

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF HUNTINGTON, AS
FOLLOWS:

LOCAL LAW NO. 30-2023
AMENDING THE CODE OF THE TOWN OF HUNTINGTON
CHAPTER 99 (DIX HILLS WATER DISTRICT)

Section 1. Amendment to the Code of the Town of Huntington, Chapter 99 (Dix Hills
Water District), as follows:

CHAPTER 99
DIX HILLS WATER DISTRICT

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CORPORATION STOP

The valve that Connects the Water Service Line to the Water Main.

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CURB STOP

The valve that is located on the water service line in between the Corporation Stop and the Water Meter Pit.

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DISTRICT HYDRANT

A District Hydrant is a hydrant located within the Town right-of-way or on public property within the boundaries of the Dix Hills Water District.

* * *

[§ 99-6]

[District Authority and Responsibilities.]

[(1) The District shall have the authority to establish the policies, procedures and specifications pertaining to the administration and operation of the District.]

[(2) Protection of Facilities. The Water District shall maintain properly installed and approved water service pipes in the public right-of-way from the water main to the property line at the expense of the District. The District will maintain hydrants, valve boxes, corporation stops, curb stops, curb boxes, meters up to 1" and the valve on the water main side of the meter. All equipment maintained by the District shall be the property of the District, whether installed by the District or the owner.]

[§ 99-7 Owner's Responsibilities.]

[(1) Access. Property owners are to allow all meter readers, water treatment operators and maintenance mechanics employed by the District, immediate access, at all reasonable hours, to the water supply system on any premises. All district employees will carry proper identification with them. In no event shall an owner be required or penalized for failure to admit or provide access to an individual if unsure of their identity as a district representative.]

[(2) Mandatory Use of Bonded Plumbers. It is the owner's responsibility to use only bonded plumbers to perform any installations, repairs and additions to the water supply system, between the street main and the property line. Any installation, repair and/or addition to the water supply system between the street main and the property line performed by any one or entity other than a bonded plumber shall be a violation of this chapter. A list of registered bonded plumbers is on file at the District's Administration Building. For information about registration procedures contact the District Administration Office.]

[(3) Water Charges. Owners of premises where water is used shall be held responsible for the water charges for themselves, their contractors and their tenants. Unpaid water charges shall become a lien upon the property where the water is supplied. In all cases where property is conveyed or transferred, the new owner is responsible for all unpaid water charges of the former owners or tenants.]

[(4) Conveyance of Property. When property is conveyed, notice of such conveyance, with the name and forwarding address of the party from whom the property is conveyed, must be promptly provided by telephone or mail to the District so that the change in ownership may be noted on the records of the District and a final bill rendered.]

[(5) Changes in Ground Elevation. In the event that a change in ground elevation leaves a service pipe insufficiently buried, or results in the curb box or meter pit projecting above the ground or being covered with earth, the owner must act within thirty (30) days of receipt of notification by certified letter. The owner must secure a district registered bonded plumber to lower or raise the service pipe, curb box, meter, backflow preventer, and meter pit cover to conform to the new ground elevation. Failure by the owner to conduct necessary alterations promptly may result in the District's discontinuance of the supply of water until the alterations are completed.]

[(6) Closing of Buildings. In the event any building is to be closed temporarily, especially during cold weather, the owner or the plumber representing the owner shall notify the District in writing in order that the meter may be read and curb stop closed. In case of failure to give such notice and in the event of any water leaks within the building by freezing or otherwise, the owner shall be liable to pay for all water that has been lost as a result of the leak(s).]

[(7) Cross Connection Control Device(s) Testing. It is the responsibility of the property owner to have their Cross-Connection Control device tested upon installation and annually thereafter. Annual testing shall be performed by a New York State Department of Health Certified Tester. Failure to perform required testing of a cross control device shall be a violation of this Chapter.]

[(8) Water Service Lines Greater than One Inch (1"). For users of water service lines greater than one inch (1"), it shall be the user/owner's responsibility to maintain the service meter, meter pit, pit cover and valve beginning from the curb stop and/or first shut off valve.]

[(9) Leaks. Leaks on the property owner's side of the meter are the owner's responsibility. If a leak is suspected the District will notify the property owner. If said leak is not repaired within thirty (30) days of the notification, the District reserves the right to turn off water service until leak repairs are completed.]

[(10) Discontinuance of Service. Owners wishing to discontinue the use of water service must give the District ten (10) days' written notice. The homeowner shall employ a bonded plumber to disconnect water service at the main.]

[(11) Water Use for Construction. The property owner is required to file an application and receive a permit from the District for use of any temporary water service.]

[(12) Removal of Defective Installations. Whenever it shall be found that a service installation has been made in any other manner than that approved by the District, the water user shall be responsible to correct the deficiency and shall pay all expenses and damages resulting from the faulty installation. The District reserves the right to discontinue supplying water until the service installation is properly made.]

[(12) Water Conservation. In order to conserve the quantity of quality District water each property owner is required to comply with the following conservation measures:]

[A. Odd – Even watering mandate – During the months of May, June, July, August, and September properties with even numbered street addresses are permitted to operate their irrigation systems only on even numbered calendar days, and properties with odd numbered street addresses are permitted to operate their irrigation systems only on odd numbered calendar days.]

[B. Water Conservation Penalty Charges – Any property owner whose water use exceeds the water usage limit in a given billing cycle shall be responsible to pay a higher rate for that water used over the water usage limit. A table of rates charged for excess water usage can be referenced in the District Consumer Handbook or by contacting the District office.]

[(13)]

[Private Hydrant Ownership – Those owners of hydrants which are designated as private are required to annually secure the services of a hydrant flow test company, who has been bonded with the district, to provide written proof in the form of a hydrant flow test result report which insures that the water pressure of the hydrant tested is adequate.]

[§ 99-8 Violations – Prohibited Acts.]

[(1) Use of Non-Bonded Plumbers – Any installations, repairs and additions to the water supply system, between the street main and the meter pit, must be performed by a District registered bonded plumber. Any installation, repair and/or addition to the water supply system between the street main and the meter pit performed by any one or entity other than a District registered bonded plumber shall be a violation of this chapter. A list of registered bonded plumbers is on file at the District's Administration Building. For information about registration procedures contact the District Administration Office.]

[(2) Odd/Even Watering Mandate – Failure to comply with the odd/even watering mandate is a prohibited act which will result in a written warning for the first offense; a penalty up to one hundred (\$100.00) dollars for the second offense; and a penalty of up to five hundred (\$500.00) dollars for the third and each subsequent offense.]

[(3) Resale of Water – The resale of District water, under any conditions or circumstances is prohibited.]

[(4) Unauthorized Connection and Water Use — Any connection to district water supply, or use of district water, including hydrants, without having filed an application is strictly prohibited.]

[(5) Failure to Notify District.]

[A. Purpose of Water Use – A failure to notify the district of use of water for any purpose other than that represented in the district application is prohibited.]

[B. Performance of Work – Work performed on any water service that would require or potentially require the assistance of the District without prior notification of at least forty-eight (48) hours to the District is prohibited.]

[C. Water Use for Construction – Use of any Temporary Main without the filing of an application notifying the District is prohibited.]

[(6) Interference with water meters, water service pipes and connections. It is strictly prohibited for any owner or user to break, deface, or cause to be broken or defaced, the seal of a water meter; or to obstruct, alter, injure or prevent the action of a meter or other instrument used to measure or register the quantity of water supplied to or consumed by any person, corporation or entity.]

[(7) Interference with meter reading or inspection. It is strictly prohibited for any owner, user, person, corporation or entity to erect any device or structure, or to by any other means interfere, obstruct or prevent free access to, and reading of, a water meter by the District.]

[(8) Meter Tampering and Theft of Services]

[A. Criminal Tampering — In accordance with Section 145.15 of the Penal Law of the State of New York, a person is guilty of criminal tampering 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 the District. Criminal tampering in the first degree is a Class D felony, second degree is a Class A misdemeanor.]

[B. Theft of Services – In accordance with Section 165.15 of the Penal Law of the State of New York, a person is guilty of theft of services when, with intent to avoid payment by himself or another person of the lawful charge for any service which is provided for a charge by the District, he obtains or attempts to obtain such service for himself or another person or avoids or attempts to avoid payment therefore by himself or another person by means of tampering or making connection with the equipment of the District. Generally, theft of services is a class A Misdemeanor.]

[§ 99-9 Enforcement and Penalties.]

[(A) Enforcement. This chapter shall be enforced by the Department of Public Safety.]

[(B) Penalties.]

[(1) Odd/Even Watering Mandate Violation. A violation of the odd/even-watering mandate will result in a written warning for the first violation; a fine of not less than fifty (\$50.00)

dollars nor more than one hundred (\$100.00) dollars upon conviction of an offense for the second violation; and a fine of not less than one hundred fifty (\$150.00) dollars and not more than five hundred (\$500.00) dollars upon conviction for each subsequent offense occurring within five (5) years of the second violation.]

[(2) Violation of an Emergency Curtailment Order - Any person who violates an Emergency Curtailment Order shall be guilty of an offense and upon conviction subject to a fine of not less than five hundred dollars (\$500) and not more than one thousand dollars (\$1,000).]

[(3) Failure to test cross connection control device(s) - Any person who fails to have their cross-connection control device tested annually shall be guilty of an offense and upon conviction subject to a fine of not more than two hundred fifty dollars (\$250) and not less than seven hundred fifty dollars (\$750).]

[(4) Any person or business entity who commits or permits any acts in violation of any other provision of this Article shall be deemed to have committed an offense against this Chapter, and shall upon conviction thereof, be subject to a fine of not less than Five Hundred (\$500) nor more than One Thousand Five Hundred (\$1,500) Dollars.]

[(5) Any person or entity found by the Bureau of Administrative Adjudication to have violated this Article shall likewise be subject to a monetary penalty in an amount within the range of fines authorized in subdivisions (1), (2), (3) and (4) above for the respective violations referenced therein.]

[(6) Each day, or part thereof, such violation continues or is permitted to exist following service of a notice of violation, appearance ticket, or summons shall constitute a separate violation, punishable in like manner.]

[(7) In addition to the criminal and civil penalties set forth herein or in other applicable law, rule or regulation, the Town Attorney is authorized to pursue civil and equitable relief in the name of the Town in a court of competent jurisdiction, including but not limited to compensatory actions; civil penalties in the amount of up to two hundred and fifty (\$250.00) dollars per day, or any part thereof; an action to compel compliance with or to restrain by injunction the violation of this chapter; and other remedies which in the opinion of the Town Attorney may seem necessary and proper.]

§ 99-6 District's Authority to Regulate

- (1) The District shall have the authority to establish the policies, procedures and specifications pertaining to the administration and operation of the District.

§ 99-7 Access

- (1) Property owners and property occupants are to allow all meter readers, water treatment operators, and maintenance mechanics employed by the District immediate access, at all reasonable hours, to the water supply system on any premises. All district employees will carry proper identification with them. In no

event shall an owner be required or penalized for failure to admit or provide access to an individual if unsure of their identity as a district representative.

- (2) Interference with meter reading or inspection. It is strictly prohibited for any owner, user, person, corporation or entity to erect any device or structure, or to by any other means interfere, obstruct or prevent free access to, and reading of, a water meter by the District.

§99-8 Mandatory Use of Bonded Plumbers for Installation, Maintenance, Repairs and/or Additions.

- (1) It is the property owner's responsibility to use only bonded plumbers for the work specified in this chapter.
- (2) Any installations, maintenance, repairs, and/or additions to the water supply system, between the street main and the meter pit, other than those performed by the District, must be performed by a District registered bonded plumber. A list of registered bonded plumbers is on file at the District's Administration Building. For information about registration procedures contact the District Administration Office.
- (3) Any installation, maintenance, repairs and/or additions to the water supply system between the street main and the meter pit performed by any one or entity other than a District registered bonded plumber shall be a violation of this chapter.

§ 99-9 Installation and Maintenance of Water Lines and Equipment

(1) Water Service Lines.

- (A) The Water District shall maintain properly installed and approved water service lines if the water service lines are
- (i) One-inch in size or less, and
- (ii) in the public-right-of-way or between the water main and the curb stop, whichever is the lesser distance of the two.
- (B) The Owner and Occupant of the property shall be responsible to maintain water service lines that are the following:
- (i) Greater than one-inch in size; or
- (ii) One-inch in size or less and either
- a. outside of the public right of way and on the property for which the owner and occupant owns or occupies; or

- b. within the public right of way but after the curb stop on the property for which the owner and occupant owns or occupies.

(2) Meters.

- (A) The Water District will maintain properly installed and approved meters if the meter is one-inch in size or less.
- (B) The Owner and Occupant of the property shall be responsible to maintain meters that are greater than one-inch in size.

(3) Other Equipment.

- (A) The District will install and maintain valve boxes, corporation stops, curbs stops, curb boxes regardless of whether or not they are in the public right-of-way.
- (B) The District will install and maintain all hydrants unless the hydrant is subject to private ownership.
- (C) All equipment maintained by the District shall be the property of the District regardless of whether installed by the District or the owner.
- (D) For service lines greater than one inch, the Owner and Occupant of the property is responsible to maintain the service meter, meter pit, pit cover, and valve beginning from the curb stop and/or first shut off valve.

(4) Removal of Defective Installation.

- (A) Whenever it shall be found that a service installation has been made in any other manner than that approved by the District, the water user shall be responsible to correct the deficiency and shall pay all expenses and damages resulting from the faulty installation.
- (B) The District reserves the right to discontinue supplying water until the service installation is properly made.

(5) Interference with Water Meters, Water Service Pipes and Connections.

- (A) It is strictly prohibited for any owner or user to break, deface, or cause to be broken or defaced, the seal of a water meter; or to obstruct, alter, injure or prevent the action of a meter or other instrument used to measure or register the quantity of water supplied to or consumed by any person, corporation or entity.

(6) Required Annual Testing.

- (A) Testing of Privately-Owned Hydrants. Those owners of hydrants which are designated as private are required to annually secure the services of a hydrant flow test company, who has been bonded with the district, to provide written proof in the form of a hydrant flow test result report which insures that the water pressure of the hydrant tested is adequate.

(B) Cross Connection Control Device(s) Testing. It is the responsibility of the property owner to have their Cross-Connection Control device tested upon installation and annually thereafter. Annual testing shall be performed by a New York State Department of Health Certified Tester.

(C) Failure to perform annual required testing of a cross control device or a privately-owned hydrant shall be a violation of this Chapter.

(7) Changes in Ground Elevation

(A) In the event that a change in ground elevation leaves a service pipe insufficiently buried, or results in the curb box or meter pit projecting above the ground or being covered with earth, the owner must act within thirty (30) days of receipt of notification by certified letter. The owner must secure a district registered bonded plumber to lower or raise the service pipe, curb box, meter, backflow preventer, and meter pit cover to conform to the new ground elevation. Failure by the owner to conduct necessary alterations promptly may result in the District's discontinuance of the supply of water until the alterations are completed.

§ 99-10 Water Charges; Leaks; Water Use; Required Notice

(1) Water Charges.

(A) Owners of premises where water is used shall be held responsible for the water charges for themselves, their contractors and their tenants.

(B) Unpaid water charges shall become a lien upon the property where the water is supplied. In all cases where property is conveyed or transferred, the new owner is responsible for all unpaid water charges of the former owners or tenants.

(2) Leaks.

(A) If a leak is on that portion of the water main for which the Owner is responsible, the leak shall be repaired immediately at the expense of the Owner.

(B) All repairs should comply with requirements set forth in §99-8 of this chapter that requires the use of a bonded plumber.

(C) If an Owner fails to repair a leak within 30 days of a notification from the District that a leak exists on the Owners property, the District reserves the right to turn off water service until leak repairs are completed

(D) If the District determines a leak to be an emergency, the District reserves the right to access the property and fix the leak immediately at the owner's expense. The expense for emergency repairs will be included on the Owner's subsequent bill of water charges.

(3) Water Use: Required Notice to the District and Required Application for Permit

- (A) Conveyance of Property. When property is conveyed, notice of such conveyance, with the name and forwarding address of the party from whom the property is conveyed, must be promptly provided by telephone or mail to the District so that the change in ownership may be noted on the records of the District and a final bill rendered.
- (B) Closing of Buildings. In the event any building is to be closed temporarily, especially during cold weather, the owner or the plumber representing the owner shall notify the District in writing in order that the meter may be read and curb stop closed. In case of failure to give such notice and in the event of any water leaks within the building by freezing or otherwise, the owner shall be liable to pay for all water that has been lost as a result of the leak(s).
- (C) Discontinuance of Service. Owners wishing to discontinue the use of water service must give the District ten (10) days' written notice. The homeowner shall employ a bonded plumber to disconnect water service at the main.
- (D) Water Use for Construction. The property owner is required to file an application and receive a permit from the District for use of any temporary water service. Use of any temporary water service without the filing of an application notifying the District is prohibited. A failure to notify the district of use of water for any purpose other than that represented in the district application is prohibited.
- (E) Notice of Work to be Performed. Work performed on any water service that would require or potentially require the assistance of the District without prior notification of at least forty-eight (48) hours to the District is prohibited.
- (4) Water Use; Unauthorized and Prohibited Activity.
- (A) A failure to notify the district of use of water for any purpose other than that represented in the district application is prohibited.
- (B) Work performed on any water service that would require or potentially require the assistance of the District without prior notification of at least forty-eight (48) hours to the District is prohibited.
- (C) Resale of Water. The resale of District water, under any conditions or circumstances is prohibited.
- (D) Unauthorized Connection and Water Use. Any connection to district water supply, or use of district water, including hydrants, without having filed an application is strictly prohibited.

§ 99-11 Water Conservation

(1) Water Conservation. In order to conserve the quantity of quality district water each property owner is required to comply with the following conservation measures:

- (A) Odd – Even watering mandate. During the months of May, June, July, August, and September properties with even numbered street addresses are permitted to operate their irrigation systems only on even numbered calendar days, and properties with odd numbered street addresses are permitted to operate their irrigation systems only on odd numbered calendar days.
- (B) Water Conservation Penalty Charges. Any property owner whose water use exceeds the water usage limit in a given billing cycle shall be responsible to pay a higher rate for that water used over the water usage limit. A table of rates charged for excess water usage can be referenced in the District Consumer Handbook or by contacting the District office.
- (C) Failure to comply with the odd/even watering mandate set forth in this section is a prohibited act which will result in a written warning for the first offense; a penalty up to One Hundred (\$100) Dollars for the second offense; and a penalty of up to Five Hundred (\$500) Dollars for the third and each subsequent offense.

§ 99-12 Meter Tampering and Theft of Services

(1) Criminal Tampering – in accordance with Section 145.15 of the Penal Law of the State of New York, a person is guilty of criminal tampering when, having no right to do so nor any reasonable ground to believe that he has such right, he tampers or makes connection with the property of the district. Criminal tampering in the first degree is a Class D Felony, second degree is a Class A Misdemeanor.

(2) Theft of Services – In accordance with Section 165.15 of the Penal Law of the State of New York, a person is guilty of theft of services when, with intent to avoid payment by himself or another person of the lawful charge for any service which is provided for a charge by the District, he obtains or attempts to obtain such service for himself or another person or avoids or attempts to avoid payment therefore by himself or another person by means of tampering or making connection with the equipment of the District. Generally, theft of services is a Class A Misdemeanor.

§ 99-13 Enforcement and Penalties

(1) Enforcement. This chapter shall be enforced by the Department of Public Safety.

(2) Penalties.

(A) Any person or business entity who commits or permits any acts in violation of any provision of this Article shall be deemed to have committed an offense against this Chapter, and shall upon conviction thereof, be subject to a fine in the amount set forth in the applicable section of this Chapter. If no fine is set forth, the person or business entity shall be subject to a fine of not less than Five Hundred (\$500) Dollars nor more than One Thousand Five Hundred (\$1,500) Dollars.

(B) Violation of an Emergency Curtailment Order. Any person who violates an Emergency Curtailment Order shall be guilty of an offense and upon conviction subject to a fine of not less than Five Hundred (\$500) Dollars and not more than One Thousand (\$1,000) Dollars.

(3) Any person or entity found by the Bureau of Administrative Adjudication to have violated this Article shall likewise be subject to a monetary penalty in the appropriate amount set forth in this Chapter.

(4) Each day, or part thereof, any such violation continues or is permitted to exist following service of a notice of violation, appearance ticket, or summons shall constitute a separate violation, punishable in like manner.

(5) In addition to the criminal and civil penalties set forth herein or in other applicable law, rule or regulation, the Town Attorney is authorized to pursue civil and equitable relief in the name of the Town in a court of competent jurisdiction, including but not limited to compensatory actions; civil penalties in the amount of up to Two Hundred and Fifty (\$250) Dollars per day, or any part thereof; an action to compel compliance with or to restrain by injunction the violation of this chapter; and other remedies which in the opinion of the Town Attorney may seem necessary and proper.

Section 2. Severability.

If any clause, sentence, paragraph, subdivision, section or other part of this local law shall for any reason be adjudged by any court of competent jurisdiction to be unconstitutional or otherwise invalidated, such judgment shall not affect, impair or invalidate the remainder of this local law, and it shall be construed to have been the legislative intent to enact this local law without such unconstitutional or invalid parts therein.

Section 3. Effective Date.

This Local Law shall take effect immediately upon filing in the Office of the Secretary of State of the State of New York.

ADDITIONS ARE INDICATED BY UNDERLINE
*** INDICATES NO CHANGE TO PRESENT TEXT
DELETIONS ARE INDICATED BY [BRACKETS]

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Edmund J. Smyth	AYE
Councilman Dr. Dave Bennardo	AYE
Councilwoman Joan A. Cergol	AYE
Councilman Eugene Cook	AYE
Councilman Salvatore Ferro	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.