

LOCAL LAW #1 OF 1997  
REGULATING THE TOWN OF GREENVILLE WATER DISTRICT  
AND PROTECTING THE WELLHEAD AREA

ARTICLE I The Ordinance entitled "Ordinances, Rules and Regulations of the Board of Water Commissioners Greenville Water District #1" adopted March 13, 1962 is, by the adoption of this local law, considered void.

ARTICLE II WELLHEAD PROTECTION

Section 1 Construction

(A) This chapter shall be known, cited & referred to as the Wellhead Protection Ordinance: (Hereafter WHPO)

(B) Purpose & Authority

The residents of the Greenville Water District depend exclusively on ground water for a safe drinking supply.

Certain Land use practices and activities can seriously threaten or degrade groundwater quality. The purpose of the WHPO is to institute land use regulations and restrictions to protect the municipal Water Supply and Well fields, and to promote the public health; safety and general welfare of the residents of the water district.

(C) Applicability

The regulations specified in the WHPO shall apply within the groundwater protection overlay as defined in Article II Section 2 definitions.

Section 2 Definitions

(A) Existing facilities - Existing facilities which may cause or threaten the environmental pollution within the water district of the well fields, recharge areas which include but not limited to a 2000' radius from wells in Plant 1 & 2.

(B) Groundwater divide - Ridge in the water table or subsurface, from which ground water moves away at right angles in both directions. Line of highest hydraulic head in the water table.

(C) Groundwater protection overlay district - Shall be defined as that area surrounding Greenville Water District's wells at plant 1 & 2 as described in Section 3.

(D) Recharge Area - Area in which water reaches the zone of saturation by surface filtration & encompasses all areas or features that supply groundwater recharge to a well.

(E) Well Field - A piece of land used primarily for the purpose of supplying a location for construction of wells to supply municipal water systems.

SECTION 3 Groundwater protection overlay district (hereafter District)

(A) Intent - The area to be protected is the Greenville Water District Well fields at Plant 1 located on Route 32, and Plant #2 located in Country Estates including recharge areas extending to a 2000' radius from the wells contained

within the Town of Greenville boundaries. These lands are subject to land use and development restrictions because of the close proximity to the well fields and the corresponding high threat of contamination.

(B) Permitted uses - Subject to the exemptions listed in Section 4 the following are the only permitted uses within the District. Uses not listed are to be considered prohibited uses.

- 1) Parks - Provided there is no on-site waste disposal or fuel storage tank facilities associated within this use.
- 2) Playgrounds
- 3) Wildlife areas
- 4) Non-motorized trails such as biking; skiing; nature and fitness trails
- 5) Residential municipally sewerred free of flammable and combustible liquid underground storage tanks.

(C) Requirement for existing facilities:

- 1) Facilities shall provide copies of all federal, state and local facility operation approvals or certificate and on- going environmental monitoring results to the Town Board and Code Enforcement Officer.
- 2) Facilities shall provide additional environmental or safety structure monitoring as deemed necessary by the Town, which may include but not limited to stormwater runoff; management and monitoring.
- 3) Facilities shall replace equipment or expand in a manner that improves the existing envircnmental & safety technologies already in existence.
- 4) Facilities shall have the responsibility of devising and filing with the Town a contingency plan satisfactory to the Town for the immediate notification of the town officials in the event of a toxic spill or other emergency that may threaten the water district wells.

#### SECTION 4 Permitted Uses

(A) Individuals and/or facilities may request the Town Board to permit additional land uses in the district.

(B) All requests shall be in writing either on or in substantial compliance with forms to be provided by the Town and shall include an environmental assessment report prepared by a licensed Professional Engineer or Registered Architect. Said reports shall be forwarded to the Town Engineer and/or designee(s) for recommendation and final decision by the Town Board.

(C) Any permitted use shall be conditional and may include required environmental and safety monitoring consistent with local state and federal requirements and/or board and/or sureties satisfactory to the Town shall occur.

## Section 5

(A) In the event an individual and/or facility causes the release of any contaminant which endanger the District, the activity causing said release shall immediately cease and a cleanup satisfactory to the Town shall occur.

(B) the individual facility shall be responsible for all costs of cleaning; Town consultant fee at the invoice amount plus administrative cost for oversight, review and documentation.

(1) The cost of Town employees, time associated in any way with the cleanup based on the hourly rate of pay to the employee multiplied by a factor determined by the Town representing the Town cost for expenses, benefits, insurance, sick leave, holidays overtime, vacation and similar benefits.

(2) the cost of town equipment employed.

(3) The cost of mileage reimbursed to the Town employee attributed to the cleanup.

(C) following any such discharge the Town may require additional test monitoring and/or bond sureties as outlined in Section 4.

## ARTICLE III RULES AND REGULATIONS

The following rules and regulations shall form a part of the contract with all persons using the water of the Greenville Water District and the fact of using said water shall be considered an assent on the part of the owner or user to be bound thereby.

### APPLICATION

Section 1. All persons or corporations wishing to use the water of the Greenville Water District for any purpose must first make application to the Superintendent in writing in the form prescribed and upon blanks furnished by the said District. Said application blank must be signed by the owner of the property where the water is to be used, or by his or her duly authorized agent, stating without reserve the various uses to which the water is to be applied, and should the water be required for other purposes after work is commenced or finished, notice in writing must be given before the change desired is made and an additional permit granted.

### PAYMENT OF WATER RENTS

Section 2. Water rents are payable quarterly on the first days of February, May, August and November at the office of the Town Supervisor and if not paid within 90 days after they become so payable, a penalty of 10% shall be added thereto, and upon receipt of notice of shut-off, the water may be shut off without further notice.

Water rents are a lien on the real property upon which the water is used. Therefore, owners of the real property will be responsible for the water rents and penalties of their tenants or licensees.

## VACANCY

Section 3. Consumers desiring to discontinue the use of the water on account of the premises upon which it is used being vacant, or for any other reason must notify the Superintendent in writing so that the water may be shut off at the curb. In the event no such notice is given, the owner or occupant will be held responsible for the water rent at the full amount and also for any damage or waste which may occur on account of freezing or bursting of pipes due to such vacancy. A fee of twenty five (\$25) dollars will be charged for each time the water is turned on or off together with expenses after it has been turned on for the first time.

## SERVICE PIPES AND FIXTURES

Section 4. All persons taking water will do so at their expense, and all owners shall furnish their own service pipe which must be not less than three quarter (3/4) inch K-type copper tubing for underground use; also curb cock and box as the Superintendent may approve, also a stop and waste cock to be properly located inside the building, and have pipes so arranged that the water can be drawn off to prevent freezing, and shall keep the curb box uncovered and exposed to view and on a level with the top of the curb stone.

All fixtures shall, at the owner's expense, be protected from frost and kept in order to prevent waste of water and should any users wish to discontinue the use of the District water and remove their fixtures, they may do so upon giving notice in writing to the Superintendent and obtaining a permit, but in all such cases, the corporation cock, service pipe, curb cock and box must be left undisturbed.

When Hot Water Boilers are used suitable vacuum and air valves must be applied to prevent collapsing, as the District nor its employees will in no event be responsible for any damage that may occur as a result of the failure to observe this important rule.

## SHUTTING OFF WATER

Section 5. The water may be shut off from the mains of the entire Water District or of any part thereof when repairs, connections or changes are to be made or when necessary for any purpose. When practicable, notice will be given in advance when the water is to be off, but the Water Superintendent shall not be responsible for failure to do so in any case, and neither shall the said Water Superintendent in any case be liable for any damages which may result from shutting off said water, whether such notice be given or not.

## WASTE OF WATER

Section 6. All property supplied with water by Greenville Water District shall be open and accessible to proper representatives of the District at all reasonable times for purposes of inspection. Whenever it is found that water is permitted to run to waste or is being wasted through defective faucets or other fixtures or equipment, or is being taken from the premises by those not entitled to its use unless it is metered, the same will be sufficient cause for shutting off the supply without notice. The cost of repairs of service pipe leaks must be borne by the property owner and the Town Board reserves the right to discontinue service until such repairs have been made.

## BRANCH SERVICE AND CURB COCKS

Section 7. No service pipe will allowed to run from one lot to another but the owner or user may make application to the Superintendent for a permit to unite, and, if such permit is granted, may use one service pipe by placing at curb BRANCHED service and independent curb cocks and boxes whereby the supply to each lot may be controlled. The application for water shall accompany the application to unite.

## METERS

Section 8: All system meters are supplied by the Water District for uniformity in new installations. The Superintendent shall, if possible, have on hand extra meters and parts. In the event a meter gets out of order or broken, the Superintendent shall repair or cause the same to be repaired at actual cost for the owner's account. All meters must be obtained at actual cost from the Superintendent. When a meter gets out of order and fails to register, the owner or user will be charged at the average rate of consumption based on previous bills.

Suitable location for the installation of a meter must be provided by the owner or user which shall be as near the service pipe entrance as possible.

The Town Board reserves the right to require a meter to be removed and tested and will furnish a substitute while the meter is being tested.

Tampering with water meters and/or seal shall constitute disorderly conduct and the person violating the same shall be a disorderly person and subject to a One hundred fifty (\$150) dollar fine. Water service shall be discontinued until such time as the said fine has been paid to the Water District.

## USE OF STREET GATES AND CURB COCKS

Section 9. No person, persons or corporations except those having authority and/or with the consent of the Superintendent shall open or close any gate or valve in any street main or cocks or valve in any curb box or interfere with the same in any manner. The violation of this section shall constitute disorderly conduct and the person violating the same a disorderly person and in addition may be subject to the payment of a fine not exceeding one hundred (\$100) dollars.

## APPROVED PLUMBING

Section 10. The Water Superintendent will not permit the mains to be connected with any plumbing unless such plumbing has been examined and approved by a plumber Permitted by said Board to tap mains and a full return will be made by him for each service, the ordinary and special uses to which the water is to be applied, whether for new work alterations or additions, with a full description of the same and the number of families to use the water therefrom.

## RULES GOVERNING PLUMBER PERMITS AND BOND

Section 11. Any plumber or pipe fitter desiring to do business for the Water District, must procure a permit from the Town Board and execute a bond with one hundred (100%) per cent of contracted amount, to be approved by the Board, conditioned that the said plumber or pipe fitter shall comply with and be governed by the rules and regulations of the Town Board and save the Water District and the Town Board harmless from any and all responsibility and all liability or expense that may occur by reason of defective work, negligence or failure to provide against accidents of any nature.

## WORK ON MAINS

Section 12. No permitted plumber or pipe fitter shall do any work on or upon any of the mains, pipes or other fixtures connected with the water system (except in case of emergency repairs) without first obtaining a permit from the Superintendent, whether it be for entirely new service or additional fixtures to service already connected. Installation of water mains for new development will not be approved without a loop system to eliminate dead end mains.

## GRANT OF PERMIT

Section 13. No plumber or pipe fitter will be granted a permit to do any work on or upon any of the mains, pipes or other fixtures connected with the District Water System except on a written application signed by the owner or authorized agent of the premises on which the water is to be used, stating fully all the uses to which said water is to be put.

## REPORT BY PLUMBER

Section 14. Every plumber and pipe fitter shall within forty-eight (48) hours after the completion of any work for which a permit has been granted file a report with the Water Superintendent containing a statement certified by said plumber or pipe-fitter that the work has been completed in accordance with the application upon which the said permit was granted. In no case will the water be turned on until such report showing compliance with the terms of the application and containing such certification has been received by the Water Superintendent.

## TRENCHES

Section 15. All trenches dug for service connection must be properly guarded and lighted and not left open longer than is absolutely necessary to complete the work, and any road bed and/or sidewalk must be restored to its former condition to the satisfaction of the Superintendent. Flooding trenches to settle the ground will not be allowed. No trenching to be done without proper notification to the Underground Facilities Protective Organization(UFPO). Trenches are to be back filled with clean fill (no stones larger than two inches (2")) and compacted at two (2) foot intervals.

## SERVICE PIPES

Section 16. Service pipes must not be less than 3/4 inch K-type copper tubing for underground use with no soldered joints.

All service pipe must be laid at least four (4) feet beneath the surface of the ground and be provided with a curb cock and box to be located at or near the curb.

Service pipe will not be allowed in the same trench with a drain or sewer pipe unless there be an intervening horizontal space of at least ten (10) feet between said sewer pipes and service pipe unless encased in concrete, but under no circumstances will the drain or sewer pipe be allowed to be above the water service pipe. If circumstances do not allow this separation, the water superintendent and code enforcement officer must approve alternative arrangements.

## Section 17 CROSS CONNECTION CONTROL

### (A) PURPOSE

The purpose of these regulations is to safeguard the potable water supply by preventing backflow of nonpotable material into the public water system through service connections. It is the intent of these regulations to recognize that there are varying degrees of hazard and to apply the principle that the degree of protection should be commensurate with the degree of hazard.

### (B) DEFINITIONS

1. Cross Connection. Any connection between any part of the Public Water System and source or system containing water or substance that is not approved as equally safe, wholesome, and potable for human consumption.

2. Approved Protection Device. A backflow prevention device that has been approved by the New York State Health Department, including double check valve assemblies, reduced pressure principle backflow prevention devices, and air gaps.

3. Approved Water Supply. A water source and system approved by the State Health Department.

4. Auxiliary Water Source. Any water source on or available to the premises other than the Public Water System.

5. Certified Backflow Prevention Device Tester. A person who has been certified as a tester in conformance with State Health Department regulations.

6. Public Water System. The water mains and pipes owned and operated by the Town of Greenville.

7. Water Superintendent. The superintendent of water designated by the Greenville Town Board, or his/her designated representative.

(C) PROTECTION AT THE SERVICE CONNECTION

Subsection 1. Where Protection Is Required.

1. An appropriate approved protection device shall be installed, at customer's expense, for cross connections at the following types of facilities.

a. Premises having an auxiliary water source, unless that source is an approved water supply.

b. Premises with existing plumbing connections or with potential plumbing connections to nonpotable water, liquids other than water, or any other hazardous or objectionable substances.

c. Premises with fire protection systems, including sprinklers, fire pumps, auxiliary water sources, or fire-fighting water storage tanks.

2. The approved protection device shall be installed on the service entrance near the meter unless the Water Superintendent determines that another location is more appropriate, except for situations described in Article II, Section 17, Subsection 3, Paragraph D.

Subsection 2. Type of Protection.

The type of approved protection device that is required for a particular connection shall be appropriate for the degree of hazard for the cross connection, and shall be determined by the Water Superintendent.

Subsection 3. Maintenance and Inspection of Approved Protection Devices.

1. Any water customer who is required to have an approved protection device shall be responsible to maintain such device in working order.

2. The water customer shall have any approved protection device, except an air gap, inspected at least annually by a certified backflow prevention device tester. Results of such testing shall be provided to the Water Superintendent within 72 hours of the test.



#### D. PROTECTION WITHIN PREMISES

Where the potential cross connection is limited to a single fixture in one building on the premises, the Water Superintendent may, after consultation with the local Code Enforcement Officer, allow the approved protection device to be installed on the piping to that particular fixture rather than the service entrance pipe.

#### E. TECHNICAL GUIDANCE

In determining where an Approved protection device shall be required, and the appropriate type of device, the Water Superintendent shall use the most current guidance material provided by the New York State Health Department.

#### F. APPROVAL AND INSTALLATION

A water customer required to install an approved protection device shall submit plans and specifications for such installation to the Water Superintendent, who must approve the plans prior to installation. The Water Superintendent may refer the plans to the State Health Department for review and approval.

#### G. RECOURSE FOR NONCOMPLIANCE

Service of water to any premises may be discontinued by the public water system if an approved protection device required by this regulation is not installed, tested, and maintained as required, and service will not be restored until such conditions or defects are corrected.

#### TAPPING THE MAINS

Section 18. All tapping of mains will be done under the supervision of the Water Superintendent at the actual cost for the account of the owner or user.

#### SUSPENSION

Section 19. The Town Board may suspend or revoke the permit of any plumber or pipe fitter for incompetence or misconduct and may refuse to grant a permit to any person not found by them to be competent by reason of lack of experience or knowledge.

#### PENALTY FOR VIOLATION

Section 20. If any plumber or pipe fitter shall violate any of the foregoing rules and regulations, the Town Board will upon satisfactory evidence thereof suspend his permit, and may impose a fine of not less than one hundred fifty (\$150) dollars and his suspension shall stand until such fine has been paid or remitted by the Board or until such other time as the Board may in its judgment determine.

## ARTICLE IV VIOLATIONS

Section 1. No person shall use water supplied by Greenville Water District to sprinkle other than his own premises and no street sprinkling with garden or other hose will be permitted on any street. All permissible sprinkling must be done between the hours of four o'clock in the afternoon and nine o'clock in the forenoon and at no other time. Nozzles larger than 3/16 inch in diameter shall not be used for sprinkling. Any person violating any of the provisions of this ordinance shall be liable to a penalty of fifty (\$50) dollars for each violation and, in addition thereto, any violation of this ordinance shall constitute disorderly conduct and the person violating the same shall be considered a disorderly person.

Section 2. No person except the Greenville Town Board or the Superintendent of the water works, or persons acting under their or his direction or permission shall open any fire hydrant, or draw water therefrom, except that the chief of the fire department of the hamlet of Greenville, and his assistants and members of the fire department, are authorized to use said hydrants for the purpose of extinguishing fires or testing engines, hose and apparatus, but all such uses shall be under the direction and supervision of the chief of the fire department and his assistants, and in no case shall inexperienced or incompetent persons be allowed to manipulate or interfere with any such hydrant, or any gatevalve or other fixture of said water works. Any person violating any of the provisions of this ordinance shall be liable to a fine not to exceed one hundred (\$100) dollars. In addition to such penalty, any violation of this ordinance shall constitute disorderly conduct and the person violating the same shall be considered a disorderly person.

Section 3. It shall not be lawful for any person not authorized by the Greenville Town Board or the Superintendent to tap any main of the Greenville Water District or to make any connection or connections therewith or to in any manner interfere with said mains or any of them. Any violation of this ordinance shall constitute disorderly conduct and any person violating the same shall be a disorderly person. In addition thereto, such person shall be liable to a fine of one hundred (\$100) dollars.

Section 4. There may be times when, in the opinion of the Water Superintendent, it may be necessary to restrict the periods of water use or to prohibit certain uses entirely. During such times of drought or other problems that limit the availability of water, public notice of water use restrictions will be issued by the Town Board. Such restrictions will be issued only as needed to insure optimum service to all customers while considering public health needs. Water system users who do not comply with duly issued restriction requirements may have their water service shut off without notice, and a fine of Five Hundred (\$500) dollars shall be imposed.



**NEW YORK MUNICIPAL INSURANCE RECIPROCAL**

March 24, 2016

Greenville Laundromat  
11 Garland Lane  
Greenville, NY, 12083

RE: Claimant: Greenville Laundromat  
Subscriber: Town of Greenville  
Date of loss: 7-20-15  
File: TGEVL-2015-002-001

Dear Sirs:

The New York Municipal Insurance Reciprocal (NYMIR) is the Municipal Liability Insurance carrier for the Town of Greenville.

NYMIR has concluded their investigation and has obtained sufficient information upon which to make a proper decision regarding this claim. Please accept this correspondence as our formal denial of your claim against the Town of Greenville. The following sets forth the basis for this denial.

Per local law # 1 of 1997 regulating the Town of Greenville Water District and protecting the Wellhead area.

**SERVICE PIPES AND FIXTURES**

When Hot Water Boilers are used suitable vacuum and air valves must be applied to prevent collapsing, as the District not its employees will in no event be responsible for any damage that may occur as a result of the failure to observe this important rule.

Please also be advised our investigation has revealed you failed to file a Notice of Claim timely. The Town of Greenville is governed by General Municipal Law of the State of New York, Section 50-e, which sets forth that a Notice of claim must be served, in writing, within 90 days after the date the claim arises, specifically the date on which the damage or injury actually occurred. As a result of the failure to file a Notice of Claim upon the Town of Greenville in a timely fashion as required by General Municipal law 50-e, NYMIR is respectfully declining to make any payment in connection with this occurrence.

Taking into account the foregoing, NYMIR is respectfully declining to make any payment in connection with this claim.

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Association of Counties

333 Earle Ovington Blvd. Suite 505  
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(516) 227-2120, FAX 227-2352  
1-800-NYMIR05

12 Metro Park Road  
Colonie, New York 12205-1139  
(518) 437-1171, FAX 437-1182  
[www.nymir.org](http://www.nymir.org)



**NEW YORK MUNICIPAL INSURANCE RECIPROCAL**

Thank you for your attention in this matter. Should you have any questions, please feel free to contact the undersigned.

Sincerely,

**Stephen A. Hale**  
Claims Examiner

cc: Town of Greenville  
P.O. Box 38  
Greenville, NY, 12083

Marshall & Sterling Upstate, Inc.  
300 Route 23B  
Leeds, NY, 12451

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