

RESOLUTION No. 001 of 2022

Introducing Local Law No. 1 of 2022 Amending Chapter 180 “Sewers and Water” of the Village Code

At a meeting of the Village Board of Trustees of the Village of Millbrook (“Village Board”), held at the Village Fire House, 20 Front Street, Millbrook, New York on the 9th day of February, 2022, at 6:00 p.m., Village Mayor, Tim Collopy called the meeting to order, and _____, seconded by _____ Trustee _____, moved the following resolution, to introduce the following proposed local law, to be known as Proposed Local Law No. 1 of 2022, entitled “A Local Law Amending Chapter 180 of the Village Code entitled ‘Sewers and Water’ to update the existing provisions of that Chapter and introduce a new separate Article of that Chapter entitled ‘Water’” as follows:

BE IT ENACTED by the Board of Trustees of the Village of Millbrook as follows:

Section 1. Legislative intent: The Village Board of Trustees has determined it is necessary, and in the best interests of the Village and its residents, to amend the existing Chapter 180 of the Village Code entitled “Sewers and Water” to update the provisions contained therein and add a new separate Article to contain the specific regulations with respect to “Water.” The existing Article I entitled “Rates” and Article II entitled “Sanitary Sewers” of Chapter 180, are being repealed in their entirety and replaced with a new Article I entitled “Rates and Fees” and a new Article II entitled “Water.” The existing Article II entitled “Sanitary Sewers” is being amended to provide updates and necessary changes and the new amended provisions are being enacted as the new Article III hereinafter entitled “Sanitary Sewers.” The provisions contained in the existing Article III of Chapter 180 entitled “Cross Connections and Backflow Protection” are being updated, with only minor changes, and enacted as the new Article IV of Chapter 180.

Section 2. The existing Article I of Chapter 180 of the Village Code entitled “Rates”, and all Sections included therein, is hereby repealed in its entirety and replaced with the new

Article I of Chapter 180 of the Village Code entitled “Rates and Fees” containing the following language.

“ARTICLE I Rates and Fees

§ 180-1. Compliance required.

Any person who shall make or continue to have any connection with the Village water system or use any water therefrom or the sewage disposal system shall be subject to all rules and regulations now in effect or which may hereafter be amended or adopted by the Board of Trustees as well as all other provisions of the Code of the Village of Millbrook.

§ 180-2. Tap and lateral service; fees.

A. Water. The property owner shall be responsible at his or her own cost and expense to excavate, make the tap and bring the water lateral from his or her property to the point of tap.

B. Sewers. The person owning the property shall be responsible at his or her own cost and expense to excavate, make the tap and bring the sewer lateral from his or her property to the point of tap.

C. Fees. Fees for tapping will be set by resolution of the Board of Trustees.

§ 180-3. Inspection of connections required.

Each time that a connection with the Village water or sewer system is made, the service shall not be introduced without an inspection and approval by the Superintendent of the Water and/or Sewer.

§ 180-4. User rates.

A. The water and sewer rates for customers of the Village water supply system and/or the Village public sewer system shall be set forth on the prevailing fee schedule adopted by resolution of the Village Board of Trustees and as such schedule is modified from time to time by resolution of the Village Board of Trustees. The sewer usage rate assigned to any property owner who is not connected to the public water supply system but who is connected to the public sewers shall be based on the estimated or measured volume of sewage contributed, such estimate to be made by the Village Board of Trustees. Such charges shall be expressed in terms similar to water charge arrangements.

B. Late charges for unpaid amounts on water and/or sewer bills are 10% of the unpaid amount 30 days past due. After 60 days, late charges on such unpaid amounts shall accrue at the rate of 1.27% per month on such outstanding unpaid amounts.

C. Water usage is billed per 1,000 gallons used. Sewer usage is billed based on the amount of water used.

§ 180-5. Payment of water bills.

Water bills shall be due and payable to the Village Clerk within one month from the date of the bill.

§ 180-6. Nonpayment of water bills; penalty.

A. Lien. All unpaid water bills shall be a lien on the real property where the water is used and may be included in the general Village tax roll and collected and enforced in the same manner as the Village real estate tax.

B. Cessation of service and cutoff of water supply. If any part of the water bill remains unpaid at the end of 60 days from the date of a bill, the water service shall be turned off. Service shall not be restored until payment of all delinquent charges and penalties have been paid together with a service charge in an amount set forth on the prevailing fee schedule adopted by resolution of the Village Board of Trustees and as such schedule is modified from time to time by resolution of the Village Board of Trustees.

§ 180-7. Water emergency.

A. A fine will be imposed on any person or persons found to be in violation of water conservation rules set forth by the Village Board, particularly any outside use of water for washing cars, watering lawns and gardens and filling of swimming pools. **The amount of the fines shall be determined by the Village Board on an annual basis.**

B. Any noncompliance of this section shall be punishable, upon conviction, as provided in Chapter 1, General Provisions, Article III of the Village Code.”

Section 3. The existing Article II of Chapter 180 of the Village Code entitled “Sanitary Sewers”, and all Sections included therein, is hereby repealed in its entirety and replaced with the new Article II of Chapter 180 of the Village Code entitled “Water” containing the following language.

“ARTICLE II Water

§ 180-8. Definitions.

PUBLIC WATER MAIN – Village distribution pipes.

PUBLIC WATER SUPPLY — A water system in which all owners of abutting properties have equal rights and is owned or controlled by a public authority.

SUPERINTENDENT — The Superintendent of Water Supply of the Village of Millbrook or his or her authorized deputy, agent or representative.

BUILDING WATER SERVICE LINE – Water line for each building that is connected to the public water main.

§ 180-9. Connection to public water supply required.

The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes situated within the Village of Millbrook and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public water supply of the Village is hereby required at his or her expense to install suitable facilities therein and to connect such facilities directly with the proper public water supply in accordance with the provisions of this Article within 180 days after date of official notice to do so.

§ 180-10. Use of individual systems restricted.

Except hereinafter provided, it shall be unlawful to construct or maintain any water supply intended for private use.

§ 180-11. Private water systems.

Where a public water supply is not available under the provisions of this article, the building shall be connected to a private water system complying with the provisions of this article. If a private water system is preexisting and predates the Village public water supply, it shall not be connected in any way to the Village public water supply. If there is a possibility of connection between a private system and the Village Public water supply, then there shall be a backflow device installed to protect the public water supply. Any backflow device installed shall conform to Article IV of this Chapter.

§ 180-12. Discontinuance of private water system; connection to public water supply.

A. At such time as a public water supply becomes available to a property served by a private water system, a direct connection shall be made to the public water supply in compliance with this article.

B. When a public water supply becomes available, the building water service line shall be connected to said water supply within 180 days.

§ 180-13. Permit required to connect with public water.

No unauthorized person shall uncover, make any connection with or opening into, use, alter or disturb any public water main or appurtenance thereof without first obtaining a written permit from the Superintendent of water. The owner or the owner's agent shall make application on a special form furnished by the Village. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Water Superintendent. A permit and inspection fee shall be paid to the Village at the time the application is filed. Such permit and inspection fee shall be in an amount set forth on the prevailing fee schedule adopted by resolution of the Village Board of Trustees and as such schedule is modified from time to time by resolution of the Village Board of Trustees.

§ 180-14. Costs to be borne by owner.

All costs and expense incident to the installation and connection of the water service line shall be borne by the owner. The owner shall indemnify the Village from any loss or damage that may directly or indirectly be occasioned by the installation of the water service. Additional costs for maintenance and repairs of the water service line from the building to the curb stop valve will be at the expense of the owner.

§ 180-15. Construction specifications.

The size, slope, alignment, materials of construction of a building water line and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall all conform to the requirements hereinafter specified: Building water service lines shall be of 3/4-inch minimum diameter. Materials shall conform to those hereinafter specified. Water lines shall be laid in a straight line horizontally and vertically. The excavation for building water shall be carried at least 48 inches below grade, if the 48-inch depth cannot be achieved then insulation equivalent to the required depth shall be required. The trench shall be backfilled with sand or fine graded gravel, compacted to the flow line of the pipe. The pipe shall then be laid to line and grade on the prepared bed and hand backfilled and

tamped with select material free from lumps, clods, stone, etc., to a point one foot over the top of pipe. The remainder of the trench shall be backfilled to the satisfaction of the Superintendent, except that excavations in streets, driveways and sidewalks located in the public thoroughfare shall be backfilled with good quality run of bank gravel compacted in one-foot layers.

§ 180-16. Separation of water lines.

As mandated by the New York State Health Department, the separation between sewer and water lines shall conform to the following:

A. Each line shall be laid in a separate ditch.

B. A minimum horizontal separation of 10 feet shall exist between the water and sewer lines. If the lines must cross then the water line shall be at least 12 inches above the sewer line. If the water line must pass below the sewer line then there shall be a minimum of 18 inches of vertical separation between the 2 lines.

§ 180-17. Standards for connection to public water.

The connection of the building water line into the public water supply shall conform to the requirements of the Sanitary Code or other applicable rules and regulations of the Village. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent.

§ 180-18. Booster pumping systems.

In cases where water pressure in the Village public water supply does not meet minimum standards as set by the New York State Health Department Sanitary Code, part 5-1.27, a booster system shall be permitted. If said system is installed it shall be required to have a backflow device installed and adhere to any provisions set forth in Article IV of this Chapter. All costs associated with operating and maintaining any booster system installed shall be the responsibility of the building owner.

§ 180-19. Materials permitted for water systems.

All materials shall conform to the following requirements:

Ductile iron pipe and cast-iron fittings.

(a) Ductile iron pipe and cast-iron fittings shall be cement-lined, rubber-gasket, push-on, mechanical- or restrained-joint-type conforming to the following specifications:

[1] Rubber gasket joints: AWWA C 111/ASA A 21.11.

[2] Cement lining: AWWA C 104/ASA A 21.4; minimum thickness through twelve (12) inches: one-eighth (1/8) inch.

[3] Fittings: AWWA C 110/ASA A 21.51.

(b) Pipe thickness class shall be in accordance with ASA A21.50, Table 4, for Type B laying conditions and three-hundred-pound-per-square-inch working pressure at the various depths.

PVC – Ductile Iron Pipe size. AWWA C-900. Any PVC pipe that is laid underground shall have tracer wire secured to pipe and wire is to be run to valve box and brought to the surface.

Copper tubing. Copper tubing shall be Type K soft annealed copper water tube conforming to AWWA Specification 7S-CR and shall be three-fourths (3/4) inch for a single-family residence. Larger sizes may be required for other uses.

Copper tube size Polyethylene tubing. Rated for 250 pound per square inch. AWWA C-901. Shall be ¾ inch minimum for single family homes. Any polyethylene tubing that is laid underground shall have tracer wire secured to tubing and wire is to be run to curb valve box and brought to the surface.

Curb stop valve.

[1] Curb stops shall be of the size(s) shown herein and on the approved plan, full-round way opening, Teflon-coated plug, O-ring sealed, of lead-free brass construction, solid tee head, one-hundred-seventy-five-pound-per-square-inch service and conforming to AWWA Specification C 800.

[2] Curb stops shall be provided with a two-piece slide-type base curb box. The lid shall be fastened with iron to bronze thread. Stationary rods shall be provided.

Corporation stops.

Corporation stops shall be of lead-free brass construction, ground key stop, solid tee head, one-hundred-seventy-five-pound-per-square-inch working pressure rating and shall have threads conforming to AWWA Specification C 800.

Hydrants.

(a) Fire hydrants shall be five-and-one-fourth-inch compression-type and shall conform to AWWA Specification C-502.

(b) Hydrants shall be traffic-type with breakable couplings and/or bolts at the ground line and shall open counterclockwise.

(c) Hydrants shall have a six-inch mechanical-joint side inlet foot piece, two (2) two-and-one-half-inch hose nozzles and one (1) four-and-one-half-inch pumper nozzle. Nozzles shall all be national standard hose threads.

(d) Packing shall be O-ring type.

(e) Hydrants shall be Kennedy, five-and-one-fourth-inch valve opening.

(f) Hydrants shall be painted solid red. Installed hydrants shall be touched up to remove any marks or scraped paint caused by installation or transit.

All pipe joints shall be gasketed and made watertight. No glue fittings or solder joints will be permitted. Any directional changes in pipe shall be properly secured using thrust blocks or other means of restraining.

§ 180-20. New connections to public water.

New connections to the public water supply shall be made when necessary using saddles which are to be bolted or banded to the water main. Each saddle shall be installed with a rubber gasket joint and include a corporation stop of appropriate size. Taps into the main are to be made in a manner satisfactory to the Superintendent and shall result in a neat clean hole of proper diameter without damage to the remainder of the pipe.

§ 180-21. Building water line inspection; connections.

The applicant for the building water permit shall notify the Superintendent when the building water service line is ready for inspection and connection to the public water supply. The connection shall be made under the supervision of the Superintendent or his or her representative.

§ 180-22. Entry on easements.

The Superintendent and other duly authorized employees of the Village bearing proper credentials and identification shall be permitted to enter all private properties through which the Village holds a duly negotiated easement for the purpose including but not limited to inspection, observation, measurement, sampling, repair, replacement, improvement and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private properties involved.

§ 180-23. Vacant Premises.

In case a house or other building is to be closed or become vacant, notice thereof shall be given to the Water Department in order that the meter may be read, and the curb stop closed. Where such notice is not given and pipes burst from freezing or other cause, the value of the water lost by reason thereof as estimated by the Water Department, shall be added to the next bill and be paid in like manner as regular water charges.

§ 180-24. Meters.

All water used by customers of the Water Department shall be metered except where expressly excepted by the Village Board. The Village will supply water meters up to one inch in size. For services requiring meters larger than one inch, the Village will purchase the water meter at the size requested and charge the customer any additional cost exceeding the cost of a 1-inch meter. This charge will be placed on the water bill.

A. All water meters used shall be only those approved and furnished by the Village. Such water meters shall remain the property of the Village unless otherwise agreed to by the Village Board. Any special meters supplied by the owner and agreed to by the Village Board shall remain the property of the owner and shall be maintained by the owner.

B. Where it may be advisable to meter any additional parts of the property and/or building, in addition to the regular meter, this shall be done at the expense of the property owner. Any additional meters requested will be billed in full to the property owner. These additional meters will adhere to any and all provisions set forth here.

C. All meters shall be set at the expense of the property owner whose property is receiving water service in such position as to be readily accessible for reading and repair and shall be fully protected from frost and other damage at the expense of the property owner. A suitable shut off valve shall be placed on the service pipe on the inlet side of the meter.

D. All water passing through a meter will be charged for, whether used or wasted. Meters will be tested at the consumer's request. If the meter is found correct, the consumer shall bear the expense of the test. Meters will be considered correct if registering within two percent (2%). The expense of the test

shall become a part of the water bill. If a meter fails to register correctly, the owner will be charged the average daily consumption as shown by the meter when in working order and said meter will be repaired or replaced at the expense of the Village.

E. If a meter is damaged by frost or other faulty installation, then the cost of a new meter and installation is the responsibility of the owner. Damage caused by a faulty meter shall be the responsibility of the owner unless the Village fails to respond to a written notice of said faulty meter within a reasonable time not to exceed three days from receipt of notice.

F. Where the Village, its contractors, agents, or employees requires that any meter be inspected, changed, modified, upgraded or otherwise altered and the Village or the Village's contractor or other designee provides notice to the property owner that access is required to the property to read, inspect, alter, modify, maintain or replace any water meter, and the property owner fails to provide access within the timeframe set forth in the notice (except in the case of emergency, not less than five calendar days), the Village shall assess a surcharge to the property owner for the failure to provide access. Said surcharge shall be in an amount fixed by resolution of the Village Board from time to time in its Fee Schedule until such time as the water meter is installed or the existing meter is made accessible. Said surcharge may be in an amount up to three times the estimated water usage until such time as access to the water meter is provided. Said assessment may be waived by the Village Board for good cause shown. All property owners shall remain subject to all other remedies and enforcement penalties provided under this article and other applicable laws.

G. No person shall in any way interfere or tamper with the water meter or the valves and fittings connected therewith. A person or persons who intentionally tampers with a meter, or the valves and fittings connected therewith, shall be reported to the appropriate criminal prosecution authorities in addition being subject to any civil penalties contained in this Code.

H. Property owners shall be responsible for any damage to meters due to negligence, misuse or freezing of meters on their premises, whether due to their own act or that of their lessees, guests or occupants of the premises. Charges for repair or replacement of meters in accordance with this section shall be added to the next quarterly water bill and collected in the same manner as provided in §§ 180-5 and 180-6."

Section 4. The existing Article III of Chapter 180 of the Village Code entitled "Cross Connections and Backflow Protection", and all Sections included therein, is hereby repealed in its entirety and replaced with the new Article III of Chapter 180 of the Village Code entitled "Sanitary Sewers" containing the following language.

"ARTICLE III Sanitary Sewers

§ 180-25. Definitions and word usage.

A. Unless the context specifically indicates otherwise, the meaning of terms used in this article shall be as follows:

BOD (denoting biochemical oxygen demand) — The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20° C. expressed in milligrams per liter.

BUILDING DRAIN — That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning three feet outside the inner face of the building wall.

BUILDING SEWER — The extension from the building drain to the public sewer or other place of disposal.

COMBINED SEWER — A sewer receiving both surface runoff and sewage.

GARBAGE — Solid wastes from the domestic and commercial preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

INDUSTRIAL WASTES — The liquid wastes from industrial manufacturing processes, trade or business, as distinct from sanitary sewage.

NATURAL OUTLET — Any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.

pH — The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

PLUMBING INSPECTOR — The official delegated by the Village Board to be in charge of enforcement of the Village Sanitary Code and the applicable portions of this article.

PROPERLY SHREDDED GARBAGE — The wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions, normally prevailing in public sewers, with no particle greater than ½ inch (1.27 centimeters) in any dimension.

PUBLIC SEWER — A sewer in which all owners of abutting properties have equal rights and is owned or controlled by a public authority.

SANITARY SEWER — A sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

SEWAGE — A combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface and storm waters as may be present.

SEWAGE TREATMENT PLANT — Any arrangement of devices and structures used for treating sewage.

SEWAGE WORKS — All facilities for collecting, pumping, treating and disposing of sewage.

SEWER — A pipe or conduit for carrying sewage.

SLUG — Any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average twenty-four-hour concentration or flows during normal operation.

STORM DRAIN (sometimes termed "storm sewer") — A sewer which carries storm water and surface water and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

SUPERINTENDENT — The Superintendent of Sewage Works of the Village of Millbrook or his or her authorized deputy, agent or representative.

SUSPENDED SOLIDS — Solids that either float on the surface of or are in suspension in water, sewage or other liquids and which are removable by laboratory filtering.

WATERCOURSE — A channel in which a flow of water occurs, either continuously or intermittently.

B. Shall is mandatory; may is permissive.

§ 180-26. Unsanitary disposal prohibited.

It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the Village of Millbrook or in any area under the jurisdiction of said Village, any human or animal excrement, garbage or other objectionable waste.

§ 180-27. Discharge of untreated sewage prohibited; exception.

It shall be unlawful to discharge to any natural outlet within the Village of Millbrook or in any area under the jurisdiction of said Village, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this article.

§ 180-28. Use of individual systems restricted.

Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.

§ 180-29. Connection to public sewer required.

The owners of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes situated within the Village of Millbrook and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the Village is hereby required at his or her expense to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer in accordance with the provisions of this article within 180 days after the date of official notice to do so.

§ 180-30. Private sewage disposal.

Where a public sanitary or combined sewer is not available under the provisions of § 180-30, the building shall be connected to a private sewage disposal system complying with the provisions of this article.

§ 180-31. Permit required for private disposal system; fee.

Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the Plumbing Inspector. The application for such permit shall be made on a form furnished by the Village, which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the Plumbing Inspector. A permit and inspection fee shall be paid by the property owner to the Village at the time the application is filed. Such permit and inspection fee shall be in an amount set forth on the prevailing fee schedule adopted by resolution of the Village Board of Trustees and as such schedule is modified from time to time by resolution of the Village Board of Trustees.

§ 180-32. Inspection of private disposal systems.

A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Plumbing Inspector. He or she shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Plumbing Inspector when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within 24 hours of the receipt of notice by the Plumbing Inspector.

§ 180-33. Compliance with County Department of Health recommendations.

The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the Dutchess County Department of Health of the State of New York. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

§ 180-34. Discontinuance of private disposal system; connection to public sewer.

A. At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in § 180-30, a direct connection shall be made to the public sewer in compliance with this article, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

B. When a public sewer becomes available, the building shall be connected to said sewer within 180 days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.

§ 180-35. Operation of private disposal system at owner's expense.

The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the Village.

§ 180-36. Additional requirements for private disposal systems.

No statement contained in §§ 180-31 through 180-36 shall be construed to interfere with any additional requirements that may be imposed by the Dutchess County Health Department.

§ 180-37. Permit required to connect with public sewer.

No unauthorized person shall uncover, make any connection with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Plumbing Inspector and/or Superintendent.

§ 180-38. Classes of permits.

A. There shall be two classes of building sewer permits:

- (1) For residential and commercial service.
- (2) For service to establishments producing industrial wastes.

B. In either case, the owner or the owner's agent shall make application on a special form furnished by the Village. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Plumbing Inspector. A permit and inspection fee shall be paid by the property owner to the Village at the time the application is filed. Such permit and inspection fee shall be in an amount set forth on the prevailing fee schedule adopted by resolution of the Village Board of Trustees and as such schedule is modified from time to time by resolution of the Village Board of Trustees.

§ 180-39. Costs to be borne by owner.

All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Village from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. Additional costs for maintenance and repairs of building sewer from the building to the edge of the property will be at the expense of the owner.

§ 180-40. Separate building sewers required; exceptions.

A separate and independent building sewer shall be provided for every building; except that where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building, and the whole considered as one building sewer.

§ 180-41. Old building sewers.

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Plumbing Inspector, to meet all requirements of this article.

§ 180-42. Construction specifications.

The size, slope, alignment, materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall all conform to the requirements hereinafter specified: Building sewers shall be of four-inch minimum diameter and The minimum slope shall be 1/4 inch per foot unless otherwise permitted by the Plumbing Inspector. Materials shall conform to those hereinafter specified. Sewers shall be laid in a straight line horizontally and vertically. Any building sewer that exceeds a length of 100 feet shall have a cleanout installed. Changes in direction shall be made, horizontally and/or vertically, with standard prefabricated elbows and bends. Any change in direction greater than 45 degrees shall require a cleanout to be installed and brought to the surface. Any installed cleanout shall be capped at the surface with a watertight seal. The excavation for building sewers shall be carried at least 3 foot below grade, if the 3 foot depth cannot be achieved then insulation of the pipe shall be required. The trench shall be backfilled with sand or fine graded gravel, compacted to the flow line of the pipe. The pipe shall then be laid to line and grade on the prepared bed and hand backfilled and tamped with select material free from lumps, clods, stone, etc., to a point one foot over the top of pipe. The remainder of the trench shall be backfilled to the satisfaction of the Plumbing Inspector, except that excavations in streets, driveways and sidewalks

located in the public thoroughfare shall be backfilled with good quality run of bank gravel compacted in one-foot layers.

§ 180-43. Required elevation of building sewer.

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer. Any costs associated with the delivery of sanitary sewage from the building to the public sewer by any means other than gravity shall be borne by owner.

§ 180-44. Drainage connections to sanitary sewers prohibited.

No person shall make connection of roof downspouts, exterior foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

§ 180-45. Standards for connection to public sewer.

The connection of the building sewer into the public sanitary sewer shall conform to the requirements of the Sanitary Code or other applicable rules and regulations of the Village. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Plumbing Inspector and/or the Superintendent.

§ 180-46. Materials permitted for sewer systems.

A. All sewer materials shall conform to the following requirements and American Society for Testing and Materials (ASTM) specifications:

Cast-iron soil pipe A 72-42

PVC – SDR35 D3034

PVC – SDR26 D3034

B. Hot poured bituminous or cement mortar joints shall not be permitted.

C. All pipe joints shall be gasketed. No glue joints for PVC pipe shall be permitted underground.

§ 180-47. New connections to public sewer.

New connections to the public sewer shall be made when necessary using prefabricated wye or tee saddles which are to be bolted or banded to the sewer main. Each saddle shall be installed with a rubber gasket joint. Taps into the main are to be made in a manner satisfactory to the Plumbing Inspector and/or Superintendent and shall result in a neat clean hole of proper diameter without damage to the remainder of the pipe.

§ 180-48. Building sewer inspection; connections.

The applicant for the building sewer permit shall notify the Plumbing Inspector and/or Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Plumbing Inspector or his or her representative.

§ 180-49. Guarding of excavations; restoration.

All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Village.

§ 180-50. Drainage water prohibited in sanitary sewer.

A. No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters to any sanitary sewer. Sump pumps and roof drains from any building connected to the sanitary sewer system shall not be permitted.

B. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or to a natural outlet approved by the Plumbing Inspector.

C. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Plumbing Inspector, to a storm sewer, combined sewer or natural outlet.

§ 180-51. Prohibited discharges.

No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

A. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.

B. Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two milligrams per liter as CN in the wastes as discharged to the public sewer.

C. Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structure, equipment and personnel of the sewage works.

D. Solids or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works, such as but not limited to ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

§ 180-52. Restrictions on discharge of certain wastes.

No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely in the opinion of the Plumbing Inspector that such wastes can harm either the sewers, sewage treatment process or equipment, have an adverse effect on the receiving stream or can otherwise endanger life, limb, public property or constitute a nuisance. In forming an opinion as to the acceptability of these wastes, the Plumbing Inspector will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant and other pertinent factors. The substances prohibited are:

A. Any liquid or vapor having a temperature higher than 150° F., (65° C.).

B. Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of 100 milligrams per liter or containing substances which may solidify or become viscous at temperatures between 32° and 150° F. (0° and 65° C.).

C. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of ¾ horsepower (0.76 horsepower metric) or greater shall be subject to the review and approval of Plumbing Inspector.

D. Any waters or wastes containing strong-acid iron-pickling wastes or concentrated plating solutions, whether neutralized or not.

E. Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Plumbing Inspector for such materials.

F. Any waters or wastes containing phenols or other taste- or odor-producing substances in such concentrations exceeding limits which may be established by the Plumbing Inspector as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal or other public agencies of jurisdiction for such discharge to the receiving waters.

G. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Plumbing Inspector in compliance with applicable state or federal regulations.

H. Any waters or wastes having a pH in excess of 9.5.

I. Materials which exert or cause:

(1) Unusual concentration of inert suspended solids (such as, but not limited to, fuller's earth, lime slurries and lime residues) or of dissolved solids, such as but not limited to sodium chloride and sodium sulfate.

(2) Excessive discoloration, such as but not limited to dye wastes and vegetable tanning solutions.

(3) Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.

(4) Unusual volume of flow or concentration of wastes constituting slugs, as defined herein.

J. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

§ 180-53. Action of Plumbing Inspector upon discharge of regulated wastes.

A. If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in § 180-53 of this article and which, in the judgment of the Plumbing Inspector, may have a deleterious effect upon the sewage works, processes, equipment or receiving waters or which otherwise create a hazard to life or constitute

a public nuisance, the Plumbing Inspector may:

- (1) Reject the wastes;
- (2) Require the pretreatment to an acceptable condition for discharge to the public sewers;
- (3) Require control over the quantities and rates of discharge; and/or
- (4) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of § 180-59 of this article.

B. If the Plumbing Inspector permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Plumbing Inspector and subject to the requirements of the Code of the Village of Millbrook and all applicable codes, rules and regulations.

§ 180-54. Interceptors.

Grease, oil and sand interceptors shall be required for all structures for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Village Engineer and shall be located so as to be readily and easily accessible for cleaning and inspection. Any costs associated with installing the interceptor, including Village Engineering fees, shall be at the property owner's expense.

§ 180-55. Facilities to be maintained by owner.

Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his or her expense. Any inspection or cleaning of said facilities needs to be reported to the Village.

§ 180-56. Control manhole.

When required by the Plumbing Inspector, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole, together with such necessary meters and other appurtenances, in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the Plumbing Inspector. The manhole shall be installed by the owner at his expense and shall be maintained by the owner so as to be safe and accessible at all times.

§ 180-57. Measurements; tests; analyses.

All measurements, tests and analyses of the characteristics of water and wastes to which reference is made in this article shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined at the control manhole provided or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by the customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. (The particular analyses involved will determine whether a twenty-four-hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four-hour composites of all outfalls, whereas pH's are determined from periodic, grab samples.)

§ 180-58. Special agreements permitted.

No statement contained in this article shall be construed as preventing any special agreement or arrangement between the Village and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Village for treatment, subject to payment therefor, by the industrial concern.

§ 180-59. Damage to or tampering with sewer prohibited.

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest.

§ 180-60. Right to make inspections.

The Plumbing Inspector and other duly authorized personnel of the Village bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this article. The Plumbing Inspector or his or her representative shall have no authority to inquire into any processes, including metallurgical, chemical, oil, refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

§ 180-61. Observation of safety rules.

While performing the necessary work on private properties referred to in § 180-61, the Plumbing Inspector or duly authorized personnel of the Village shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the Village personnel, and the Village shall indemnify the company against loss or damage to its property by Village personnel and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by the negligence or failure of the company to maintain safe conditions as required in §§ 180-56 and 180-57.

§ 180-62. Entry on easements.

The Plumbing Inspector and other duly authorized personnel of the Village bearing proper credentials and identification shall be permitted to enter all private properties through which the Village holds a duly negotiated easement for the purpose including but not limited to inspection, observation, measurement, sampling, repair, replacement, improvement and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private properties involved.

§ 180-63. Penalties for offenses.

A. Violation of § 180-60. Any person who shall violate any provision of § 180-60 shall be guilty of an offense and, on conviction thereof, shall be punished as provided in Chapter 1, General Provisions, Article III of the Village Code.

B. Written notice of violation. Any person found to be violating any provision of the foregoing Sections of this Article except § 180-60 shall be served by the Village with written notice stating the nature of

the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

C. Continued violation. Any person who shall continue any violation beyond the time limit set forth in the Notice provided for in Subsection B herein, shall be guilty of an offense and, on conviction thereof, shall be punished as provided in Chapter 1, General Provisions, Article III of the Village Code.

D. Civil liability. Any person violating any of the foregoing provisions of this Article shall become liable to the Village for any expense, loss or damage occasioned the the Village by reason of such violation.

§ 180-64. Hearing Board.

The Village Board of Trustees shall constitute a Hearing Board as needed to arbitrate the differences between the Plumbing Inspector (and/or the Superintendent of Sewers) and sewer users on matters concerning interpretation and provisions of this article by said Plumbing Inspector and/or Superintendent of Sewers.

§ 180-65. Hearing Board to employ consultants.

The Village Board acting as a Hearing Board shall employ or appoint such consultants as may be needed to assist it in making its decisions.

§ 180-66. Costs of arbitration.

The cost of arbitration shall be divided equally between the municipality and the sewer user.

§ 180-67. Sewer rents established.²

There is hereby established in the Village of Millbrook a scale of rents to be called "sewer rents," the revenues from which shall be used for financing and maintaining sewage collection and treatment facilities. The funds derived from these charges shall be used for all municipal expenses associated with design, engineering, construction, improving or maintaining a sewerage system including engineering, planning, construction, reconstruction of sewers and sewage treatment works and all necessary appurtenances thereto, including pump stations, extension, enlargement, replacement or additions to the sanitary or storm water sewer system, separation of sanitary and storm water sewers or the preliminary or other studies and surveys relative thereto and from the acquisition of land or rights-of-way for any of the capital improvements.

2. Editor's Note: See also Art. I of this chapter.

§ 180-68. Imposition of sewer rents.

A. In addition to any and all other fees and charges provided by law, the owner of any parcel of real property connected to the public sewer system, or any part or portion thereof, of the Village of Millbrook, shall pay a sewer rent for the use of such sanitary sewer system.

B. Real property receiving sewer services from the public sewer system of the Village of Millbrook, but located outside of the corporate limits of the Village, shall be charged and shall be obligated to pay an amount equal to the sewer rents that would have been levied against the real property if it had been located within the Village.

C. The sewer rental charge shall be on an ad valorem basis. The Village Board of Trustees reserves the right to change the stated charge in accordance with the requirements of this section.

D. There shall be no sewer rental charge to any parcel of real property located within the Village of Millbrook which is not connected to the Village of Millbrook public sewer system.

§ 180-69. Levy and collection of sewer rents.

A. The amount of the sewer rent due each quarter shall be added to the regular water bill.

B. All sewer rents shall be due and payable at the same time water bills are due and payable.

C. All unpaid sewer rents shall be a lien on the real property where the water is used and may be included in the general Village tax roll and enforced in the same manner as the Village real estate tax.

D. All users of the sanitary sewer system that are outside of the incorporated limits of the Village of Millbrook will enter into a contractual agreement with said Village which shall set forth the method of collection of past due sewer rents and the possible cessation of services for nonpayment of bills.

§ 180-70. Sewer Benefit Assessment.

A Sewer Benefit Assessment has been established by The Village of Millbrook. The Village Board determines the Benefit Assessment amount for each property connected to the Village Sewer System and charges an annual fee, to be paid by those property owners, based on the Benefit Assessment. The Sewer Benefit Assessment is levied on all properties connected to the Village Sewer System. The charge is included in the annual Village Property Tax bill for those properties located within the Village. Those properties connected to the Village Sewer System but located in the Town of Washington outside the Village are sent an annual bill for such Sewer Benefit Assessment charge. The funds raised through the Sewer Benefit Assessments are used to cover the bonded indebtedness and capital improvements at the Sewer Treatment Plant.

§ 180-71. Collection of charges.

All sums charged for the use of sewers shall be collected in the same manner used for the collection of water bills, including penalties and shutting off water for nonpayment of either water or use of sewers.”

Section 5. Chapter 180 of the Village Code of the Village of Millbrook is hereby amended to add a new Article IV entitled “Cross Connections and Backflow Protections” containing the following language.

“ARTICLE IV Cross Connections and Backflow Protection

§ 180-72. Purpose.

The purpose of this article is:

A. To protect the public potable water supply of the Village of Millbrook from the possibility of contamination by isolating within its customers' internal distribution system or its customers' private water system such contaminations or pollutants which could backflow into the public water supply system; and

B. To comply with the requirements of the New York State Sanitary Code 5-1.31.

§ 180-73. Definitions.

For the purpose of this article, unless it is plainly evident from the context that a different meaning is intended, certain terms used herein are defined as follows:

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

APPROVED CHECK VALVE — A check valve that seals readily and completely. It must be carefully machined to have free-moving parts and assured water tightness. The face of the closure element and valve seal must be bronze, composition or other non-corrodible material which will seal tightly under all prevailing conditions of field use. Pins and bushings shall be bronze or other non-corrodible, non-sticking material, machined for easy, dependable operation. The closure element (e.g., clapper) shall be internally weighted or otherwise internally equipped to promote rapid and positive closure in all sizes where this feature is obtainable.

APPROVED DOUBLE CHECK VALVE ASSEMBLY — An assembly of at least two independently acting approved check valves, including tightly closing shutoff valves on each side of the check valve assembly and suitable test cocks plus connections available for testing the water tightness of each check valve.

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

APPROVED WATER SUPPLY — Any water supply approved by or under the public health supervision of a public health agency of the State of New York, the County of Dutchess or the Village of Millbrook. In determining what constitutes an "approved water supply," the Department of Health of the State of New York (herein called State Health Department) shall have the final judgment as to its safety and potability.

AUXILIARY WATER SUPPLY — Any water supply on or available to the premises other than the Village water supply.

CONSUMER — Any person to whom water is sold and furnished from the Village of Millbrook.

CONTAMINATION — An impairment of the quality of the Village water supply by the presence of any foreign substance (organic, inorganic, radiological or biological) to a degree which creates a hazard to the public health.

COUNTY HEALTH OFFICER — The Dutchess County Health Officer, the officer's assistants or authorized deputies acting as, or any other person appointed as, Health Officer of the County of Dutchess.

CROSS CONNECTION — Any unprotected connection between any part of the Village water works system used or intended to supply water for drinking purposes, and any source or system containing water or substance that is not or cannot be approved as safe, wholesome and potable for human consumption.

NONTOXIC SUBSTANCE — Any substance of a nonpoisonous nature that may create a moderate or minor hazard to the water supply system.

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

PREMISES — Integrated land and including improvements thereon undivided by public thoroughfares or water distribution mains of the Village of Millbrook and where all parts of the premises are operated under the same management and for the same purpose.

PROTECTIVE DEVICE — Any of the following devices:

- A. Air gap separation.
- B. Approved reduced pressure principle backflow prevention device.
- C. Approved double check valve assembly.

SERVICE CONNECTION — The terminal end of a service connection from the Village water supply at its point of delivery to the consumer. If a meter is installed, "service connection" means the downstream end of the meter. No unprotected takeoffs from the service line ahead of any meter or backflow protective device located at the point of delivery to the consumer shall be permitted.

SUPERINTENDENT — The Superintendent of Water of the Village of Millbrook or his or her authorized representatives.

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

VILLAGE — The Village of Millbrook.

VILLAGE WATER SUPPLY — An Approved Water Supply sold and delivered to Consumers' premises through the water works system of the Village of Millbrook.

§ 180-74. Word usage.

Shall is mandatory; may is permissive.

§ 180-75. Conditions requiring protection; levels of protection.

A. Auxiliary Water Supply. Each service connection from the Village Water Supply for furnishing water to Premises that have an Auxiliary Water Supply shall be protected against backflow of water from the Premises into the Village water supply.

(1) If the Auxiliary Water Supply is handled in a separate piping system with no known cross connection, the Village Water Supply shall be protected by an Approved Double Check Valve Assembly installed at the Service Connection to the Premises. When the Auxiliary Water Supply may be contaminated, the Superintendent may order the Village water supply protected by an Air Gap Separation or an Approved Reduced Pressure Principle Backflow Prevention Device installed at the Service Connection.

(2) If the Auxiliary Water Supply is handled in a separate piping system and Cross Connections are known to exist between the Village Water Supply and the Auxiliary Water Supply which cannot presently be eliminated, the Village Water Supply shall be protected by an Approved Reduced Pressure Principle Flow Prevention Device installed at the service.

B. Toxic or hazardous substances. Should a facility be rated hazardous, a reduced pressure zone device would be required independent of a separate system handling the Auxiliary Water System. The Village would also require a reduced pressure zone device if the facility were rated nonhazardous and the Auxiliary Water System did not meet the water quality requirements of Part 5 of the State Sanitary Code.

C. Nonhazardous substances. At the Service Connection to any Premises on which a substance that would be objectionable (but not necessarily hazardous to health) if introduced into the Village Water Supply is handled in such a manner as to constitute a Cross Connection, the Village Water Supply shall be protected by an Approved Double Check Valve Assembly.

D. Nonhazardous to hazardous. In the event that a Facility is rated nonhazardous and on a specific date becomes hazardous, notification of at least 30 days shall be given to the Superintendent before the change takes place. Protection by the use of a Protective Device as required on hazardous substances must be installed.

E. Sewage treatment plant and pumping station. At the Service Connection to any sewage treatment plant or sewage pumping station, the Village Water Supply shall be protected by an air gap separation. The air gap shall locate as close as practicable to the Service Connection, and all piping between the Service Connection and receiving tank shall be entirely visible. If these conditions cannot be reasonably met, the Village Water Supply shall be protected with an

Approved Reduced Pressure Principle Backflow Prevention Device, provided that this alternative is acceptable to both the Superintendent and the County Health Officer. A final decision in this matter shall be made by the State Health Department.

F. Fire system. At the Service Connection to any premises in which a fire protection system is installed, the Village Water Supply shall be protected based on the water source and arrangement of supplies in accordance with the following classifications:

(1) Class 1: direct connection from public water mains only; no pumps, tanks or reservoirs; no physical connections from Auxiliary Water Supplies; no antifreeze or other additives of any kind; all sprinkler drains discharging to the atmosphere; and dry wells or other safe outlets. The required protection is a single check valve assembly, if not already installed in the system.

(2) Class 2: same as Class 1, except booster pumps may be installed in the connections from the street mains. The required protection is a single check valve assembly, if not already installed in the system.

(3) Class 3: direct connection from public water supply main, plus one or more of the following: elevated storage tanks, for pumps taking suction from above-ground covered reservoirs or tanks and pressure tanks. The required protection is a Double Check Valve Assembly.

(4) Class 4: directly supplied from public mains similar to Classes 1 and 2, and with an Auxiliary Water Supply on or available to the Premises or an auxiliary supply may be located within 1,700 feet of the pumper connection. The required protection is an air gap or Reduced Pressure Principle Backflow Prevention Device.

(5) Class 5: directly supplied from public mains and interconnected with auxiliary supplies, such as pumps taking suction from reservoirs exposed to contamination or rivers and ponds or driven wells; mills or other industrial water systems; or when antifreeze or other additives are used. The required protection is an air gap or Reduced Pressure Principle Backflow Prevention Device.

(6) Class 6: combined industrial and fire-protection systems supplied from the public water mains only, with or without gravity storage or pump suction tanks. The required protection is determined by the Superintendent upon review of engineering drawings of the system.

G. Lawn sprinkling systems. At the Service Connection to any permanently installed lawn sprinkling system, the Village Water Supply shall be protected by an Approved Double Check Valve Assembly. If the lawn sprinkling system handles liquid fertilizers or other chemicals, the Village Water Supply shall be protected by an Approved Reduced Pressure Principle Backflow Prevention Device.

§ 180-76. Consumer responsibility for maintenance of devices.

A. It shall be the responsibility of each Consumer at his own expense to furnish, install and keep in good working order and safe condition any and all Protective Devices required in this Article. The Village shall not be responsible for any loss or damage directly or indirectly resulting from

or caused by the improper or negligent installation, operation, use, repair or maintenance of or interfering with any protective service by any Consumer or any other person.

B. Conflicts. Whenever two or more conditions exist on any Premises for the correction of which different protective devices are required in this article, the Consumer shall be required only to install the Protective Device which, in the opinion of the Superintendent and County Health Officer, afford the maximum protection to the Village Water Supply.

§ 180-77. Annual inspection; records; cost.

The Consumer on whose Premises any Protective Device is installed shall have each such device inspected annually. If successive inspections disclose repeated failures in the operation of any device, the Superintendent may require more frequent inspections. Each device shall be repaired, overhauled or replaced at the expense of the Consumer whenever it is found to be defective. Records of such test, repairs and overhauls shall be kept, and a copy of such records forwarded to the Superintendent on an annual basis. The Superintendent shall have the duty of determining that the inspections required herein are performed properly. If, following demand therefor, the Consumer fails to have any of the inspections made as required herein or to make the above described records available, the Superintendent shall have the right to inspect the device, and the Consumer shall pay the cost thereof.

§ 180-78. Protection required prior to connection; discontinuance.

A. No water Service Connection shall be installed on the Premises of any Consumer unless the Village Water Supply is protected as required by this Article.

B. Delivery of water to the Premises of any Consumer may be discontinued by the Superintendent if any Protective Device required by this article has not been installed, inspected, tested and maintained or is defective or has been removed or bypassed.

C. Immediate discontinuance.

(1) Delivery of water shall be discontinued immediately and without notice to the consumer if the Superintendent or County Health Office determines that:

(a) The Village Water Supply is being contaminated or is in immediate danger of contamination;

(b) A Protective Device required by this article has not been installed or is defective or has been removed or bypassed; and

(c) The Consumer cannot immediately be located.

(2) Delivery of water shall not be resumed until any Protective Device required by this Article and approved by the Superintendent has been properly installed or until conditions at the Consumer's

Premises causing the danger of contamination have been abated or corrected to the satisfaction of the Superintendent and County Health Officer.

D. Notice of discontinuance.

(1) Except as provided in Subsection C, delivery of water shall not be discontinued until written notice thereof has been given to the Consumer. The notice shall state:

(a) The conditions or defects which must be corrected;

(b) The manner in which the stated conditions or defects are to be corrected; and

(c) The date on or after which delivery of water will be discontinued, which shall not be less than 15 nor more than 90 days following the date of delivery of mailing of the notice. The Superintendent may grant the Consumer an extension of an additional period not to exceed 90 days if he or she determines the Consumer has exercised due diligence but has been unable to comply with the notice within the time originally allowed.

(2) The notice shall be given by delivering the same to the Consumer, the manager or agent thereof or to any person in charge of or employed in the place of business of the Consumer or, if the Consumer has no place of business, then at the place of residence of the Consumer, if known, or by leaving the notice at either the place of business or residence of the Consumer. If the Consumer cannot be found, service of the notice shall be mailed, postage fully prepaid, addressed to the Consumer at the place of business or residence set forth in the application of consumer for water service in the records of the Village.

E. Once discontinued, delivery of water shall not be resumed until any Protection Device required by this Article and approved by the Superintendent has been properly installed, or until the conditions at the Consumer's Premises creating the need for a Protective Device have been abated or corrected to the satisfaction of the Superintendent and the County Health officer.

F. For the purpose of making any inspections or discharging the duties imposed by this Article, the Superintendent and County Health Officer shall have the right to enter upon the Premises of any Consumer. Each Consumer, as a condition of the continued delivery to his or her Premises of water from the Village Water Supply, shall be considered as having stated his or her consent to the entry upon his or her PREMISES of the Superintendent and County Health officer for the purposes stated herein.

§ 180-79. Preexisting devices.

All presently installed prevention devices which do not meet the requirements of this Article but were approved devices for the purposes described herein at the time of installation and which have been properly maintained shall, except for the inspection and maintenance requirements under § 180-61, be excluded from the requirements of these rules so long as the Superintendent is assured that they will satisfactorily protect the Village's Water Supply.

Whenever the existing device is moved from the present location, requires more than minimum maintenance or which constitutes a hazard to health, the unit shall be replaced by a backflow Protective Device meeting the requirements of this article.

§ 180-80. Penalties for offenses.

Any person, firm or corporation who or which violates any of the provisions of this Article shall, upon conviction, be punishable as provided in Chapter 1, General Provisions, Article III.

Section 6. This local law shall take effect as of the date of filing with the New York Secretary of State.

Trustee _____ advised the Board of Trustees that, pursuant to the Municipal Home Rule Law of the State of New York, it will be necessary to hold a public hearing upon this proposed local law. Trustee _____ offered the following resolution which was seconded by Trustee _____, who moved its adoption:

WHEREAS, on February 9, 2022, Trustee _____ introduced this local law for the Village of Millbrook, to be known as “A Local Law Amending Chapter 180 of the Village Code entitled ‘Sewers and Water’ to update the existing provisions of that Chapter and introduce a new separate Article of that Chapter entitled ‘Water’”

RESOLVED, that a public hearing be held in relation to the proposed local law as set forth in the form of notice, hereinafter provided, at which hearing parties in interest and citizens shall have an opportunity to be heard, to be held at the Village Fire House, 20 Front Street, Millbrook, New York, on March 9, 2022, at 6:00 o’clock, p.m., Prevailing Time, and that notice of said hearing shall be published in the official newspaper of general circulation in the Village of Millbrook, by the Village Clerk, at least five (5) days before such hearing and that such notice shall be in the following form:

NOTICE OF PUBLIC HEARING

TAKE NOTICE, that the Board of Trustees of the Village of Millbrook will hold a public hearing at the Village Fire House, 20 Front Street, Millbrook, New York, on March 9, 2022, at 6:00 o’clock, p.m., Prevailing Time, on Proposed Local Law No. 1 of the Year 2022, entitled “A

Local Law Amending Chapter 180 of the Village Code entitled ‘Sewers and Water’ to update the existing provisions of that Chapter and introduce a new separate Article of that Chapter entitled ‘Water’”

TAKE FURTHER NOTICE, that copies of the aforesaid proposed local law will be available for examination at the office of the Clerk of the Village of Millbrook, at the Village Hall, 35 Merritt Avenue, Millbrook, New York between the hours of 8:00 a.m. to 12:00 p.m. and then between 1:00 p.m. to 3:00 p.m. on all business days between the date of this notice and the date of the public hearing.

TAKE FURTHER NOTICE, that all persons interested and citizens shall have an opportunity to be heard on said proposal at the time and place aforesaid.

DATED: Millbrook, New York
February 9, 2022

SARAH J. WITT, VILLAGE CLERK

The foregoing resolution was duly put to a vote which resulted as follows:

Mayor Collopy	_____
Trustee Herzog	_____
Trustee Contino	_____
Trustee Arbogast	_____
Trustee Doro	_____

DATED: Millbrook, New York
February 9, 2022

SARAH J. WITT, VILLAGE CLERK
Village of Millbrook