



Town of Oyster Bay
Nassau County, New York

ORDINANCES

RULES and REGULATIONS

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INTRODUCTION

The South Farmingdale Water District comprises an area of 5.5 square miles in the Town of Oyster Bay. The service area includes South Farmingdale, North Massapequa and portions of Bethpage, Seaford and Massapequa.

As a result of a taxpayer's petition, the South Farmingdale Water District was established by the Town Board of the Town of Oyster Bay on April 14, 1931. Initially, the water supply was purchased from the Massapequa Plant of the New York Water Service Corporation through the Massapequa Water District's mains. The South Farmingdale Water District then distributed this water to the 285 homes and 90 hydrants within its service area through 15 miles of water mains.

Today, the District provides an authorized capacity of 20,400,000 gallons per day from eleven existing deep wells with depths varying from 347 to 758 feet. After treatment, water is stored in four existing storage tanks with a total capacity of 3,200,000 gallons assuring that an adequate supply of water at sufficient pressure is available for fire fighting purposes in addition to consumption. More than 124 miles of underground water mains transport this vital commodity from storage to 50,000 consumers and 1260 fire hydrants in the District.

The Board of Commissioners, in conjunction with its consulting engineers and water district staff, is continuously upgrading our facilities to ensure delivery of drinking water which either meets or exceeds all Federal, State and Local standards. Water conservation programs have also been established by the Board to preserve our precious underground water supply for future generations.

The Board and all of the District's personnel consistently strive to serve the community fairly, courteously and equitably. Although subject to change, these Ordinances become official on their effective date of adoption by the Board.

The following pages cite the lawful Ordinances of the South Farmingdale Water District which are necessary to preserve the health and welfare of all consumers and to provide for the successful and economical operation of the District.

THE BOARD OF COMMISSIONERS

General Information For Water Consumers

1. The Rules and Regulations of the South Farmingdale 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 installations, repairs and additions made by the consumer to the Water District's distribution system must be performed by plumbers licensed by the Town of Oyster Bay.
4. 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.
5. 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.
6. All consumers are asked to promptly notify the office of the South Farmingdale Water District of any change of ownership or occupancy or address to which bills are to be sent.
7. All questions concerning a consumer's bill should be called to the attention of the District prior to its due date.
8. 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.
9. 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.

General Information For Water Consumers *(continued)*

10. 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.

11. The use of lead solder for home and commercial plumbing is prohibited.

ARTICLE I — Definitions

SECTION 1.1 SHORT TITLE

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

SECTION 1.2 DEFINITIONS

The words “District” whenever used within the Ordinances shall refer to the South Farmingdale Water District, Town of Oyster Bay, County of Nassau, State of New York.

The words “Board” or “Board of Commissioners” whenever used within the Ordinances shall refer to the Board of Commissioners of the South Farmingdale Water District, Town of Oyster Bay, County of Nassau, State of New York.

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

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

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

The word “license” shall be deemed to be all authorization or permission to exercise the right to perform any work within the South Farmingdale Water District, subject, however, to Regulations of the Town of Oyster Bay and the Ordinances, Rules, and Regulations of the South Farmingdale Water District and any other municipality having jurisdiction thereof.

The words “temporary installation” or “temporary service” or “temporary permit” shall include any installation, service, or permit not intended to be continued in operation for a period of more than twelve months.

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

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

ARTICLE I — Definitions *(continued)*

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

The word “engineer” refers to the fully authorized and appointed District Engineer.

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

The District reserves its rights under law to revoke any permits, certificates of water availability or other permissions granted at any time the Board determines the system of the District is being damaged, its integrity endangered, its water wasted or its Rules and Regulations violated in any other way.

The words “District’s distribution system” shall mean – The District’s water mains and service lines up to and including a curb stop which is located in the municipal right of way.

The words “consumer’s plumbing system” shall mean – The Consumer’s plumbing starting at the service line on the building side of a curb stop located in the municipal right of way.

ARTICLE II — Application For Water Service

SECTION 2.1 PERMIT REQUIRED

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

SECTION 2.2 APPLICATIONS

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

All applications for installation of a fire sprinkler system shall be accompanied by a set of plans prepared by a qualified draftsman which also indicate the status of approvals by the Insurance Services Organization.

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

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

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

The approved application shall constitute a contract between the applicant and the District. The applicant agrees to pay to the District the established rate or rates as the same shall from time to time be fixed by the Board and to comply with the Ordinances, Rules and Regulations of the District. Such approved application shall also constitute a consent by the applicant, his successors or assigns, for all commissioners, agents or employees of the District to enter upon the premises owned or leased by the applicant for the purpose of installing, inspecting, upgrading, repairing, retrofitting, maintaining or removing any or all meters, valves or pipes of

ARTICLE II — Application For Water Service *(continued)*

the District's distribution system located thereon, and to read meters and to inspect or test the consumer's plumbing system on such property and the manner in which the water or services of the District are being used.

SECTION 2.3 FEES, DEPOSITS AND INSTALLATION CHARGES

Applications or contracts for the connection to the District's distribution system or for the use of the District's facilities shall not be accepted or acted upon by the District until and unless the full amount of all fees, deposits and installation charges, as the same shall from time to time be fixed by the Board for the use of such water or water facilities, shall have been paid to the District.

SECTION 2.4 ARREARAGES TO BE PAID

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

SECTION 2.5 TEMPORARY OR EXTRAORDINARY SERVICE PERMITS

Applications for temporary service or for service of an extraordinary nature will be accepted. Approval of the application may be issued and temporary or extraordinary water service may be supplied provided it does not interfere with the use of water for fire protection and for general purposes. Applicants requiring temporary or extraordinary water service shall reimburse the District for all expenses incurred by the District in connection with providing the said temporary or extraordinary service.

SECTION 2.6 REGULATION OF FACILITIES

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

ARTICLE II — Application For Water Service *(continued)*

SECTION 2.7 LIABILITY FOR DAMAGES

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

SECTION 2.8 APPLICATION FOR RENEWAL OF WATER SERVICE LINE

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

ARTICLE III — Rates, Fees and Minimum Charges

SECTION 3.1 WATER RENTS AND RATES – METERED SERVICES

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

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

The Board may change the water rents, rates and charges from time to time pursuant to the authority vested in it by the Town Law of the State of New York and the Nassau County Civil Divisions Act.

SECTION 3.2 RATES OUTSIDE OF DISTRICT

The Board may establish a different or other rate for municipalities or water service furnished outside of the geographical limits of the District. Said rates shall be set forth in a rate schedule on file at the District Office.

SECTION 3.3 FIRE PROTECTION CHARGES – UNMETERED WATER SERVICE

- (a) Rentals for fire hydrants to be used by Fire Districts shall be established by contract with the respective Fire District.
- (b) Rentals for private fire hydrants placed upon private property or situated within the premises of a consumer shall be charged at a rate to be determined by the Board.
- (c) Fire protection sprinkler systems shall not be supplied through the domestic service line but through a separate service and will be charged at rates to be determined by the Board.

SECTION 3.4 NEW SERVICE INSTALLATION CHARGE

An installation charge shall be made for each premises into which water shall be introduced for permanent consumption. A schedule of installation charges and specifications shall be set by the Board and is on file with the District.

ARTICLE III — Rates, Fees and Minimum Charges *(continued)*

SECTION 3.5 DISCONTINUANCE AND RESTORATION OF SERVICE

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

SECTION 3.6 REMOTE METER READINGS – CHARGES

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

SECTION 3.7 MISCELLANEOUS CHARGES

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

ARTICLE IV — Billing

SECTION 4.1 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.

SECTION 4.2 PENALTIES FOR NON-PAYMENT AND ARREARAGES

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

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

Pursuant to Town Law of the State of New York, unpaid water charges shall constitute a lien against the real property upon which or in connection with which the water is used. As required by law, the District will submit to the Town Board of the Town of Oyster Bay a list of delinquent water charge accounts. Such water charges shall constitute tax liens and shall be paid together with any real estate taxes charged against the affected property. Where title to real property is conveyed, the grantee or new owner shall be liable for payment of all unpaid water charges against the grantor or former owner.

ARTICLE V — Installation of Water Mains and Services

SECTION 5.1 WORK ON DISTRICT FACILITIES

No person shall make any attachment to or connection with the pipes or mains of the District or make any repairs, additions, extensions or alterations to the District's distribution system unless he is either an authorized employee of the District, or a plumber licensed by the Town of Oyster Bay handling a job for a water service applicant, or an authorized water main contractor handling district work.

SECTION 5.2 SERVICE LINES

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

SECTION 5.3 PROTECTION OF FACILITIES – CONSUMER

All service pipes, meter pits, meter pit covers, curb box, curb stop and appurtenances shall be kept in good repair and shall be protected from frost and heat at the expense of the owner or consumer.

SECTION 5.4 PROTECTION OF FACILITIES – DISTRICT

The District will be responsible for the maintenance of the consumer's service line from the main to the street side of the curb stop.

SECTION 5.5 INSPECTION AND APPROVAL OF NEW INSTALLATIONS

No water shall be introduced into either new water mains or new water service lines unless and until the same shall have been inspected and approved by the District, and, if there is an inside meter on the premises, until said meter shall have been officially sealed by the District.

ARTICLE V — Installation of Water Mains and Services *(continued)*

SECTION 5.6 WATER NOT TO BE SUB-METERED

For all permanent installations, a separate and distinct service line, curb stop and remote meter and backflow prevention device shall be required for each distinct business entity and or residence. No more than one distinct business entity and/or residence shall be supplied through any single tap. All fire services shall be tapped from the main on a service line separate and distinct from the domestic potable water service.

SECTION 5.7 PROXIMITY TO SEWAGE AND DRAINAGE LINES

No service line shall be installed in a sewer or drain trench, nor will any sewer or drain be permitted in any water main or service pipe trench. No service line will be permitted to pass within ten feet of any sewer, cesspool, septic tank or leaching field.

SECTION 5.8 DEPTH OF INSTALLATION

All water mains shall be installed with at least four feet (4' 0") of cover and all service lines shall be installed with at least four feet six inches (4' 6") of cover.

SECTION 5.9 CHANGES IN GROUND ELEVATION

In the event that a change in ground elevation on private property, or from the property line to the curb line side of the curb box, shall leave any service pipe inadequately buried or result in a curb stop, meter pit or other appurtenance of the water facilities being projected above the ground or being covered with earth, the consumer shall at his own expense have such service pipe, curb stop, or meter pit raised or lowered as the case may be, so as to conform with all of the requirements of the District. This work must be inspected and approved by the District.

ARTICLE V — Installation of Water Mains and Services *(continued)*

SECTION 5.10 STREET OPENINGS AND EXCAVATIONS

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

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

SECTION 5.11 TAPPING TO BE PERFORMED BY DISTRICT REPRESENTATIVE

All tapping of the District mains and setting of meters shall be performed by an authorized employee of the District or by such other person as the Board shall designate.

SECTION 5.12 BACKFILLING EXCAVATIONS

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

SECTION 5.13 REMOVAL OF DEFECTIVE INSTALLATIONS

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

ARTICLE V — Installation of Water Mains and Services *(continued)*

SECTION 5.14 ABANDONED OR DISCONTINUED SERVICES TO BE SHUT OFF

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

SECTION 5.15 CANCELLATION OR SUSPENSION OF PERMITS

All permits issued by the District are subject to cancellation, revocation or suspension by the Board of Commissioners without notice. In the event of such cancellation, revocation or suspension, the District may enter upon any premises and remove any of its facilities or property.

SECTION 5.16 LEAKAGES

All leaks in any service lines or appurtenances through which District water is supplied shall be repaired immediately. The willful and/ or negligent waste of water shall be deemed sufficient cause for the discontinuance of water service by the District.

SECTION 5.17 RESTORATION OF DISCONNECTED SERVICES

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

SECTION 5.18 EMERGENCY CURTAILMENT OF USE

When the Board determines that the general health, welfare or safety of the District's consumers may be affected, they may order a reduction or termination of the District's water or facilities. Notice of such order may be given personally by any officer or employee of the District or by mail. Publication of such order in the official newspaper of the District on one occasion shall be deemed due notice to all consumers of the District.

ARTICLE V — Installation of Water Mains and Services *(continued)*

SECTION 5.19 UNDERGROUND SPRINKLER SYSTEMS AND SWIMMING POOLS

An approval must be obtained from the District prior to connecting a water service to any type of swimming pool or underground lawn irrigation sprinkler system. An approved backflow prevention device must be installed in the manner prescribed by the District.

SECTION 5.20 FIRE SPRINKLER SYSTEMS

All fire sprinkler systems using water supplied by the District must be installed in accordance with the standards and specifications on file with the District and shall not be operated without the prior approval of the Superintendent.

ARTICLE VI — Water Meters

SECTION 6.1 WATER TO BE METERED

Except as otherwise provided herein, all water service shall be rendered and supplied through meters of a make and type approved and furnished by the South Farmingdale Water District. Fire services are not required to be metered.

SECTION 6.2 INSTALLATION OF METERS

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

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

Meters may be installed in outside underground meter pits as a special exception when expressly authorized by the Board.

Except as otherwise provided in these Ordinances, the meter pit installation shall be made by the consumer at his own expense and shall conform in all respects to the requirements and specifications on file with the District.

All meters and accessories are the property of the District. They shall be set in an accessible location which shall not in any way obstruct or interfere with the prompt reading, repairing, testing or inspection thereof.

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

No outlet through which water may be taken may be installed in any line between the main and the meter.

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

No lead or joint compound shall be used on joints between the main and the meter.

ARTICLE VI — Water Meters *(continued)*

SECTION 6.3 REPAIR AND REPLACEMENT OF METERS

Repair or replacement of meters shall only be made by an authorized employee or agent of the District.

Tampering with water meter seals is a misdemeanor and offenders will be prosecuted to the fullest extent of the law.

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

In the event that seals on water meters are found to be broken from any cause whatsoever, unless prior permission has been obtained from the Superintendent, the property owner will be billed in an amount to be determined by the Board. Service may be discontinued if such is deemed advisable by the Board.

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

All meters and accessories which, in the opinion of the Board, have become unsuitable for further use shall be replaced by another meter at the expense of the District.

SECTION 6.4 ENTRY UPON PREMISES

The Board, its authorized employees and agents are authorized to enter upon the premises of the consumer at any reasonable time during the normal work week, unless requested otherwise by the consumer, for the purpose of installing, reading, inspecting, repairing, retrofitting, maintaining, removing or testing the water facilities, meters and accessories through which water of the District is supplied.

ARTICLE VII — Cross Connection and Backflow Prevention Devices

SECTION 7.1 STATEMENT OF POLICY

It is the policy of the District to protect the public distribution system by containing any potential contamination within the consumer's plumbing system. Containment shall be accomplished by requiring the consumer to follow the applicable provisions of the New York State Sanitary Code, as well as the policy set forth in the New York State Health Department's Cross Connection Control Technical References.

SECTION 7.2 CROSS CONNECTIONS

Cross connections are prohibited. In each instance where a condition, device or practice has a potential for a cross connection with the water supply, an approved air gap system, reduced pressure zone device, double check valve assembly or equivalent protective device must be installed commensurate with the degree of hazard encountered as determined by the South Farmingdale Water District.

SECTION 7.3 INTERCONNECTIONS

Interconnections are prohibited except for emergency interconnections with other public water purveyors when authorized by the Board of Commissioners.

SECTION 7.4 REQUIRED BACKFLOW DEVICES

Containment of potential contamination shall be secured by the installation of an appropriate backflow prevention device. The specifications for backflow prevention devices are on file with the District.

ARTICLE VII — Cross Connection and Backflow Prevention Devices *(continued)*

SECTION 7.5 PROCEDURES AND INSTALLATIONS OF BACKFLOW DEVICES

Applications for the installation of backflow devices must be filed with the District on a form as prescribed by the New York State Department of Health. Applications are subject to review and approval by the District and the Nassau County Department of Health.

In order to insure full containment, backflow devices must be installed immediately after the water meter. No connections shall be made between the meter and the backflow device.

All installations shall be made by a plumber licensed by the Town of Oyster Bay and pursuant to the Town's plumbing Ordinances.

Backflow devices shall be tested at least once a year by a New York State certified tester. The frequency and charges for backflow device tests shall be determined by the Board.

ARTICLE VIII — Hydrant Regulations

SECTION 8.1 FIRE DEPARTMENT AUTHORIZATION

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

SECTION 8.2 APPLICATION FOR USE OF HYDRANTS

Other than the Fire Department, no person or corporation will be permitted to use the hydrants of the District for any purpose without first having filed an application and obtaining a permit from the District.

SECTION 8.3 TREE SPRAYERS AND LANDSCAPERS

All applications for permits by tree sprayers and landscapers shall be accompanied by the applicant's New York State Department of Environmental Conservation license and registration number. All vehicles for which a permit is requested must be inspected by the District prior to the issuance of the permit.

SECTION 8.4 TEMPORARY AND SEASONAL PERMITS

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

SECTION 8.5 DESIGNATED HYDRANTS

Use of hydrants will be limited to those hydrants indicated on a list provided to the permittee by the District.

ARTICLE VIII — Hydrant Regulations *(continued)*

SECTION 8.6 REPORTING OF HYDRANT DAMAGE OR MISUSE

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

SECTION 8.7 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 applicant at his own expense with the applicant's own gauges. A non-refundable fee set forth in the rate schedule on file at the District will be charged by the District for administration of the application and services provided.

SECTION 8.8 CANCELLATION OF PERMITS

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

SECTION 8.9 MANDATORY USE OF BACKFLOW PREVENTION

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

SECTION 8.10 HYDRANT ACCESS

All trees, bushes and obstructions must be set back from existing hydrants by a minimum of eight (8) feet.

ARTICLE IX — Bottled/Vended Water Facilities

SECTION 9.1 PERMIT CONDITIONS

All bottled/vended water facilities consisting of either bottling plants or vending machines which will in any way connect to the facilities of the District, either directly or indirectly, must first obtain a permit from the District. A permit shall not be issued by the District unless said bottled/vended water facility:

- (a) has a separate outside water service with a separate meter;
- (b) has a Department of Health approved reduced pressure zone device;
- (c) has received approval or certification for the New York State Department of Health and the Nassau County Health Department;
- (d) has provided and maintains a Comprehensive General Liability Policy (including products liability) on an occurrence basis in the amount of one million (\$1,000,000.00) dollars per occurrence, two million (\$2,000,000.00) dollars aggregate, plus five million (\$5,000,000.00) dollar umbrella liability policy. The District must be named as an Additional Insured on a primary, non-contributory basis to all other insurance obtained independently by the District.
- (e) has agreed under the permit to hold harmless and indemnify the District from any and all claims for damages, including reasonable attorney's fees, resulting from the dispensing of water from the facility or inspection and testing requirements herein.

The permit is further conditioned upon:

- (f) periodic inspection as required by both the U.S. Food and Drug Administration and the New York State Department of Health;
- (g) weekly, quarterly and annual testing on the end product by an independent New York State approved laboratory for all bacteriological, organic, heavy metal, pesticides, herbicides and priority pollutants and contaminants required by all regulatory agencies, including EPA, New York State and Nassau County; and
- (h) direct mailing of all test results by the laboratory to the District and the regulatory agencies.

In the event that any of the above conditions are not met and/or that any of the required tests fail, the permit shall be revoked and water service to said bottled/vended water facility shall be terminated forthwith.

ARTICLE X — Water Conservation

SECTION 10.1 STATEMENT OF POLICY

It has always been the policy of the District to preserve the quantity and quality of our potable water supply and to encourage conservation. In order to implement this policy, the Board requires its consumers to comply with the Nassau County Lawn Sprinkling Regulations on file with the District.

SECTION 10.2 USE OF HOSES

All hoses used shall be equipped with spring-loaded nozzles. The use of a hose for flushing driveways, sidewalks and streets is prohibited.

SECTION 10.3 COMMERCIAL AND INDUSTRIAL EQUIPMENT

- a) **Required Water Recycling System** — All water cooled equipment installed in the District and connected directly or indirectly with the water system of the District, whether for comfort air conditioning, industrial cooling, refrigeration, processing or other purpose is prohibited except if such equipment is provided with a water-recycling system such that District water is used only for the initial filling of the installation and make-up water required by evaporation or flushing.
- b) **Conversion of Existing Systems** — All existing water-cooled equipment shall be converted to an air-operative system or equipped with a water-recycling system.
- c) **Required Backflow Preventor** — The water supply line from the District to all premises having water-cooled equipment shall be provided with a reduced pressure zone backflow preventor.
- d) **Manufacturing or Cooling Equipment** — Consumers utilizing water for manufacturing or cooling equipment must have low water or low pressure cut-off switches installed on their equipment.

SECTION 10.4 CAR AND FLEET VEHICLE WASHES

All car and fleet vehicle wash establishments must be equipped with re-circulating facilities as specified by the County of Nassau.

ARTICLE X — Water Conservation *(continued)*

SECTION 10.5 OUTDOOR FOUNTAINS AND SPRAY PONDS

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

SECTION 10.6 PLUMBING FIXTURES

All additions and alterations to plumbing fixtures to any premises within the District shall conform to all state, county and Town of Oyster Bay performance standards.

ARTICLE XI — Violations of Ordinances Tampering With District Facilities — Penalties

SECTION 11.1 DAMAGE TO DISTRICT FACILITIES

Anyone who causes damage to any of the District's water mains, hydrants, service lines or appurtenances shall repair same at their expense. The repair shall be made in accordance with the District's standards and specifications with new materials by an approved plumber or water main contractor under the supervision of the District.

SECTION 11.2 VIOLATION OF ORDINANCES

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

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

SECTION 11.3 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.

SECTION 11.4 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 other-

ARTICLE XI — Violations of Ordinances Tampering With District Facilities — Penalties *(continued)*

wise 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 XII — Amendments and Effective Date

SECTION 12.1 AMENDMENTS

The District reserves the right to amend, add to, repeal or otherwise change these Ordinances at any time in a manner provided by law.

SECTION 12.2 REVOCATION OF PREVIOUS ORDINANCES

All Ordinances, Rules, Regulations, resolutions, orders and directions heretofore issued by the Board are hereby revoked, cancelled and annulled insofar as they shall be inconsistent with any of the within Ordinances.

SECTION 12.3 VALIDITY OF ORDINANCES

If any section, paragraph, subdivision, clause, phrase or provision of this Ordinance or amendments thereto shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this Ordinance as a whole or any part or provision thereof other than the part so decided or held will be invalid or unconstitutional.

SECTION 12.4 EFFECTIVE DATE

The foregoing Ordinances, Rules and Regulations of the South Farmingdale Water District, duly adopted by the Board of Commissioners on the 15th day of December, 2005 shall take effect on January 1, 2006.