

At a regular meeting of the Village of Schuylerville Board of Trustees held on Wednesday, December 14, 2011 at the Village Municipal Center, 35 Spring Street, Schuylerville, New York 12871, the following resolution was passed.

**Local Law No. 1 of 2011**

**A LOCAL LAW AMENDING THE  
RULES GOVERNING WATER**

On the motion of Trustee Foehser, seconded by Trustee Sherman,

**Be it enacted** by the Village of Schuylerville Board of Trustees, County of Saratoga, State of New York as follows:

**1. Purpose.**

The purpose of this Local Law is to:

A. Protect the public potable water supply of the Joint Water System operated by the Schuylerville/Victory Board of Water Management and serving the Villages of Schuylerville and Victory, from the possibility of contamination by isolating, within its customers' internal distribution systems or its customers' private water systems, contamination or pollutants that could otherwise backflow into the public water supply system; and

B. Comply with the requirements of the New York State Sanitary Code (10 NYCRR Part 5).

**2. Definitions and word usage.**

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

**AIR GAP SEPARATION** – A physical break between a supply pipe and a receiving vessel. The air gap shall be at least double the diameter of the supply pipe; measured vertically above the top rim of the vessel, and in no case shall be less than one (1) inch.

**APPROVED CHECK VALVE** – A check valve that seats readily and completely. It must be carefully machined to have free-moving parts and assured watertightness. The face of the closure element and valve seat must be bronze, composition or other noncorrodible material that will seat lightly under all prevailing conditions of field use. Pins and bushings shall be bronze or other noncorrodible, nonsticking material, machined

for easy, dependable operation. The closure element (e.g., clapper) shall be internally weighted or otherwise internally equipped to promote rapid and positive closure in all sizes where this feature is obtainable.

**APPROVED DOUBLE-CHECK VALVE ASSEMBLY** – An assembly of at least two (2) independently acting approved check valves, including tightly closing shutoff valves on each side of the check valve assembly and suitable test cocks, plus connections available for testing the watertightness of each check valve.

**APPROVED REDUCED-PRESSURE-PRINCIPLE BACKFLOW PREVENTION DEVICE** – A device incorporating two (2) or more check valves and an automatically operating differential relief valve located between the two (2) checks, two (2) shutoff valves, and being equipped with necessary appurtenances for testing. The device shall operate to maintain the pressure in the zone between the two (2) check valves at less than the pressure on the public water supply side of device. At cessation of normal flow, the pressure between the check valves shall be less than the supply pressure. In case of leakage of either valve, the differential relief valve shall operate to maintain this reduced pressure by discharging to the atmosphere. To be approved, these devices must be readily accessible for maintenance and testing and must be installed in a location where no part of the device will be submerged.

**APPROVED WATER SUPPLY** – Any water supply approved by or under the public health supervision of a public health agency of the State of New York, the County of Saratoga or the Board of Water Management. In determining what constitutes an “approved water supply,” the Department of Public Health of the State of New York (the “State Health Department”) shall have the final judgment as to its safety and potability.

**AUXILLIARY WATER SUPPLY** – Any water supply on or available to the premises other than the Joint Water System Water Supply.

**BOARD OF WATER MANAGEMENT** – The Schuylerville/Victory Board of Water Management, established by the Villages of Schuylerville and Victory by Intermunicipal Agreement dated June 22, 2001, to operate the Joint Water System.

**CHIEF WATER OPERATOR** – The Chief Water Operator of the Joint Water System or his/her authorized representatives.

**CODE ENFORCEMENT OFFICER** – The Code Enforcement Officer of the Village of Schuylerville or his/her authorized representative.

**CONSUMER** – Any person to whom water is sold or furnished from the Joint Water System.

**CONTAMINATION** – Any impairment of the quality of the Water Supply by the presence of any foreign substance (organic, inorganic, radiological or biological) to a degree that creates a hazard to the public health.

**CROSS CONNECTION** – Any unprotected connection to any part of the Joint Water System used or intended to supply water for drinking purposes and any source or system containing water or substance that is not approved as safe, wholesome and potable for human consumption.

**JOINT WATER SYSTEM** – The public water supply system providing potable water to the Villages of Schuylerville and Victory and certain other areas.

**NON TOXIC SUBSTANCE** – Any substance of a nonpoisonous nature that may create a moderate or minor hazard to the Water Supply.

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

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

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

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

**SERVICE CONNECTION** – The terminal end of a service connection from the Joint Water System at its point of delivery to the consumer. If a meter is installed, “service connection” means the downstream end of the meter. No unprotected takeoffs from the service line ahead of any meter or backflow protective device located at the point of delivery to the consumer shall be permitted.

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

**VILLAGE** – The Village of Schuylerville, New York.

**WATER SUPPLY** – The approved water supply sold and delivered to consumers' premises through the Joint Water System.

B. As used in this Article, the word "shall" is mandatory; the word "may" is permissive.

**3. Backflow protection.**

**A. Auxiliary water supply:**

Each service connection from the Water Supply for furnishing water to premises having an auxiliary water supply shall be protected against backflow of water from the premises into the Water Supply.

- (1) If the auxiliary water supply is handled in a separate piping system with no known cross-connection, the Water Supply shall be protected by an approved double-check valve assembly installed at the service connection to the premises. When the auxiliary water supply may be contaminated, the Chief Water Operator may order the Water Supply protected by an air gap separation or an approved reduced-pressure principle backflow prevention device installed at the service connection.
- (2) If the auxiliary water supply is handled in a separate piping system and cross-connections are known to exist between the Water Supply and the auxiliary water supply that cannot currently be eliminated, the Water Supply shall be protected by an approved reduced-pressure-principle backflow prevention device installed at the service connection.

**B. Toxic or hazardous substances:**

Should a facility be rated hazardous, a reduced pressure zone device is required independent of a separate system handling the auxiliary water system. The Board of Water Management may also require a reduced pressure zone device if the facility is rated non-hazardous and the auxiliary water system does not meet the water quality requirements of the Sanitary Code (10 NYCRR Part 5).

**C. Non-hazardous substances:**

At the service connection to any premises on which a substance that would be objectionable (but not necessarily hazardous to health), if introduced into the Water Supply, is handled in such a manner as to constitute a cross-connection, the Water Supply shall be protected by an approved double-check valve assembly.

**D. Non-hazardous to hazardous:**

In the event a facility is rated non-hazardous and is to subsequently become hazardous, prior notification of at least thirty (30) days shall be given to the Board of Water Management before the change takes place. A protective device as required for hazardous substances must be installed.

E. Sewage treatment plant and pumping station:

At the service connection to any sewage treatment plant or sewage pumping station connected to the Water Supply, the Water Supply shall be protected by an approved reduced-pressure-principle backflow prevention device.

F. Fire system:

At the service connection to any premises in which a fire-protection system is installed, the Water Supply shall be protected based on the water source and arrangement of supplies in accordance with the following classifications:

(1) Class 1.

- (a) Direct connection from public water mains only; no pumps, tanks or reservoirs; no physical connections from auxiliary water supplies; no antifreeze or other additives of any kind; all sprinkler drains discharging to atmosphere, dry wells or other safe outlets.
- (b) Protection. Double check valve assembly if not already installed in the system.

(2) Class 2.

- (a) Same as Class 1, except booster pumps may be installed in the connections from the street mains.
- (b) Protection: Double check valve assembly if not already installed in the system.

(3) Class 3.

- (a) Direct connection from public water supply main plus one (1) or more of the following: elevated storage tanks; fire pumps taking suction from aboveground covered reservoirs or tanks; and pressure tanks.
- (b) Protection: Double-check valve assembly.

(4) Class 4.

- (a) Directly supplied from public mains similar to Classes 1 and 2 and with an auxiliary water supply on or available to the premises; or an auxiliary supply may be located within one thousand seven hundred (1,700) feet of the pumper connection.

(b) Protection: Air gap or reduced-pressure-principle backflow prevention device.

(5) Class 5.

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

(b) Protection: Air gap or reduced-pressure-principle backflow prevention device.

(6) Class 6.

(a) Combined industrial and fire-protection systems supplied from the public water mains only, with or without gravity storage or pump suction tanks.

(b) Protection: Determined by the Chief Water Operator upon review of engineering drawings of the system.

G. Lawn sprinkling systems:

At the service connection to any permanently installed lawn sprinkling system, the Water Supply shall be protected by an approved double-check valve assembly. If the lawn sprinkling system handles liquid fertilizers or other chemicals, the Water Supply shall be protected by an approved reduced-pressure-principle backflow prevention device.

**4. Responsibility.**

A. Consumer responsibility. It shall be the responsibility of each consumer at his/her own expense to furnish, install and keep in good working order and safe condition any and all protective devices required in this Local Law. The Board of Water Management and the Village of Schuylerville shall not be responsible for any loss or damage directly or indirectly resulting from or caused by the improper or negligent installation, operation, use, repair or maintenance of or interfering with any protective device by any consumer or any other person.

B. Conflicts. Whenever two (2) or more conditions exist on any premises for the correction of which different protective devices are required in this Local Law, the consumer shall be required only to install the protective device which, in the opinion of the Chief Water Operator, affords the maximum protection to the Water Supply.

**5. Inspection; records; cost.**

The consumer on whose premises any protective device is installed shall have each such device inspected annually. If successive inspections disclose repeated failures in the operation of any device, the Chief Water Operator or Code Enforcement Officer may require more frequent inspections. Each device shall be repaired, overhauled or replaced at the expense of the consumer whenever it is found to be defective. Records of such tests, repairs and overhauls shall be kept and a copy of such records shall be forwarded to the Chief Water Operator on an annual basis. The Chief Water Operator shall have the duty of determining that the inspections required herein are performed properly. If, following demand therefor, a consumer fails to have any of the inspections made as required herein or to make the above-described records available, the Chief Water Operator, Code Enforcement Officer or a duly authorized certified tester shall have the right to inspect the device and the consumer shall pay the cost thereof.

**6. Failure to comply; service to be discontinued; notice; service; penalties.**

A. No water service connection shall be installed on the premises of any consumer unless the Water Supply is protected as required by this Local Law.

B. Delivery of water to the premises of any consumer may be discontinued by direction of the Board of Water Management if any protective device required by this Local Law has not been installed, inspected, tested and maintained or is defective or has been removed or bypassed.

C. Delivery.

(1) Delivery of water shall be discontinued immediately and without notice to the consumer if the Chief Water Operator determines that:

- (a) The Water Supply is being contaminated or is in immediate danger of contamination;
- (b) A protective device required by this Local Law has not been installed or is defective or has been removed or bypassed; and
- (c) The consumer cannot immediately be located.

(2) Delivery of water shall not be resumed until any protective device required by this Local Law and approved by the Chief Water Operator has been properly installed or until conditions at the consumer's premises causing the contamination danger or contamination have been abated or corrected to the satisfaction of the Chief Water Operator.

D. Notice.

- (1) Except as provided in Subsection 6.C above, delivery of water shall not be discontinued until written notice thereof has been given to the consumer. The notice shall state:
  - (a) The conditions or defects that must be corrected;
  - (b) The manner in which the stated conditions or defects are to be corrected; and
  - (c) The date on or after which delivery of water will be discontinued, which shall not be fewer than fifteen (15) nor more than ninety (90) days following the date of delivery or mailing of the notice. The Board of Water Management may grant the consumer an extension of an additional period not to exceed ninety (90) days if it determines that the consumer has exercised due diligence but has been unable to comply with the notice within the time originally allowed.
- (2) The notice shall be given by delivering the same to the consumer, the manager or agent thereof or to any person in charge of or employed in the place of business of the consumer; or, if the consumer has no place of business, residence of the consumer. If the consumer cannot be found, service of the notice shall be mailed, postage fully prepaid, addressed to the consumer at the place of business or residence set forth in the application of consumer for water service in the records of the Board of Water Management.

E. Authority to Inspect and Inspection and Entry.

- (1) For the purpose of making any inspections or discharging the duties imposed by this Local Law, the Chief Water Operator, the Code Enforcement Officer or a duly authorized certified tester shall be permitted to enter upon the premises of any consumer at reasonable times, upon reasonable notice and after the presentation of the proper credentials. Each consumer, as a condition of the continued delivery of water to his/her premises from the Water Supply, shall permit the Chief Water Operator, the Code Enforcement Officer or a duly authorized certified tester entry upon his/her premises at reasonable times, upon reasonable notice and after the presentation of the proper credentials, for the purposes stated herein.
- (2) In the event a consumer denies the Chief Water Operator, the Code Enforcement Officer or a duly authorized certified tester access to his/her premises as set forth in paragraph 6.E.(1), the Chief Water Operator may discontinue water service to such premises without notice if the Chief Water Operator determines that there is a risk of contamination of the Water Supply.



E. Any consumer who knowingly permits a violation of this Local Law to remain uncorrected after the expiration of the applicable time periods set forth in this Local Law shall be subject to a fine of not to exceed Fifty Dollars (\$50.00), or imprisonment not to exceed thirty (30) days. Each day that such violation continues shall constitute a separate violation. An action or proceeding in the name of the Village may be commenced in any court of competent jurisdiction to enforce the provisions of this Local Law.

**7. Currently installed devices.**

All currently installed prevention devices that do not meet the requirements of this Local Law, but were approved devices for the purposes described herein at the time of installation and that have been properly maintained shall, except for the inspection and maintenance requirements herein, be excluded from the requirements of these rules for a period of three (3) years from the effective date of this Local Law, so long as the Chief Water Operator determines that such devices will satisfactorily protect the Water Supply. Whenever an existing device is moved from its present location, requires more than minimum maintenance, or constitutes a hazard to health, the device shall be replaced by a backflow prevention device meeting the requirements of this Local Law.

**8. Effective date.**

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

**Roll call vote taken on the foregoing resolution resulted as follows:**

**AYES:** Trustee Sherman, Trustee Miers, Trustee Foehser, Trustee Petralie

**NAYS:** None

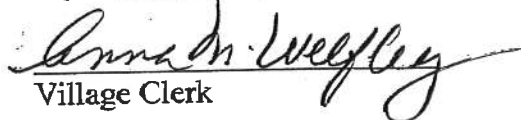
**Said resolution declared Adopted.**

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Village of Schuylerville  
State of New York      SS:  
County of Saratoga

I, Anna M. Welfley, Village Clerk of the Village of Schuylerville, do hereby certify that the Resolution and Order, of which the foregoing is a copy, was duly adopted by the Village of Schuylerville Board of Trustees, at a meeting of said Board of Trustees held on the 14<sup>th</sup> day of December, 2011 and that I have compared the preceding resolution with the original resolution duly adopted by said Board of Trustees and contained in the minutes of said meeting of said Board of Trustees now on file in my office, and that the same is a correct transcript therefrom and of the whole of said original.

In witness whereof, I have  
hereunto subscribed my  
name and affixed the seal  
of said Village, this 14<sup>th</sup>  
day of December, 2011.

  
Village Clerk