

Now, therefore, the Commissioners of the Bethpage Water District do hereby ordain and enact the following ordinances pursuant to the laws of the State of New York by unanimous vote.

ARTICLE I

Section 1.1 **SHORT TITLE**

These Ordinances shall be known and may be cited as the "Ordinances of the Bethpage Water District."

DEFINITIONS

For the purposes of this ordinance, the following terms, phrases, words and their derivation shall have the meaning herein. When not inconsistent with the context, words used in the present tense include the future tense and words used in the plural number include the singular number. The word "shall" is always mandatory and not merely discretionary.

Section 1.2 **DISTRICT:** The word "District" wherever used in the within ordinances shall refer to the Bethpage Water District, Town of Oyster Bay, County of Nassau, State of New York, and the Commissioners and employees of said District vested with the authority and responsibility for the enactment and enforcement of this ordinance.

Section 1.3 **BOARD OF COMMISSIONERS:** The word "Board" or "Board of Commissioners" wherever used in the within ordinances shall refer to the Board of Commissioners of the Bethpage Water District, Town of Oyster Bay, County of Nassau, State of New York.

Section 1.4 **PERMITS AND INSTALLATIONS:** The words "installations", "services", "permits", or "licenses" shall include any and all lines extending from the District main, including water services, water meters, and curb stops.

Section 1.5 **AUTHORIZED PERSON:** The words "authorized person" refer to an agent of the District or a licensed plumber bonded and insured in favor of the District.

Section 1.6 **AUTHORIZED AGENT OR REPRESENTATIVE OF THE DISTRICT:** An "authorized agent or representative of the District" includes the Board of Commissioners and its duly authorized agents, including the employees of the District.

Section 1.7 **OWNER:** The word "owner" of the property means his duly authorized agent or tenant and his successors or assigns.

Section 1.8 **CONSUMER/CUSTOMER:** 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.

Section 1.9 **CONSUMER'S WATER SYSTEM:** "Consumer's water system" means the piping used throughout the consumer's premises to convey water supplied by a public water supply system. The consumer's water system begins where the water services exits the curb stop and not at the meter location.

Section 1.10 **POTABLE WATER:** "Potable water" is that which complies with the drinking water quality provisions of the New York State Sanitary Code.

Section 1.11 **ENGINEER:** The word "engineer" refers to the fully authorized and appointed Bethpage Water District Engineer.

Section 1.12 **PERSON:** 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.

Section 1.13 **SUPERINTENDENT:** The word “superintendent” shall mean the Water Superintendent of the Bethpage Water District or other officer or agent as the Board of Commissioners shall duly authorize to act in enforcement of these regulations.

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 having first obtained written permission from the Board of Water commissioners or its duly authorized representative.

Section 2.2 LEGAL DESCRIPTION OF PROPERTY

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. When requested, evidence of ownership and a legal metes and bounds description of the property shall be submitted with the application.

Section 2.3 APPLICATIONS AND FEES

a) An application provided by the District or prepared by the applicant shall include the following information: 1) use of the premises 2) total water consumption 3) differentiation of water used for potable purposes and commercial, industrial and non-potable purposes 4) total square footage of proposed development and in a mixed usage premises, the allocation of square footage for each type of use 5) any other factors which may effect the consumption, conservation, health and safety of its inhabitants of the premises and the District.

b) 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 initial application fee covers the District’s engineering expenses for preliminary review of the application. Accordingly, said application fee is non-refundable regardless of whether the application is ultimately granted or denied. Additional fees may be charged for processing of any approved application.

Section 2.4 REVIEW BY BOARD OF COMMISSIONERS

a) Upon receipt of a completed application, the Board of Commissioners shall cause a review to be made thereof, considering

the use of the premises, contemplated zoning changes, the total anticipated water demand, impact upon the District's current distribution system, and any other factor which may affect the health, welfare or safety of the Water District's inhabitants.

b) In the event an application for premises that is the subject of a zoning review or environmental review which in the sole judgment of the Board of Commissioners requires participation by District employees, its attorneys, engineers or other necessary consultants, the actual reasonable cost thereof shall be billed to the applicant as an additional application fee payable by the applicant.

c) In the event such services are rendered on account of premises located within the District prior to the submission of a formal application or request for water availability, the additional application fee will be held in abeyance until the submission of a formal application or request for water availability. Said application fees shall be estimated by the District and collected at the time of the submission of the application. Said fees shall be held in escrow by the District until the expenditure by the District. Estimated application fees not used by the District shall be refunded to the applicant by the District.

d) In the event the District expenses exceed the initial fee and deposit made by the applicant any balance shall be due and payable prior to final consideration of the application.

Section 2.5 PERMIT CONDITIONS

After review, the Board of Commissioners in its sole discretion may approve or reject the application based upon the public interest of the District. Further, the Board may regulate any approval of water availability by requiring appropriate conditions including, among others, (a) the installation to code of water

saving or restricting and sensitivity devices; (b) integration and coordination of the new installation with the District's existing distribution system at the sole cost of the applicant, and (c) real property covenants running with the land facilitating increased water quality and water conservation.

Section 2.6 REGULATION OF FACILITIES

No water shall be used for any purpose other than that specified in the application or set forth in the formal letter of water availability. Nothing in this Article shall be deemed to restrict in any way the Board of Commissioner's full powers under law to regulate any of its facilities and installations at any time, including retroactive upgrading of a consumer's distribution system as it impacts upon those facilities.

Section 2.7 REGISTRATION CARD

Upon final approval of an application by the District, the applicant shall execute a formal registration card that shall be filed with the District. At that time, the application shall constitute a contract between the applicant and the District, obligating the applicant to pay to the District the established rate or rates as the same shall, from time to time, be fixed by the Board of Commissioners, and shall constitute an agreement to comply with and be bound by the ordinances, rules and regulations of the Bethpage Water District and amendments thereto. 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 any property owned or leased by the applicant for the purpose of installing, inspecting, upgrading, repairing, retrofitting or removing any or all meters, valves or pipes of the water supply system located thereon at the sole cost of the applicant, and to read meters and to inspect or test the meter and/or the plumbing facilities on such property and the manner in which the water or services of the District are being used.

Section 2.8 WAIVER OF DAMAGES

Said applications, when approved by the District, shall constitute a waiver of any rights or claims of right to the payment for damages occasioned by or attributable to the failure or interruption of water supply and the application signed by the consumer shall so specifically state.

Section 2.9 TEMPORARY OR EXTRAORDINARY PERMITS

Applications for temporary service or for service of any extraordinary nature will be accepted upon written application therefor. Permits 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 for such services shall reimburse the District for all expenses incurred by the District in connection with providing the said temporary or extraordinary service.

The applicant for a permit shall specify the estimated duration of the period for which the permit is sought and the above charges shall become due and payable simultaneously with the filing of the application.

Section 2.10 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 required for a new installation as set forth in these ordinances, rules and regulations.

Section 2.11 CERTIFICATE OF WATER AVAILABILITY

a) All persons or developers requesting a Certificate of Water Availability whether for residential, industrial, office, commercial, or multi-family use, and whether or not they intend to file a sub-division map or seek a building permit from the appropriate public authorities, shall apply for such Certificate and enter into an agreement with the District covering the procedure to be followed for extension of water service to the subject lands. A schedule of rates, charges, and deposits to be paid by a person or developer requesting a Certificate of Water Availability is on file at the District Office.

b) A request for of water availability shall be treated as an application for water service in all respects. In addition to any additional requirements contained in paragraph "a" of this Section the terms and conditions of Article II shall also apply.

ARTICLE III

BILLING

Section 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, either in person or through the mail. All checks in payment of bills shall be received subject to collection.

Section 3.2 BILLS NOT PRO-RATED

Bills for the minimum quarterly charge shall not be pro-rated. A full minimum charge will be billed for any portion of that

quarterly period in which a new meter goes on line, an existing meter is restored to active service, or property is transferred.

Section 3.3 BILLS TO BE RENDERED AND PAID QUARTER-ANNUALLY

a) Meters will be read quarter-annually and consumers will be billed quarter-annually, unless the Board of Commissioners otherwise directs.

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

c) Meter readings are the responsibility of the consumer. It shall be the duty of each customer to compare readings to prevent inaccuracies in bills presented to the customer. Customers have the responsibility to avoid estimated readings by making arrangements for actual readings during normal business hours, taking and reporting the actual reading to the district, or requesting the installation of a remote reading meter. Errors in billing must be brought to the attention of the District at the time of payment of the erroneous bill.

Section 3.4 DISCONTINUANCE OF SERVICE

Any consumer may effect a discontinuance of service upon written request, to the District.

Section 3.5 PENALTIES FOR NON-PAYMENT AND ARREARAGE

a) All bills are due and payable when rendered. A penalty of ten (10%) percent of the amount due for any unpaid bill shall be added to all unpaid water and service charges which are in arrears for thirty days or longer.

b) If such water and service charges or penalties are not paid within sixty (60) days from the due date, the water supply may be cut off and discontinued. Such water supply shall not be resumed until all charges and penalties are paid and an additional service charge of \$50.00 or as otherwise established by the Board of Commissioners, shall have been paid.

c) All water and service charges by the District shall be a lien upon the real property in connection with such water or service was used. Owners of the premises whereon water is used shall be held responsible for water rents of their tenants, and the water rent shall be a lien upon the property which shall run with the land.

ARTICLE IV

WATER RATES, CHARGES, FEES AND DEPOSITS

Section 4.1 PRIOR PAYMENT

No person or corporation will be permitted to use the water of the District for any purpose without first having obtained permission from the District based on written application therefor and payment of all fees, charges or deposits in connection therewith.

Section 4.2 RATES

a) Water rates and minimum quarterly charges are established by the Board of Commissioners pursuant to the authority vested in it by the Town Law of the State of New York and are set forth in the rate schedule on file at the District Office.

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

Section 4.3 CHARGES APPLICABLE TO FIRE LINE AND STAND PIPE CONNECTIONS

a) Whenever a fire line for a sprinkler system, stand pipe connection, or privately installed fire hydrant shall be installed on any premises, the owner of said premises shall pay to the District charges in accordance with the fee set forth in the rate schedule on file at the District Office.

b) For installations during the year, bills will be pro-rated from the date of installation to end of the year. Charges will be billed the beginning of each calendar year for that year.

Section 4.4 CHARGES FOR TEMPORARY USE OF WATER FROM HYDRANTS

a) Any person or corporation authorized by permit to draw and use water from hydrants of the District shall pay to the District charges for permit and deposit as set forth in the rate schedule on file at the District Office.

b) Bills for consumed water will be rendered and the charge shall conform to the maximum rate established for water consumption in the District for permanent installation of service.

Section 4.5 CHARGE FOR RESTORATION OF SERVICE

Where the water supply is turned off for any reason, other than by District personnel, except for nonpayment of the water charges as established by the Board of Commissioners, an additional fee will be charged to cover the labor of turning the

service off or on as set forth in the rate schedule on file at the District Office.

A separate fee will be charged pursuant to the rate schedule on file at the District Office should the consumer request that his meter be disconnected, stored and reconnected by the District. This charge is payable in full prior to the meter being disconnected or reconnected.

Section 4.6 INSTALLATION CHARGES FOR WATER SERVICES

An installation charge, as set forth in the rate schedule on file at the District Office, shall be assessed for any premises into which water is introduced for permanent use. For all water services, up to and including one (1") inch in size, the following materials and services will be included in the charge:

- (a) Tapping and corporation cock
- (b) Water Meter
- (c) Meter pit and meter pit cover and cover adaptor
- (d) Curb stop, service box and rod
- (e) Double Check Valve Assembly
- (f) Inspection of installation

All work in connection therewith, with the exception of the tap, shall be done by a plumber or contractor licensed by the Town of Oyster Bay and bonded with the District, at the expense of the applicant-consumer. A tapping fee will be charged by the District for services rendered therewith as set forth in the rate schedule on file at the District Office.

Where the installation shall be larger than one (1") inch in size, the materials to be purchased from the District shall be determined by the size of the installation. The price for materials will be their cost to the District plus 25% for general overhead expenses.

Section 4.7 IMPLEMENTATION OF FEES

Prior to the issuance of any authorization by the District for water to persons or developers sub-dividing or planning to develop lands with new construction, whether zoned residential, industrial, commercial, or multi-family, and whether or not they intend to file a sub-division map or seek a building permit, such person or developer shall pay a charge to augment the facilities of the District such as wells, storage tanks and transmission lines. Said charges shall be known as an "implementation fee" and shall be assessed according to the rate schedule on file at the District Office.

Section 4.8 WATER MAIN INSTALLATIONS

a) The cost of water main installations for residential, industrial, office building, commercial or multi-family uses are chargeable to the developer. Other than engineering and legal costs which shall be charged to the developer, direct extension costs for water mains for residential property shall be partially borne by the District for mains larger than ten (10") inches unless such diameters are required as a result of the developers use or standby requirements. In such event the District shall bear only the cost differential for such larger mains.

b) Water mains shall be located in public rights of way unless otherwise approved by the Board of Water Commissioners.

Section 4.9 CHARGES FOR RELOCATION OF HYDRANTS

Any person or corporation requesting the relocation of a hydrant must first petition the Board of Water Commissioners by letter, stating the location and reasons for the relocation requested. After the Board of Water Commissioners, or its representative, has inspected the condition, the petitioner will be so notified if

the petition has been approved or denied. In the event the petition is granted, the cost of such relocation will be estimated and the amount paid to the Bethpage Water District before such work shall be done.

ARTICLE V

SERVICE INSTALLATION

Section 5.1 PERMIT APPLICATION

a) All water service installations shall be made at the expense of the consumer or owner of the premises and shall conform in all respects to the requirements and specification established by the Board of Commissioners from time to time and by Article III of these Ordinances and the Rules and Regulations.

b) All new water services and all replacements of existing water services shall be installed in accordance with the requirements of the Rules and Regulations concerning back-flow and cross-connections.

Section 5.2 WATER NOT TO BE SUBMETERED

Not more than one premises or building shall be supplied through any single tap without the written approval of the Board, nor shall any District water be submetered. In all permanent installations separate and distinct stop cocks and meters must be provided for each building or premises.

Section 5.3 WATER TO BE METERED

a) 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 Bethpage Water District and shall be of such size as the Board shall deem proper. The Board reserves the right to grant permits upon application for the installation of temporary service at a flat rate for such service or to require that a meter be installed.

b) Fire services are not required to be metered.

c) On all installations requiring a fire service, such fire service shall be tapped from the main on a service line separate and distinct from the domestic potable water service.

Section 5.4 PLUMBERS TO BE LICENSED

a) No persons shall make any attachment to or connection with the pipes or mains of the District or make any repairs, or additional extensions or alterations to the facilities of the District unless he is an authorized employee or contractor of the District or a duly licensed plumber in New York, and the Town of Oyster Bay.

b) Any plumber or contractor making street openings or excavations shall take all precautions for the safety and convenience of the public and shall assume all responsibility and liability for injuries or damages resulting therefrom and shall save and hold the District, the Board, its agent and employees harmless from all liability for damages or injuries arising therefrom. Prior to commencement of this work, the plumber or contractor shall have first secured and delivered to the District a Certificate of Insurance from an "A" rated New York State licensed insurance company, naming the District as an additional named insured, in an amount which shall be set at the District's sole discretion covering both personal injury and property damage.

c) Every approved contractor or plumber shall execute and file with the District a bond in the sum of at least five thousand (\$5,000.00) 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.

Section 5.5 TAPPING TO BE PERFORMED BY DISTRICT REPRESENTATIVE

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

b) No plumber or other person shall, without specific authorization by the Board, tap or otherwise connect, disconnect or repair any pipe, valve or other appurtenances to any facility of the District, except that a duly licensed plumber may make installations and repairs of water lines and appurtenances on the consumer's side of the meter, provided that the said installation or repair shall in all respects comply with the specifications and requirements as may be established by these Ordinances and by the Board of Commissioners.

c) Where a person other than an employee or officer of the District shall be authorized by the Board to tap mains and install or set water meters, he shall post a surety performance bond covering his workmanship and material in an amount set forth in

Section 5.6 INSPECTION OF NEW INSTALLATIONS AND EXTENSIONS

No water shall be introduced into private pipe lines upon any premises until and unless the same shall have been inspected and approved, and, if there be an inside meter on the premises, until the said meter shall have been officially sealed by the District.

Section 5.7 NEW INSTALLATIONS AND UNDERGROUND METER PITS

a) Except where authorized by resolution of the Board of Water Commissioners, all meters for permanent installations shall be installed in underground meter pits located upon the exterior of the premises or of other design as approved by the Board.

b) All installation equipment, devices, and materials shall be supplied and installed by the consumer at his or her own expense unless otherwise provided by the Board of Commissioners.

c) Except as otherwise provided in these ordinances, the installation of meters shall be made by the consumer at his own expense and shall conform in all respects to the requirements and specifications established by the Board of Commissioners by these Ordinances or the Rules and Regulations.

Section 5.8 ACCESS TO METERS

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

Section 5.9 ENTRY UPON PREMISES

The Board of Commissioners, its authorized employees and agents are authorized to enter upon the premises of the consumer at all times for the purpose of reading, inspecting, repairing, maintaining, removing or testing the water facilities, meters and appurtenances through which water of the District is supplied.

Section 5.10-SETTING OF METERS

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

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

Section 5.11 STOP VALVES IN BUILDINGS

A stop valve shall be installed within the building at the closest practicable point where the service line enters the building. Whenever the meter shall be located within the building, the stop valve shall be located on the inlet side of the meter.

Section 5.12 PROTECTION OF METERS

a) No hot water lines or other units capable of producing heat shall be located within one foot of the meter.

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

Section 5.13 DRAINAGE

All installations must be equipped with a stop and waste cock located inside the building wall on the outlet side of the meter, and the pipes shall be sloped and arranged so as to permit all

water to be drained therefrom.

Section 5.14 CHARGES FOR TESTING OF METERS

Any consumer may request a check of the accuracy of his or her water meter. Meter tests for meters less than two inches shall be performed by a District representative and are subject to the payment of charges payable in advance as set forth in the rate schedule on file at the District Office. All meters two inches and larger shall be checked by a qualified independent testing firm authorized by the District and the consumer shall bear all charges incidental to such testing. In the event that the meter is found to be over-registering, no charge for testing will be made and an adjusted bill will be rendered. All meters in excess of two inches shall be tested every five years and the results of such test forwarded to the District.

Section 5.15 REPAIR AND REPLACEMENT OF METERS

a) Meters shall not be tampered with or disturbed by any unauthorized person.

b) In the event that any meter fails to register or otherwise becomes out of order, the consumer shall notify the District immediately.

c) All repair or replacement of meters shall be made by an authorized employee or agent of the District. If the repair or replacement is the result of a consumer caused problem, the cost thereof will be charged to the consumer.

d) All meters which in the opinion of the Board have become unsuitable for further use will be replaced. The cost of replacement of meters may be charged to the consumer.

e) All new residents shall be charged a meter hook up fee

which must be paid, according to a schedule maintained by the Board of Commissioners, prior to the activation of water service.

f) Any water meter located within the District shall be subject to testing by the District at its sole discretion. The consumer shall permit the District representatives reasonable access to the premises, during normal business hours, for the purpose of a meter testing. In the event reasonable access is not permitted by the consumer, the District upon fifteen (15) days written notice to the consumer sent to the billing address, the District shall have the right to cut off the water supply to the premises. Meters found to be inaccurate within the limits of the American Water Works Standards shall be replaced by the District.

g) All meters servicing commercial premises shall be tested every five years unless otherwise requested by the District. Meters shall be tested by a testing company approved by the District at the cost of the consumer. All test results must be filed with the District as soon as possible after testing.

h) If any meter is tested at the request of the consumer and found to be accurate within the standards of the American Water Works, the cost of said test shall be billed to the consumer at the rate set by the District.

Section 5.16 NOTICE OF COMPLETION

The consumer, applicant or owner shall file with the District a written report of the completion of all attachments, connections, alterations and extensions of water pipe lines and appurtenances within twenty-four (24) hours after such completion, specifying the nature location and type of attachment, connection, alteration or extension.

Section 5.17 INSPECTION AND APPROVAL OF NEW INSTALLATIONS

a) Except as hereinafter provided, no curb stop shall be opened and no water shall be introduced into or permitted to run into any premises after a connection with the street mains has been made or new extension or attachment has been made unless and until the pipe lines, extensions and attachments have been inspected and approved or such inspection and approval has been waived by the District.

b) In any occupied premises having an approved supply of water, it is not required that the water be cut off or disconnected when minor extensions are made. The District shall be notified of such minor extensions or attachments within seventy-two (72) hours of the making thereof. The District reserves the right, however, to require that the consumer remove any attachments or extensions which do not meet the requirements or specifications established by these ordinances and by the Board of Commissioners.

Section 5.18 REMOVAL OF DEFECTIVE INSTALLATIONS

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

Section 5.19 UNDERGROUND SPRINKLER SYSTEMS

a) A prior approval must be obtained from the Water District for an installation of any type of underground sprinkler system.

Installations shall be made in accordance with the rules and regulations of the District.

b) An approved back flow prevention device must be installed in the manner prescribed by the District.

Section 5.20 METERS TO BE RETURNED TO DISTRICT

Where a meter is no longer required, due to the water service being permanently discontinued or the size of the service being changed, the meter must be returned to the District. An allowance may be made on the returned meter, such allowance, if any, to be determined by the Board or its representative.

Section 5.21 OLD TAPS - TO BE TERMINATED

Whenever a water service is permanently discontinued, or a new tap substituted for the original tap, the old tap must be disconnected at the main. Such disconnection must be witnessed by a representative of the Bethpage Water District. All expenses involved must be paid by the owner or consumer of the premises.

ARTICLE VI

RESPONSIBILITY FOR SERVICE LINES AND APPURTENANCES

Section 6.1 LIABILITY FOR DAMAGES

a) The District, its officers, employees and agents assume no responsibility or liability for any damages, injuries or leakages that may result from an increase or decrease of pressure or a

discontinuance of the supply of water or any other cause. The supply of water may be cut off, discontinued or pressure increased or decreased at any time without notice to the consumer.

Section 6.2 CONSUMER'S RESPONSIBILITY

Consumers are responsible, at their own expense, for keeping their water service pipes and appurtenances in good repair and free from frost and freezing from on the consumer's property line to the interior of the consumer's premises. Said service line is the property of the consumer subject to these ordinances and the rules and regulations of the District. The District assumes no responsibility for any damage that may result from any work performed as a courtesy by the District, at the request of the consumer, on water service lines or pipes which are the property of the consumer.

Section 6.3 LOCATION OF EXISTING MAINS

a) The District will, upon a limited and reasonable request of any person, firm or corporation, attempt to locate an existing water main for the purpose of making an excavation for a water tap. In granting such request, the District assumes no obligation or liability in connection therewith due to inability to locate or improper location of the main. Further, by making such request, the applicant expressly assumes all responsibility to his agent, principal, or employees in the event of such inability to locate the main.

b) A markout of District facilities other than contained in subdivision a) above shall be paid for by the person requesting such markout in accordance with District schedule of fees.

Section 6.4 REPAIRS AND/OR CHANGES

Except in cases where the District has ordered changes or re-

pairs made to a service connection, no repairs, alterations or changes shall be made between the property line and the meter, unless prior notice is given to the District of the date this work is to be done. All such repairs, alterations or changes shall be inspected and approved by an authorized representative of the District prior to backfilling.

Section 6.5 LEAKAGES

a) All leaks in any line or appurtenance through which District water is supplied and owned by the consumer shall be repaired immediately, by the consumer at his or her own cost and expense. Repairs shall be made by authorized plumbers in accordance with these ordinances and the rules and regulations of the District.

b) In the event that any leak shall not be promptly reported to the District and repaired in accordance herewith, the District upon fifteen (15) days written notice to the consumer sent to the billing address, the District shall have the right to cut off the water supply to the premises.

c) In the event the District elects to make an emergency repair to a consumers water service, the cost of such repair shall be billed and charged to the account of the consumer. Non payment of such account shall be treated in the same manner as unpaid water rents.

ARTICLE VII

HYDRANT REGULATIONS

Section 7.1 USE OF HYDRANTS

No person or corporation will be permitted to use the hydrants of the District for any purpose without first having obtained a permit from the District.

Section 7.2 APPLICATION FOR PERMIT

To insure compliance with Board of Health regulations, any person applying for permission to use a District hydrant must file an application with the District and obtain a permit. All vehicles for which a permit is requested must be inspected by the District prior to the issuance of the permit. Upon compliance with this section and the rules and regulations of the District a decal will be issued authorizing each vehicle to use District hydrants. All vehicles using District hydrants must display the decal issued by the District. All applications for permits shall be accompanied by the applicant's New York State Department of Environmental Conservation license and registration number.

Section 7.3 DESIGNATED HYDRANTS

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

Section 7.4 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 Bethpage Water District. All persons are to report any observed, unauthorized use of hydrants to the District.

Section 7.5 HYDRANT METERING

The District shall determine the necessity for the attachment of a meter to the hydrant, and this shall be affixed thereto by an authorized employee of the District.

Section 7.6 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 District 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 7.7 JETTING AND PUDDLING PROHIBITED

Use of water in connection with jetting or puddling during construction or backfilling operations is prohibited.

Section 7.8 PONDING PROHIBITED

Use of the District water supply in creation or maintenance of a man-made pond is prohibited.

Section 7.9 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.

ARTICLE VIII

CROSS CONNECTION AND BACKFLOW PREVENTION DEVICES

Section 8.1 STATEMENT OF POLICY

It is the policy of the Bethpage Water District to protect the public water system within the District in accordance with procedures acceptable to the Board of Commissioners and the New York State Health Department, by containing potential contamination within the premises of the user and by requiring the consumer to follow the applicable provisions of the New York State Sanitary Code, as well as the requirements set forth in the Department's Cross Connection Control Handbook. In accordance with this policy, the Board of Commissioners has adopted rules and regulations to implement this policy entitled "Cross Connection and Backflow Control" consistent with this section.

Section 8.2 STATUTORY AUTHORITY

Chapter I, Title 10, New York State Sanitary Code, Part 5, Drinking Water Supplied, 5-1.31, Cross Connection Control requires that a supplier of water shall protect the public water system in accordance with procedures acceptable to the Commissioner by containing potential contamination within the premises of the user in the following manner:

a) By requiring an acceptable air gap, reduced pressure zone device, double check valve assembly or equivalent protective device acceptable to the Commissioner consistent with the degree of hazard posed by the premises served by the connection.

b) By requiring the users of such connections to submit plans for the installation of protective devices to the supplier of water and the State for approval; and

c) By assuring that all protective devices be tested at least annually. Records of such tests shall be made available to and maintained by the supplier of water. Such tests shall be conducted by certified backflow prevention device testers.

ARTICLE IX

WATER CONSERVATION STATEMENT OF POLICY AND LEGISLATIVE INTEREST

Section 9.1 LEGISLATIVE FINDINGS

The Board of Commissioners has found that:

a) A ground water geohydrological firm was retained by Nassau County to proceed with the development of a Ground Water Management Program and said firm, working with the Department of Public Works of said County, undertook extensive research with a view toward development of a Comprehensive Management/Conservation Program to include interviews with water purveyors and major water users; and

b) It is the intent of the Board of Commissioners to conserve, protect and manage the water supply within the County dependent, as it is, upon a sole source aquifer system serving domestic, industrial, commercial and/or recreational needs of individuals in the District; and

c) The New York State Department of Environmental Conservation having imposed pumping restrictions on the public water purveyors in Nassau County in 1986; and

d) The Board of Commissioners believes it is in the best interest of District with respect to the sufficiency of its water supply to regulate or limit the use of water throughout the District

Section 9.2 USE OF WATER FOR LAWN SPRINKLING AND IRRIGATION

During the hours of 10:00 a.m. to 4:00 p.m., no person shall water, hose, sprinkle or otherwise irrigate any outdoor lawn, field, garden, hedge or shrub, except in accordance with the following:

a) Persons occupying residences or other establishments with even-numbered addresses may water, hose, sprinkle or otherwise irrigate other than during the above hours on even-numbered days of the month.

b) Persons occupying residences or other establishments with odd-numbered addresses may water, hose, sprinkle or otherwise irrigate other than during the above hours on odd-numbered days of the month.

c) Anything to the contrary notwithstanding, the Commissioners of the Bethpage Water District are authorized to declare a public emergency when the conditions warrant, during

which time all sprinkling or watering shall be prohibited.

d) The use of a hose, sprinkler or irrigation system with water supplied by the District, or otherwise, so as to cause a spray or flow of water, which spray or flow of water shall extend into the sidewalk or roadway, is hereby prohibited.

e) No sprinkling, water or irrigation is permitted during periods of rainfall. All automatic on-off timed controlled sprinkler systems must be fitted with rain sensing and/or soil moisture detecting and shut-down devices by June 1, 1988.

f) No hydrant within the District boundaries shall be used for jetting or earth compaction purposes.

Section 9.3 WATER SAVING DEVICES

a) The provisions of this section shall apply to all residential structures, including but not limited to one and two-family residences, townhouses, condominiums, multiple residences, hotels and motels that are issued a building or alteration permit after the effective date of this section. This section shall also apply to commercial and industrial structures that are issued a building permit after June 1, 1988.

b) All additions and alterations to existing residential structures that are issued a building permit after the effective date of this section shall comply with the provisions of this section when the work includes the installation or replacement of plumbing fixtures and fittings specified in this section.

c) All additions and alterations to existing commercial and industrial structures that are issued a building permit after the effective date of this section shall comply with the provisions of section 9.4 when the work includes the installation or replacement of plumbing fixtures and fittings specified in Section 9.4.

d) The licensed contractor, owner and/or consumer responsible for the installation of water flow control plumbing fittings specified in this section shall provide proof, upon request, to the District certifying that the fittings are in conformance with the maximum water flow to volumes specified herein. Testing reports from a recognized, independent testing laboratory or reports of tests performed by the manufacturer, using established principles of mechanics, shall be acceptable.

e) All water flow control fittings installed as specified herein shall be maintained in a sanitary working condition and free of defects which may reduce the effectiveness of water conservation.

Section 9.4 MAXIMUM CAPACITY AND USAGE OF PLUMBING FIXTURES AND FITTINGS ON AIR CONDITIONING SYSTEMS

- a) Tank-type water closets shall be designed to flush with a maximum of 1.6 gallons of water.
- b) Shower heads used for the purpose of bathing, lavatory faucets and sink faucets shall have a maximum flow capacity of 2.0 gallons per minute.
- c) Car washing establishments must be equipped with water recirculation facilities by June 1, 1988.
- d) Use of water for air conditioning and refrigeration must be recycled. All equipment installed after the effective date of this ordinance shall be air cooled unless a waiver of this requirement is obtained from the Board of Commissioners. Such waiver shall be based on the water efficiency of such non-air cooled system, the feasibility of installation of an air cooled system and the overall building water efficiency.
- e) Swimming pools with a total capacity in excess of 3,000 gallons must be equipped with filter systems which will eliminate the need to empty and refill such pools more than once per year.

Section 9.5 PENALTY FOR VIOLATION OF ABOVE SECTION.

Each consumer violating any subdivision of these Articles shall be charged a civil penalty punishable by a fee of not more than fifty (\$50.00) dollars, for each violation. Notice of the offense shall be sent by ordinary and certified mail and a violation notice shall be delivered to the premises at the time of the violation by leaving the notice affixed to the front door or door portal.

Any fee not paid within the time provided shall be treated as an unpaid water rent and sent to the appropriate town for collection by addition to the tax bill. Any unpaid fine shall bear interest equal to that of an unpaid water rent.

ARTICLE X

PUBLIC ACCESS TO RECORDS

Section 10.1 PURPOSE

The public may inspect and copy records of the Water District in fulfillment of the obligations imposed upon the District by Article Six of the New York Public Officers Law (Freedom of Information Law).

Section 10.2 FISCAL OFFICER-DUTIES

The Superintendent of the District is hereby designated as the fiscal officer of the Bethpage Water District for the purpose of this Article.

Section 10.3 ADOPTION OF RULES

The Board of Commissioners shall adopt rules and regulations consistent with State Law to implement the intent of this section.

ARTICLE XI

VIOLATIONS AND PENALTIES

Section 11.1 PROHIBITED USE OF FACILITIES

No person shall open or interfere with any fire hydrant, facility or appurtenance of the Bethpage Water District, or draw water therefrom without the consent and approval of the Board. A Chief of the Fire Department or his authorized assistants may open or direct the opening of any fire hydrant in the event of a fire or for fire drill or tournament purposes.

Section 11.2 RESTORATION OR DISCONTINUANCE OF SERVICE

In the event that the supply of water to any premises shall be turned off for any reason, it shall not be turned on thereafter without the consent and approval of the Board or its authorized representative. In such event, the water may be turned on only by a duly authorized representative of the District after all charges, fees and penalties have been paid.

Section 11.3 VIOLATION OF ORDINANCES, RULES AND REGULATIONS

The owner, or authorized agent of the owner, of the building or premises in which the District finds a violation of one or more of the terms and conditions of this ordinance shall be appropriately notified of such conditions. Upon failure to fully achieve compliance or if the violation is found to be of such nature or character as not to reasonably justify any delay involved in the notices above specified, the Board of Commissioners may, by appropriate formalities, invoke the procedures, enforcement measures and penalties authorized in the second paragraph of

Chapter 220 of the laws of 1981 amending the Nassau County Civil Divisions Act which reads as follows:

“The Board of Commissioners may enforce the provisions of the ordinances, rules and regulations by the imposition of a fine in an amount not exceeding two hundred fifty dollars for each violation, and may also maintain an action in a court of competent jurisdiction to compel compliance therewith or may make application to restrain by temporary or permanent injunction, restraining order or other equitable relief the violation of such ordinances, rules and regulations”

Section 11.4 PENALTY FOR VIOLATION OF ORDINANCES

In the event that any person shall violate the terms and provisions of these Ordinances, Rules and Regulations, or amendments thereto or of the directions or requirements of the Board relating to the use of the supply of water, he may be liable to the District for a civil penalty not to exceed the sum of \$350.00 for each violation. In the event that such person shall be a consumer, all service to him may be cut off and discontinued and shall not be restored until such penalty together with all other costs, charges and deposits shall have been paid.

ARTICLE XII

AMENDMENTS AND EFFECTIVE DATE

Section 12.1 AMENDMENTS

The Board of Commissioners reserves the right to change or amend these ordinances at any time in any manner provided by law.

Section 12.2 RULES AND REGULATIONS

The Board of Commissioners is specifically authorized to adopt Rules and Regulations necessary to implement the intent of any article, section or subsection of this ordinance.

Section 12.3 REVOCATION OF PREVIOUS ORDINANCES

All ordinances, rules, regulations, resolutions, orders and directions heretofore issued by the Board of Commissioners are hereby revoked, canceled, and annulled insofar as they shall be inconsistent with any provision of the within ordinances.

Section 12.4 SEVERABILITY

If any provision of these ordinances, rules and regulations or the application thereof to any person(s) or circumstances shall be adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or impair the validity of the other provisions of these ordinances, rules and regulations or the application thereof to other persons or circumstances.

Section 12.5 EFFECTIVE DATE

The foregoing Ordinances, Rules and Regulations of the Bethpage Water District duly adopted by the Board of Commissioners of the District on December 29, 1993, are effective and in force on February 1, 1994 pursuant to the Town Law of the State of New York.

Salvatore J. Greco, Jr.
Chairman

William Ellinger
Secretary

Gerard F. Donlon, Sr.
Treasurer

BOARD OF
COMMISSIONER