed by the District in connection with the performance of the work, and (iii) replacement and restoration of all streets, pavements, curbs and sidewalks removed by him in connection with the work performed, to the satisfaction and approval of the governmental authority having jurisdiction thereof. As a further condition of the bond, the contractor will indemnify and save the District and the Board and employees thereof, harmless from all liability, damage and injury resulting directly or indirectly from the work. Such bond is to cover and insure the district against defective material or workmanship of such installation, repairs or improvements for a period of one year from the date of inspection by the district, as herein provided.

§5.5 Appointments and cancellation fees

No tapping, disconnect or other work of the district's water mains will be scheduled unless the district receives a minimum of forty-eight (48) hours notice. The district must receive a minimum of twenty-four (24) hours notice of a cancellation of an appointment. Failure to give at least 24 hours advance notice will result in a fee established by the board for rescheduling payable in advance of rescheduling an appointment.

§5.6 Disconnect Requirements

Any dwelling demolished or renovated in excess of 50% above the basement or footing where no basement exists will be required to disconnect the existing water service at its source and have a new water service installed in accordance with the ordinances of the district than in effect.

Any dwelling having the existing exterior walls removed and or relocated will be required to disconnect the existing water service at its source and have a new water service installed in accordance with the ordinances of the district than in effect.

Any dwelling having added to the structure in excess of 10% of its original foot print will be required to disconnect the existing water service at its source and have a new water service installed in accordance with the ordinances of the district than in effect.

Upon notice from the Albertson Water District failure to disconnect the existing water service at its source will result in the Albertson Water District hiring an approved contractor to do the disconnect at a pass-through cost plus an additional 10% administration fee.

Whenever an application for a demolition permit has been made by or on behalf of any consumer, all water service to the subject premises must be abandoned prior to demolition, in accordance with the provisions of these Ordinances. Water service will be restored to said premises only after an application for new water service has been submitted in accordance with these Ordinances.

All water services (including irrigation and fire line services) are required to be disconnected by the owner at the tap into the water main. Failure to disconnect a water service at the tap into the water main prior to demolition or abandonment will result in the imposition of a fine established by the board for each violation plus applicable surcharges.

The district will only schedule disconnects not later than 1:00 pm on Tuesdays, Wednesdays and Thursdays. No disconnects will be scheduled Mondays, Fridays, Weekends, holidays, or on days immediately preceding or following a holiday.

The district must be notified immediately when the site has been excavated and the water service exposed at its connection point to the water main. No further work shall be done until a District representative is present to observe the disconnect.

For all water services of 1" or less in size, the corporation stop will be turned off and the service line disconnected from the corporation stop.

For multiple taps and service lines over the size of 1", the district shall make the determination whether to disconnect from the corporation stop or remove and replace an appropriate section of water main with the additional material and labor cost of the district being the responsibility of the applicant.

Only a District representative is permitted to remove the water meter when the disconnect is completed.

No letter of water disconnect will be issued until said water service is properly disconnected.

§5.7 New Water Service Application

New water service connection taps less than 1" (one inch) are prohibited.

The district will only schedule the new water service connection taps on Tuesday Wednesday or Thursdays. If the excavation for the tap is not ready by or before 1:00 P.M. the same must be rescheduled and a rescheduling fee will be charged. No new water service connection taps will be scheduled on Mondays or Fridays, Weekends, Holidays, or days immediately preceding or following a Holiday.

Before scheduling the following is required:

A completed application for a new water service, payment of all outstanding water rent charges and, payment of all applicable charges for the new water tap and service.

New water service taps will not be scheduled until the applicant satisfies the requirements of §5.1, §5.3, §5.4 and §5.8 and further provides to the district:

§5.8 New Water Service Charges

A fee shall be charged for each new water service. A portion of this fee shall include the cost of materials and installation services furnished by the district for a meter pit installation. Tapping fees will be charged as established from time to time by the board. A list of current charges for a new water service shall be maintained on file at the district's office.

§5.9 Installation Requirements

No new water service will be installed until all utilities are installed. All new water service lines crossing State Roads, County Roads, I.U. Willets Road, Roslyn Road, Willis Avenue or Searingtown Road must be encased (sleeved) in scheduled 80 PVC pipe or black steel pipe two (2) times larger than said service line from the point where the new water service is tapped in the water main to the meter pit.

For water service larger than one-inch in diameter. (See Sec. 5.10)

All water service lines up to two inch (2") in diameter shall be "K" copper from the main to the inside of the structure serviced. That portion of this water service line which runs between the main and the curb stop shall be installed as one continuous length of copper with no joints of any kind.

All services larger than two inches (2") in diameter shall be cement lined ductile iron pipe.

All excavations for taps shall be four feet (4') square and six inches (6") below the main at the location of the proposed tap. No tap shall be made by the district unless the excavation is in a safe, satisfactory condition. Sheeting, shoring and or a dig box shall be installed for any excavation deeper than five (5) feet as necessary to comply with all applicable State, Federal and local rules and regulations. All excavations shall be dewatered.

All service pipes will be laid in an open trench a minimum of four-feet six-inches (4' 6") deep below the finished grade, and at a right angle (90°) to the main. Missleing will not be permitted.

Water service lines shall have a minimum of ten feet (10') horizontal clearance to sewer house connections, sanitary leaching pits, edge-of leaching fields, septic tanks above-grade and below-grade gasoline, fuel/oil chemical storage tanks. Water service lines shall have a minimum of five feet (5') horizontal clearance to any new or existing gas services or dry-wells,.

No water service pipe or curb stop shall be installed in or under a driveway or walkway. All pipes and connections between the main and the meter must be inspected and tested by the district before the trench is closed.

§5.10 Water Service Lines Over the Size of One Inch (1") Commercial & Non residential

An application for water service or expanded water service larger than one inch (1") shall be accompanied by a stamped set of approved engineer's plans and specifications, acceptable to the district as to form, setting forth fire protection, irrigation installation, backflow installation, and meter change. All service pipes shall be connected to the mains in conformity with plans approved by the district.

No application for the use or installation of water or water facilities of the district will be acted upon, approved or accepted by the Board of Commissioners or its duly authorized agent until and unless the full amount of all application and processing fees, deposits and installation charges, as the same shall from time to time be fixed by the Board of Commissioners for the use of such water or water facilities, shall have been paid to the district.

The costs to the district of application review and investigation by the District Engineer, Nassau County Health Department and any other professional consultants shall be a charge upon the applicant payable in full to the district upon filing of the initial application. Accordingly, said initial application fee is non-refundable regardless of whether the application is ultimately granted or denied.

Additional fees, including engineering fees, may be charged for the processing of any application depending upon such factors as the complexity of the project. Consequently, it is in the applicant's best interest to review these Ordinances and discuss the project with the district management prior to submitting a formal application.

§5.11 Water to Be Metered.

All water service shall be rendered and supplied through meters of a make and type approved by the Board and furnished by the district.

§5.12 Water Not to Be Sub-Metered.

Each building or premises shall be supplied with water through a single tap. Separate and distinct curb stops and meters shall be provided for every tap. District water shall not be submetered without the prior written approval of the Board of Commissioners.

§5.13 Resale of Water Prohibited Without Prior Consent.

No consumer, nor any person, receiving or acquiring water supplied by the district may either directly or indirectly, sell or resell water supplied by the district without the express written consent of the district. Failure to comply may result in the termination of water service and the imposition of a fine established by the board for each violation plus applicable surcharges.

§5.14 Setting of Meters.

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

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

The relocation of meters from inside of buildings will be the responsibility of the property owner and will be performed under the supervision of the district.

No meters will be set or have less than thirty-six inches (36") of clearance from the center of the meter pit cover, to the edge of a driveway, curbing for a driveway, or plantings. The same is applicable to both new and existing meter pits and curb stop boxes.

§5.15 Entry upon Premises.

The Board, its authorized employees and agents are authorized to enter the premises of the consumer at all times during reasonable hours for the purpose of reading, inspecting, repairing, maintaining, removing or testing the water services, meters and appurtenances through which water of the district is supplied.

§5.16 Service Replacement & Repair; District Policy.

Excluding backflow-prevention devices, the district will assume responsibility for all residential service lines and the repair and replacement of all residential meters from the water main to the property line. The property line is defined as a point ten (10') feet in from the curb, or where no curbing exists, from the road edge. All commercial and non - residential service lines and water meters will be the responsibility of the property owner from the water tap in the water main.

§5.17 Consumer Pipes.

Consumers must keep their own water pipes and fixtures in good repair. The consumer is responsible for all water that passes through the meter including that lost to leaks in their own plumbing. Consumers must provide a valve of an approved type properly located inside of the wall of the building and have pipes so arranged through which water may be drained whenever necessary. **Leaks found within the property line are the responsibility of the owner. If the leak is not repaired within 5 days after notification by the district the water supply will be terminated. There will be a water restoration fee applied before the water service is restored. All commercial or non - residential service lines leaking from the connection at the water main to the water meter will be immediately turned off until the water leak is satisfactorily repaired.**

§ 5.18 - Abandoned or discontinued service to be shut off.

Whenever an owner, demolition contractor, or other person, plans to abandon a main or service, such person shall schedule with the district at least forty-eight hours in advance that such service or main is to be abandoned. The abandonment of any service shall be at the main and conducted only in the presence of authorized District personnel. No such abandonment shall be conducted outside the district normal work day without the express authority of the Superintendent. The entire cost of uncovering the connection to the district main shall be borne by the owner, contractor, or other person abandoning the service or main.

Whenever an application for a demolition permit has been made by or on behalf of any consumer, it will be necessary for all water service to be abandoned at the premises subject of such an application, prior to demolition, in accordance with the provisions of these Ordinances.

Water service may be restored to said premises only pursuant to an application for new water service in accordance with these Ordinances.

§ 5.19 - Underground lawn sprinkler system.

No consumer shall build, construct, or maintain an automatic or manual lawn sprinkler service unless they first apply to the district and obtains permission to do so.

A separate feed line with an approved curb stop/box and rod or locking ball valve will be installed on the main feed line to the irrigation system. District personnel shall have access at all times to the irrigation shut-off valve for the purpose of inspecting the system operation, and to shut-down the irrigation system in an emergency and when successive water has been used at the premises.

Each new sprinkler system shall be equipped with an approved double spring-loaded check valve (DCV). The backflow device will be installed at the water source on a Z-setter approved by the district in meter pits (or directly after the meter, in instances where the meter is located in a basement) as required by the Health Department. The existing sprinkler system shall conform to all other applicable rules and regulations of the Nassau County Health Department, the New York State Sanitary Code § 5-131, and the plans and specifications of the district. This application is to be accompanied by plans and necessary Health Department Form DOH 347, as revised, for approval prior to installation.

Smart Clock or equal timer devices shall be programmed to automatically operate and permit flow only during the days and hours permitted under the Board's water conservation program, latest notice. The automatic ON/OFF time-controlled irrigation system is to remain OFF during the period between the permissible irrigation days and times.

Systems that feed off existing service lines shall be designed to restrict total system water use during the allowable ON irrigation periods to a water flow rate not to exceed ten (10) gallons per minute. Separate service lines for systems will be reviewed by the Board as to the allowable gallons per minute.

Each irrigation system shall be equipped with a rain or moisture sensor to automatically turn the irrigation system OFF when it rains during the irrigation periods and when it has rained prior to the irrigation period and/or when the soil moisture conditions are adequate for plant growth without further addition of water.

Sprinkler heads shall be placed so that the overlap areas under irrigation from adjacent sprinkler heads shall be minimal. Special sprinkler heads shall be used as necessary to preclude the application of water on paved areas or areas that do not require irrigation.

There will be no foreign connection of any kind made in the water meter pit.

As required by the State and Nassau County health departments, all backflow devices on service lines which pose a potential health hazard to the water supply and distribution systems, as determined upon an inspection by the district, shall be classified as Active Devices subject to annual testing by a State-certified tester. Test results are to be forwarded to the District on Health Department Form DOH 1013, as revised.

§ 5.20 - Fire Matic sprinkler systems.

No firematic sprinkler system, designed to use water supplied by the district, shall be operated, installed, continued or maintained without the approval of the superintendent, and full compliance with these rules, regulations, and ordinances.

All applications for installation of fire sprinkler systems shall be made to the superintendent, and shall contain the name of the contractor making the installation, the date of the beginning of the installation, the approximate date of completion, a statement as to whether the plans submitted have been approved by the National Board of Fire Underwriters, and shall be accompanied by a set of plans prepared by a person duly qualified to do so, together with a remittance for the review of the plans by the water district engineer and the approval of plans by the Nassau County Department of Health. Prior to final approval by the water department the applicant will pay a sum equal to the charge of one year's service.

All permits for installation of fire sprinkler systems shall be issued by the superintendent only after full compliance with these rules, regulations and ordinances.

The annual charge for services to a fire sprinkler system shall be established from time to time by the Board of Commissioners and shall be paid in one lump sum, in advance, on a calendar year basis, but in no event later than January 30 for each calendar year in which service is to be provided. If such annual charge is not paid by such date, a ten percent (10%) penalty shall be charged on the arrears. If full payment is not received by the last day in February at the sole discretion of the Board of Commissioners, service to the domestic water service will be terminated until such annual charge and any additional penalties are paid in full. A service charge, to be determined by the Board of Commissioners, shall be imposed for the restoration of any service terminated hereunder.

All charges and penalties hereunder shall be a lien upon the real property in connection with which service by the district has been provided.

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

Installation of service lines shall be made without interruption of the water supply to other consumers.

All installations shall be equipped with such devices, as the superintendent shall determine to be necessary to prevent the use of water for other than firematic purposes only.

No matter, material substance, or fluid other than water shall be added or permitted to flow within the said installations.

All existing installations of sprinkler systems for firematic use shall be brought in conformity with these rules, regulations, and ordinances within thirty (30) days after notice by this district or fines and possible termination of the water supply will be imposed.

§ 5.21 Swimming Pools / Ponds / Fountains

All Swimming Pools, Hot Tubs, Ponds and Fountains are required to have an approved back flow device installed at a point closest to the water tap in the water main.

ARTICLE 6 CONTROL OF BACKFLOW & CROSS-CONNECTIONS

§ 6.1 - Responsibility of the District.

The superintendent or designated agent shall inspect the plumbing in every building or premises in the district at prescribed intervals to ensure that the plumbing system was installed and is maintained in such a manner as to safeguard the potable water supply system. The Board shall notify or cause to be notified in writing the owner or authorized agent of the owner of any such building or premises, to correct, within a reasonable time set by the district, any plumbing

installed or existing, contrary to or in violation of these ordinances, and which in its judgment may, therefore, permit the pollution of the district water supply, or otherwise adversely affect the public health.

§ 6.2 - Inspection.

The district shall have the right of entry into any property or building in the district during reasonable hours, for the purpose of making inspections of the plumbing systems installed in such building or premises; provided that with respect to the inspection of any single-family dwelling, consent to such inspection shall first be obtained from a person of suitable age and discretion therein or in control thereof. Refusal to permit entry at a reasonable time will be considered a violation of the ordinances of the Albertson Water District and the water supply will be turned off. A water restoration fee will be imposed before water service is turned back on.

All commercial and nonresidential structures will be required to have a back flow device installed in compliance with the following.

All commercial and nonresidential structures that have a backflow device installed prior to these changes will be grandfathered in providing that the installed device meets the standards established by the New York State Sanitary Code, Nassau County Public Health Ordinances and the ordinances of the Albertson Water District.

All commercial and nonresidential structures not having a backflow device will be required to install an RPZ device within 30 days of notice by the Albertson Water District or the water supply will be turned off until the required device is installed. There will be a water restoration fee applied for all water restoration.

All commercial and nonresidential structures having changed occupancy by its tenant will be required to have an RPZ installed prior to the new tenant taking occupancy or the water supply will be terminated until the required device is installed. There will be a water restoration fee applied for all water restoration.

All commercial and nonresidential structures that have any renovation will be required to install an RPZ device as part of the renovation or the water supply will be terminated until the required device is installed. There will be a water restoration fee applied for all water restoration.

§ 6.3 - Statutory authority.

Public Health Law § 225, New York State Sanitary Code, Part 5, § 5-1.31 (Cross-connection control), and Nassau County Public Health Ordinance, Article 6, § 15 (Cross-connection control).

§ 6.4 - Definitions.

When used in this article, unless otherwise clearly indicated by the context, the following words shall have the following meanings:

1. **"Acceptable backflow prevention device"** is an air gap, reduced-pressure zone device, or double-check valve assembly, approved by the New York State Department of Health, to contain existing or potential contamination within a consumer's facility.
2. **"Aesthetically-objectionable facility"** is one in which substances are present, which, if introduced into the public water supply system, could be a nuisance to other water consumers, but would not adversely affect human health. Typical examples of such substances are: food-grade dyes, hot water, stagnant water from fire lines in which no chemical additives are used, etc.

3. **"Air-gap (AG) separation"** means the unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture or other device and the flood level rim of the receptacle. The differential distance shall be at least double the diameter (D) of the supply pipe. In no case shall the air gap be less than one inch.
4. **"Approved"** means accepted by the Board, and by the Department of Health where required, as meeting an applicable specification stated or cited in these ordinances, or as suitable for the proposed use.
5. **"Auxiliary supply"** means any water source or system other than the potable water supply that may be available in a building or on the premises.
6. **"Backflow"** means a flow condition, induced by a differential in pressure that causes the flow of water or other liquids and/or gases into the distribution pipes of a public water supply from any source other than the intended source.
7. **"Backpressure"** means the resulting backflow of contaminated, polluted, or otherwise unacceptable quality water from a plumbing fixture or other consumer source(s) into a public water supply system due to a greater pressure within the consumer's water system.
8. **"Backflow preventer"** means a device or any means to prevent backflow.
9. **"Backsiphonage"** means the backflow of contaminated or polluted water, or water of questionable quality from a plumbing fixture or other consumer source(s) into a public water supply system main due to a temporary negative or subatmospheric pressure within the public water supply system.
10. **"Barometric loop"** means a loop of pipe rising at least thirty-five inches (35") at its topmost point, above the highest fixture it supplies.
11. **"Certified backflow prevention device tester"** means a person having completed the required training course and holding a current certification issued by the New York State Department of Health.
12. **"Consumer"** means a water user served by the district.
13. **"Cross-connection"** means any physical connection between potable water supply and any waste-pipe, soil pipe, sewer, drain, or any unapproved source or system. Furthermore, it is any potable water supply outlet which is submerged or can be submerged in wastewater and/or other source of contamination. (See "backflow" and "backsiphonage".)
14. **"Degree of hazard"** means whether a facility is rated as hazardous, aesthetically-objectionable, or non-hazardous.
15. **"Double-check valve (DCV) assembly"** means two, single, independently-acting check valves, including tightly closing shut-off valves located at each end of the assembly and suitable connections for testing the water-tightness of each check-valve.
16. **"Drain"** means any pipe which carries wastewater or water-borne wastes in a building drainage system.
17. **"Fixture plumbing"** means any installed receptacle, device or appliance supplied with water or which receives or discharges liquid-borne wastes.

18. **"Flood-level rim"** means the edge of the receptacle from which water overflows.
19. **"Hazardous facility"** means one in which substances may be present, which, if introduced into the public water system, would or may endanger or have an adverse effect on the health of other water consumers. Typical examples: laboratories, sewage treatment plants, hospitals, mortuaries, etc.
20. **"Hydro-pneumatic tank"** means a pressure vessel in which air pressure acts upon the surface of the water contained within, pressurizing the water distribution piping connection to the vessel.
21. **"Inlet"** means the open end of the water supply pipe through which the water is discharged to the plumbing fixture.
22. **"Interconnection"** means a joining of two, independently-operated public water supply distribution systems.
23. **"Plumbing system"** means the water supply and distribution pipes, including without limitation plumbing fixtures and traps, soil, waste, and vent pipes, building drains and building sewers, including their respective connections, devices, and appurtenances within the property lines of the premises, and water-treating or water-using equipment.
24. **"Public water supply system"** means a supplier of water including without limitation the source, treatment works, transmission mains, distribution system, and storage facilities serving the public.
25. **"Reduced-pressure zone (RPZ) device"** means a minimum of two, independently-acting check-valves, together with an automatically-operated pressure-differential relief valve located between the two check valves. During normal flow and at the cessation of normal flow, the pressure between these two checks shall be less than upstream (supply) pressure. In case of leakage of either check valve, the differential relief valve, by discharging to the atmosphere, shall operate to maintain the pressure between the checks at less than the supply pressure. The unit must include tightly-closing shut-off valves located at each end of the device and each device shall be fitted with properly-located test cocks.
26. **"Surge tank"** means the receiving, non-pressure vessel, forming part of the air-gap separation between a potable and an auxiliary supply.
27. **"Supplementary supply"** means any water source or system other than the district's supply, which may be available in the building or on the premises.
28. **"Non-potable water"** means water which is not safe for human consumption, or which is of questionable fitness for human consumption.
29. **"Potable water"** means water which complies with the provisions for drinking water standards set forth in the current regulations promulgated by the Nassau County Department of Health and the New York State Commissioner of Health.

§ 6.4 - General (technical) requirements.

1. **Generally.** A potable water supply system shall be designed, installed, and maintained in such manner as to prevent contamination from non-potable water, liquids, solids, or gases, from being introduced into the potable water supply through cross-connections or any other piping connections to the system.

2. **Water supply connections.** An approved reduced-pressure zone (RPZ) backflow-prevention device or a double-check valve (DCV) backflow device, as determined by the district shall be installed on all new water supply connections supplying water to any residential premises.

In addition, an approved backflow-prevention device as determined by the district shall be installed on any existing water supply connection supplying water to (a) an irrigation system, (b) premises with a solar-heating system, (c) or swimming pool.

Any industrial, commercial, or other non-residential structure connected to the potable water system of the district will require an approved reduced-pressure zone (RPZ) backflow-prevention device.

3. **Cross-connections.** Cross-connections between the consumer's water system in premises served by the district rated either as hazardous and/or aesthetically-objectionable are prohibited, except where an approved backflow-prevention device has been installed to prevent contamination of the potable system by containment.

4. **Individual water supplies.** Cross-connections between an individual water supply and a potable public supply shall not be made.

5. **Approval of backflow-prevention devices.** Before any device for the prevention of backflow or backsiphonage by containment is installed, the consumer must obtain approval, as follows:

a. The consumer submits application to the district for any required installation permit, together with its application to the New York State Health Department on DOH Form 347, prepared and signed by a duly-licensed professional engineer, if required. Copies of all necessary forms shall be available at the district.

b. Applications, including any required plans and specifications, will be considered by the district. Applications for the installation of one or more DCV devices require only the approval of the district. Applications for the installation of other such devices, when approved by the Board, shall be forwarded to the Department of Health for its further review and approval.

c. Following all required approvals, the consumer shall cause the device to be installed by a duly-licensed plumber in accordance with the plans and specifications. Certification of the installation's compliance with these permits shall be made to the Board by the plumber, and when required, by the design engineer or registered architect.

d. After completion of installation, the device shall be tested by a certified backflow-prevention device tester, and a report of the results shall be submitted on DOH Form 1013 to the district within five (5) days of the test. The Board will inspect the final installation for compliance with the plans and specifications.

6. **Guide for installation of physical connections for control devices.** The district shall determine the condition of the connection in accordance with the categories listed below, and shall determine the type of control device is required. Only approved devices shall be utilized.

* A hazardous substance includes sewage, lethal chemicals, or other substances which, if introduced into the public water system, would or may endanger the health of the consumer.

** A non-hazardous substance would not endanger the health of the consumer, but would be a nuisance if introduced into the public water system.

§ 6.5 - Maintenance requirements.

1. General requirements.

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

2. Annual testing and repair of backflow-prevention devices.

Annual testing of backflow-prevention devices is required. All backflow-prevention devices shall be tested annually starting from the date of the initial test performed at the time of installation. Testing shall be conducted by a State certified backflow-prevention device tester. The tester shall file a report of each test on DOH Form 1013, and submit it to the district within five (5) days after conducting the test. Any device which fails a test shall be repaired and re-tested within five (5) days.

3. Enforcement

Filing with the District of the test report under paragraph 2 hereunder, as performed by a State certified backflow-prevention device tester, shall be the sole responsibility of the owner/consumer. Where the report is not submitted to the district within the five (5) day period after conduct of same, the district shall, in writing, direct the owner/consumer to rectify such situation not later than five (5) days following the date of such correspondence from the district. Thereafter, should the report not be submitted to the district, further correspondence shall be sent by the district advising the owner/consumer that service to the premises shall be terminated, without further notice, for failure to file such report.

ARTICLE 7 HYDRANTS

§ 7.1 FIRE DEPARTMENT AUTHORIZATION

The Chief of the Fire Department, or his authorized assistants, may open a fire hydrant in the event of a fire. The Fire Department shall promptly notify the district whenever they use a hydrant for purposes other than firefighting.

§ 7.2 UNAUTHORIZED USE OF HYDRANTS

Other than the Fire Department, no person, contractor or corporation will be permitted to use the hydrants of the district for any purpose. Any unauthorized use of a fire hydrant by anyone will be considered "THEFT of SERVICE" and will be subject to a fine as established from time to time by the Board, as well as any additional costs that may be incurred. Water service to the person or premises for which that hydrant was used will not be provided or discontinued until the fine and any additional fees are paid.

§ 7.3 HYDRANT FLOW TEST

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

§ 7.4 HYDRANT ACCESS / Town of North Hempstead Code Chapter 35 § 35 - 8.

No person shall cause or permit the placing of any materials, structures, shrubs or fences,

living or otherwise, within Ten (10) feet of a fire hydrant.

§ 7.5 SNOW REMOVAL / Town of North Hempstead Code Chapter 49 § 49 - 8.

Every owner, lessee, tenant, occupant, or other person in charge of any property within the town, except one or two-family dwellings adjacent to which there is a fire hydrant, shall remove the snow and ice from around the hydrant for a distance of two feet, and between the sidewalk and curb, and to keep the fire hydrant free from snow and ice throughout the winter, within four hours after snow has ceased to fall. The period between 9:00 p.m. and 7:00 a.m. shall not be included in computing such requirements. It shall be the duty of the owner, lessee, tenant, occupant, or other person in charge of any property within the town, except one or two-family dwellings adjacent to which there is a fire adjacent to, to notify the town or it's Highway Department if the fire hydrant cannot be cleared within the timeframe set forth in Subsection hereinabove.

In addition to the town's requirement any person that places snow or allows snow to be placed on a fire hydrant of the Albertson Water District will be subject to a fine as established by the board for each violation for each day until the violation is corrected.

**ARTICLE 8
DAMAGE TO DISTRICT FACILITIES**

Property owners or their contractors who cause damage to any of the district's water mains, hydrants, service lines or appurtenances shall be responsible for the cost of the repair of the same. The repair shall be made in accordance with the district's standards and specifications with new materials by the district, an approved plumber or water main contractor. If repairs are not immediately made water service to the premises will be terminated until the repair is made and water restoration fees will be applied.

**ARTICLE 9
VIOLATIONS & PENALTIES**

§ 9.1 - Notice of violation.

Whenever it shall discover any violation of these ordinances, the Board shall issue a written notice of violation (NOV) to the consumer in question. In such NOV, the Board shall include the reasonable time period it shall fix for the curing of said violation without penalty.

Upon the failure of the person(s) responsible to cure the said violation in the time fixed in the notice, the Board may, if in its judgment an imminent health hazard exists, terminate water service to the premises or building at which the violation was discovered.

§ 9.2 - Penalties.

Any person who knowingly permits a violation of these ordinances to remain uncured after the expiration of time therefore fixed in a District NOV shall be guilty of an offense each day thereafter such violation remains uncured. Any person found guilty of an offense against these ordinances shall be punished by the imposition of a fine as established from time to time by the Board.

APPLICABLE SECTIONS OF THE PENAL LAW OF THE STATE OF NEW YORK

§ 9.3 - CRIMINAL TAMPERING IN THE SECOND DEGREE

A person is guilty of criminal tampering in the second degree when, having no right to do so nor any reasonable ground to believe that he has such right, he tampers or makes connection with property of a gas, electric, sewer, steam or waterworks corporation, telephone or telegraph corporation, common carrier, or public utility operated by a municipality or district, except that in any prosecution under this section, it is an affirmative defense that the defendant did not engage in such conduct for a larcenous or otherwise unlawful or wrongful purpose.

Criminal tampering in the second degree is a Class A misdemeanor.

§ 9.4 - THEFT OF SERVICES

A person is guilty of theft of service when:

With intent to avoid payment by himself or another person for a prospective or already rendered service the charge or compensation for which is measured by a meter or other mechanical device, he tampers with such device or with other equipment related thereto, or in any manner attempts to prevent the meter or device from performing its measuring function, without the consent of the supplier of the service. In any prosecution under this subdivision, proof that a meter or related equipment has been tampered with or otherwise intentionally prevented from performing its measuring function without the consent of the supplier of the service shall be presumptive evidence that the person to whom the service which is at the time being furnished by or through such a meter or related equipment has, with intent to avoid payment by himself or another person for a prospective or already rendered service, created or caused to be created with reference to such meter or related equipment, the condition so existing. A person who tampers with such a device or equipment without the consent of the supplier of the service is presumed to do so with the intent to avoid, or to enable another to avoid, payment for the service involved; **or He knowingly** accepts or receives the use and benefit of service, including gas, steam, or electricity service, which should pass through a meter but has been diverted therefrom, or which has been prevented from being correctly registered by a meter provided therefore, or which has been diverted from the pipes, wires or conductors of the supplier thereof. In any prosecution under this subdivision, proof that service has been intentionally diverted from passing through a meter or has been intentionally prevented from being correctly registered by a meter provided therefore, or has been intentionally diverted from the pipes, wires or conductors of the supplier thereof, shall be presumptive evidence that the person who accepts or receives the use and benefit of such service has done so with knowledge of the condition so existing.

Theft of service is a Class A Misdemeanor

ARTICLE 10 AMENDMENTS

The Board reserves the right to adopt, repeal, or amend the provisions of these ordinances from time to time pursuant to law.

ARTICLE 11 REPEAL OF PRIOR ORDINANCES

All ordinances, rules, and regulations, resolutions, orders and directions heretofore adopted by the Board are hereby revoked, cancelled, and annulled to the extent, and only to the extent, that they shall be inconsistent with the provisions of these ordinances.

ARTICLE 12

INVALIDITY OF ORDINANCE

If any section, paragraph, subdivision, clause, or other portion of these ordinances shall be adjudged invalid by a court or official body of competent jurisdiction, such invalidity shall only affect the portion so adjudged, and the remainder of these ordinances shall remain in full force and effect.

ARTICLE 13 EFFECTIVE DATE

These ordinances, rules and regulations shall take effect immediately.