

OYSTER BAY
WATER DISTRICT

ORDINANCES, RULES
and
REGULATIONS

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BOARD OF WATER COMMISSIONERS

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APPLICABLE SECTIONS OF THE PENAL LAW OF THE STATE OF NEW YORK:

Section 145.15 CRIMINAL TAMPERING IN THE SECOND DEGREE

A person is guilty of criminal tampering in the second degree when, having no right to do so nor any reasonable ground to believe that they have such right, they tamper or make connection with property of a gas, electric, sewer, stream, or water-works corporation, telephone or telegraph corporation, common carrier, or public utility operated by a municipality or district; except that in any prosecution under this section, it is an affirmative defense that the defendant did not engage in such conduct for a larcenous or otherwise unlawful or wrongful purpose.

Criminal tampering in the second degree is a Class A misdemeanor.

Section 165.15 THEFTS OF SERVICES

A person is guilty of theft of services when:

1.) With intent to avoid payment by themselves or another person of the lawful charge for any telecommunications service, including, without limitation, cable television service, or any gas, steam, sewer, water, electrical, telegraph or telephone service which is provided for a charge or compensation, they obtain or attempt to obtain such service for themselves or another person by means of (a) tampering or making connection with the equipment of the supplier, whether by mechanical, electrical, acoustical, or other means, or (b) offering for sale or otherwise making available, to anyone other than the provider of a telecommunications service for such service provider's own use in the provision of its service, any telecommunications decoder or descrambler, a principal function of which defeats a mechanism of electronic signal encryption, jamming, or individually addressed switching imposed by the provider of any such telecommunications service to restrict the delivery of such service, or (c) any misrepresentation of fact which they know to be false, or (d) any other artifice, trick, deception, code or device. For the purposes of this subdivision the telecommunications decoder or descrambler described in paragraph (b) above or the device described in paragraph (d) above shall not include any non-decoding and non-descrambling channel frequency converter or any television receiver type-accepted by the

Federal Communications Commission. In any prosecution under this subdivision, proof that the telecommunications equipment, including, without limitation, any cable television converter, descrambler, or related equipment, has been tampered with or otherwise intentionally prevented from performing its functions of control of service delivery without the consent of the supplier of the service, or that telecommunications equipment, including, without limitation, any cable television converter, descrambler, receiver, or related equipment, has been connected to the equipment of the supplier of the service without the consent of the supplier of the service, shall be presumptive evidence that the resident to whom the service which is at the time being furnished by or through such equipment has, with intent to avoid payment by themselves or another person for a prospective or already rendered service, created or caused to be created with reference to such equipment, the condition so existing. A person who tampers with such a device or equipment without the consent of the supplier of the service is presumed to do so with intent to avoid, or to enable another to avoid, payment for the service involved. In any prosecution under this subdivision, proof that any telecommunications decoder or descrambler, a principal function of which defeats a mechanism of electronic signal encryption, jamming or individually addressed switching imposed by the provider of any such telecommunications service to restrict the delivery of such service, has been offered for sale or otherwise made available by anyone other than the supplier of such service shall be presumptive evidence that the person offering such equipment for sale or otherwise making it available has, with intent to avoid payment by themselves or another person of the lawful charge for such service, obtained or attempted to obtain such service themselves or another person or avoided or attempted to avoid payment therefore by themselves or another person; or

2.) With intent to avoid payment by themselves or another person for a prospective or already rendered service the charge or compensation for which is measured by a meter or other mechanical device, he tampers with such device or with other equipment related thereto, or in any manner attempts to prevent the meter or device from performing its measuring function, without the consent of the supplier of the service. In any prosecution under this subdivision, proof that a meter or related equipment has been tampered with or otherwise intentionally prevented from performing its measuring function without the consent of the supplier of the service shall be

presumptive evidence that the person to whom the service which is at the time being furnished by or through such meter or related equipment has, with intent to avoid payment by themselves or another person for a prospective or already rendered service, created or caused to be created with reference to such meter or related equipment the condition so existing. A person who tampers with such a device or equipment without the consent of the supplier of the service is presumed to do so with intent to avoid, or to enable another to avoid, payment for the service involved, or

3.) They knowingly accept or receive the use and benefit of service, including gas, steam, or electricity service, which should pass through a meter but has been diverted therefrom, or which has been prevented from being correctly registered by a meter provided therefore, or which has been diverted from the pipes, wires, or conductors of the supplier thereof. In any prosecution under the subdivision proof that service has been intentionally diverted from passing through a meter, or has been intentionally prevented from being correctly registered by a meter provided therefore, or has been intentionally diverted from the pipes, wires or conductors of the supplier thereof, shall be presumptive evidence that the person who accepts or receives the use and benefit of such service has done so with knowledge of the condition so existing; or

4.) With intent to obtain, without the consent of the supplier thereof, gas, electricity, water, steam, or telephone service, they tamper with any equipment designed to supply or to prevent the supply of such service either to the community in general to or to premises.

Theft of services is a Class A misdemeanor...

GENERAL INFORMATION FOR WATER CONSUMERS

- 1.) The Ordinances, Rules, and Regulations of the Oyster Bay Water District are part of the contract for water supply and should be read carefully and kept for future reference.
- 2.) All installations, repairs, and additions to the water supply system must be performed by plumbers or contractors duly licensed and bonded in favor of the District. All meter readers, inspectors, or agents employed by this District must be given access to the water supply system and plumbing system on any premises.
- 3.) The owners of real property are liable for the rents and water charges on such property, whether it be occupied by the owner or a tenant, and these rents and charges become a lien upon the property if they are not paid promptly.

Bills for water charges will be mailed, but the District does not guarantee the delivery of bills.

- 4.) Consumers are requested to promptly notify the District's office of any change in ownership or address to which bills are to be sent.
- 5.) The District assumes no responsibility for the freezing of mains or water supply systems or for leakage occurring therein nor will it assume any liability for damages resulting therefrom.
- 6.) It is the intention of the District to notify the consumers when the water mains affecting such consumers are to be turned off, but it may be impossible or impracticable to do so. In either event, the District is not liable for any damage that may be caused by such turning off of the water.
- 7.) It is required that approved backflow prevention devices be installed in accordance with the New York State and Nassau County Health Department's requirements. In this connection, see Article VIII of these Ordinances, Rules, and Regulations.
- 8.) The District encourages its consumers to conserve their use of water to save this resource for the future. All water use fixtures shall comply with the New York State Code.

ORDINANCES, RULES, AND REGULATIONS OF THE OYSTER BAY WATER DISTRICT

The following are the Ordinances, Rules, and Regulations established pursuant to law by the Board of Water Commissioners of The Oyster Bay Water District, Oyster Bay, Nassau County, New York, and are considered a part of any contract with any party taking and using water furnished by this District.

ARTICLE 1

Sec. 1-A. No person or corporation will be permitted to use the water of the District for any purpose without having first obtained permission from the Board of Water Commissioners or its duly authorized representative.

Sec. 1-B. Application for the introduction of water to any premises or for the extension of any pipe for the conveyance of water, shall be made upon an application furnished for that purpose, signed by the owner of the property or their agent. Applicants for water service must present proof, satisfactory to the Board of Commissioners, of ownership of the property and furnish a correct property description at the time of making application.

Sec. 1-C. Applications or contracts for the use or installation of water or water facilities of the District shall not be acted upon, approved or accepted by the Board of Commissioners or its duly authorized agent until and unless the full amount of all fees, deposits, and installation charges, as the same shall from time to time, be fixed by the Board of Commissioners for the use of such water or water facilities, shall have been paid to the District.

Sec. 1-D. Upon acceptance by the District of such application, the said application shall constitute a contract between the applicant and the District, obligating the applicant and consumer to pay to the District the established rate or rates as the same shall, from time to time, be fixed by the Board of Commissioners, and shall constitute an agreement to comply with and be bounded by ordinances, rules, and regulations of the Oyster Bay Water District and amendments thereto. Such applications shall also constitute a consent by the applicant and consumer for all commissioners, agents, or employees of the District to enter upon any property owned or leased by the applicant or consumer for the purpose of installing, inspecting, repairing, or removing any or all

meters, valves, or pipes of the water supply system located thereon, to read meters and to inspect or test the plumbing facilities on such property and the manner in which the water or services of the District are being used.

Sec. 1-E. TEMPORARY OR EXTRAORDINARY PERMITS

Applications for temporary service or for service of any extraordinary nature will be accepted upon written application, therefore. Permits will be issued, and temporary or extraordinary water service will be supplied, provided it does not interfere with the use of water for fire protection and for general purposes. Applicants for such services shall reimburse the District for all expenses incurred by the District in connection with providing the said temporary or extraordinary services and shall comply with any special requirements imposed by the district.

Sec. 1-F. APPLICATION FOR RENEWAL OF WATER SERVICE LINE

Whenever a consumer of the District shall determine that it is necessary to replace the water service line to his property, or any portion thereof, application must be made to the District and the work performed in the same manner as for a new installation. Further, whenever such replacement is made and the present meter is installed in the building, the necessary materials must be purchased from the District and the meter installed in an outside meter pit, except in such cases where the Board determines that such an installation would be impracticable, in which event the consumer shall make such modifications of the water meter location as the Board determines, or install remote metering equipment, as directed by the Board, which shall be purchased from the District.

ARTICLE II

BILLING

Sec. 2-A. All bills for water or water facilities used, or services performed by the District shall be paid to the District at its office located at 45 Audrey Avenue, Oyster Bay, New York as well as utilizing the District's online bill pay system. Meters will be read quarter-annually, and consumers billed quarter-annually.

All bills are due and payable when rendered. A penalty of ten (10%) percent of the amount due shall be added to all unpaid water and service charges which are not paid within sixty (60) days from the last day of the quarterly period for which they are rendered. Penalties may be waived by the Board of Commissioners due to hardship. The water supply may be shut off if such charges are not paid within sixty (60) days from the due date and shall not be resumed or turned on until all are established from time to time by the Board of water Commissioners.

Sec. 2-B. All water and service charges by the District shall be a lien upon the real property in connection with which such water or service was used.

Owners of the premises whereon water is used will be held responsible for water rents of their tenants, and the water rent shall be a lien upon the property.

Sec. 2-C. Bills for the minimum charge will be pro-rated for the quarterly period when (a) a new water service has been installed during the billing period or (b) where water service has been discontinued and written notice has been given to the District at the time of discontinuance. If no notice is given, the District reserves the right to charge the minimum quarterly rate.

Sec. 2-D. DELINQUENT ACCOUNTS

All accounts delinquent one quarter or more will be filed with the Town Board annually, in accordance with law, and will be added to the tax bill by the proper authorities. The last date for payment of such delinquent accounts at the office of the District shall be September 10th, annually.

ARTICLE III

DEPOSITS, RATES AND CHARGES

Sec 3-A. PRIOR PAYMENT

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

Sec 3-B. RATES

The Board of Commissioners may establish water rates and minimum quarterly charges from time to time pursuant to the authority vested in it by the Town Law of the State of New York.

Sec 3-C. SERVICE CHARGE FOR SPRINKLER SYSTEMS AND HYDRANTS

Whenever a sprinkler system or privately installed fire hydrant shall be installed on any premises, the owner of such premises shall pay to the District, for the privilege of maintaining such sprinkler system or hydrant and for the supply of water thereto, charges in accordance with the following schedule:

SIZE CONNECTION	ANNUAL CHARGE
2"	\$200.00
4"	\$350.00
6"	\$700.00
8"	\$1,120.00
10"	\$1,900.00
Hydrant	\$90.00

Sec.3-D. INSTALLATION CHARGES

An installation charge, which shall be established by the Board from time to time, shall be made for any premises into which water is introduced for permanent use. For all water services, up to and including one (1”) inch in size, the following materials and services shall be included in the charge, except in such cases where it is decided by the District that the placing of the meter in a pit is impracticable.

- (a) Tap
- (b) Water Meter
- (c) Meter pit and meter pit cover
- (d) Curb stop, service box and rod
- (e) Two ring-style valves
- (f) Adapter couplings, where required
- (g) Inspection of installation
- (h) Double check valve (residential services)

All work in connection therewith, with the exception of the tap, shall be done by a plumber or contractor licensed by the Town of Oyster Bay and bonded with the District, at the expense of the applicant-consumer with the proper permits. Where the installation shall be larger than one (1”) inch in size, the materials to be purchased from the District shall be determined by the size of the installation.

Sec. 3-E. DEVELOPMENT FEE

1. For this section:

- (a) A “house” is a single dwelling or two-family dwelling.
- (b) A “multiple dwelling” is a building containing three or more dwelling units, including, without limitation, condominiums, apartments (including co-operatives) and town houses.
- (c) A “commercial building” is any other type of building.

- (d) A “development” includes the construction of one or more houses on contiguous property, the construction of one or more houses on contiguous property, the construction of any multiple dwelling, and the construction of any commercial building.
- (e) A “developer” is any person, including any firm or combination of persons and/or firms having affiliated interests, who constructs a development.
2. Whenever a development is constructed, when applying for water service, the developer shall comply with all requirements imposed by the District and, in addition thereto, pay the following development fees:
- (a) for each house, \$3,000.00.
- (b) for each multiple dwelling: \$3,000.00 for each dwelling unit.
- (c) For each commercial building: \$3,000.00 plus \$1,200.00 for every 1,000 square feet, or portion thereof, of floor space contained therein more than 2,500 square feet.

AND BE IT FURTHER RESOLVED that the foregoing amendment of Section 3-E of the Ordinances, Rules and Regulations of the Oyster Bay Water District shall take effect October 1, 2004.

AND BE IT FURTHER RESOLVED that notice of said water rates and amendment of Section 3-E of the Ordinances, Rules and Regulations of the Oyster Bay Water District shall be published once in the official newspaper of the District or a paper of general circulation.

Sec. 3-F. TEMPORARY HYDRANT PERMITS

In all cases where the use of water from a hydrant is requested, a permit may be issued therefore, upon the payment of a minimum permit fee of \$200.00.

The District shall determine the necessity for the attachment of a reduction valve, backflow preventer and/or meter to the hydrant, and this shall be affixed thereto by an authorized employee of the District. Where a meter is used, in addition to the minimum permit fee of \$200.00, the applicant shall deposit with the District

the sum of \$100.00 for each meter used as security against damage or destruction to the meter or hydrant. Bills for metered water shall be rendered and the charge shall conform to the rate established for water consumption in the District for permanent installation and service. The District reserves the right to cancel any permission granted at any time when the system of the District is being damaged or water wasted, or any provisions of these Rules and Regulations are being violated.

Sec. 3-G. TESTING METERS

A consumer's meter will be tested upon request. A minimum of \$50.00 will be charged or the actual cost to send the meter out to be tested.

ARTICLE IV
INSTALLATIONS

Sec. 4-A. All permanent water services shall be by meter only, and all meters shall be purchased from the District and become component parts of such water services. All new residential water services and all replacements of existing residential water services shall have an approved double check valve installed. All other services shall have an approved backflow prevention device installed in accordance with the requirements of Article VIII of these Rules and Regulations.

No more than one premises, or building shall be supplied through any single service line without the written approval of the Board of Water Commissioners.

The Board reserves the right to grant permits, upon written application therefore, for the installation of temporary service at a flat rate, or to require that a meter be installed for such temporary service.

Sec. 4-B. No contractor or plumber shall be permitted to tap the mains. All tapping shall be done by an authorized employee of the District.

No person shall make any attachment to or connection with the pipes or mains of the District or make any repairs, additions, extensions or alterations to a water service pipe between the main and the meter, nor open any street for such work, unless they are an authorized employee of the District or a contractor or plumber, licensed by the Town of Oyster Bay and duly bonded in favor of the District as hereinafter provided, who shall have obtained a permit from the District and from the Town of Oyster Bay authorities.

Any plumber or contractor making street openings or excavations shall take all precautions for the safety and convenience of the public and shall assume all responsibility and liability for injuries or damages resulting therefrom and shall save and hold the District, the Board, its agents, and employees harmless from all liability for damages or injuries resulting therefrom.

Sec. 4-C. Every approved contractor or plumber shall execute and file with the District a bond in the sum of at least \$5,000.00, with one or more Sureties acceptable to the Board, conditioned upon compliance with

the Rules and Regulations of the District and that they will pay the district the amount of all fines or other expenses imposed by District in connection with the performance of their work upon any facility owned by, or with at any time in the future may be owned by, the District, and further conditioned that they will indemnify and save the District, the Board and the employees thereof harmless from liabilities and all damages and injuries resulting directly or indirectly from any installation, repair, extension or use of the facilities of the District performed by them, and further conditioned that they will replace and restore to the satisfaction and approval of the appropriate government authority all streets and pavement removed by them in connection with the work performed. Such bond is to cover and insure the District against defective material or workmanship of such installation, repairs, or improvements for a period of one year from the date of inspection by the District, as herein provided.

Sec. 4-D. LOCATION OF SERVICE LINES

All water mains and service pipes shall be laid at least four feet six inches (4'6") below the surface of the ground.

No water service pipe may be laid within twenty-four (24") inches of any gas pipe, or within (10') feet of any cesspool drain or sewer pipe or any pipe line connected thereto. No drainage into a water pipe trench will be permitted. No service pipe or valve shall be installed in a driveway unless authorized by the Board or its representative.

Sec 4-E. LOCATION OF METER PIT

All meter pits shall be set at a maximum of two (2') feet inside the property lines unless otherwise authorized by the District. The location of the property line shall be the responsibility of the plumber or contractor.

Sec. 4-F. LOCATION OF CURB STOP

The curb stop shall be installed between the curb and the sidewalk where practicable.

Sec. 4-G. CHANGES IN GROUND ELEVATION

In the event that a change in ground elevation shall leave any service pipe inadequately buried or rest in a curb box, meter pit or other appurtenance of the water facilities being projected above the ground or being covered with earth, the consumer shall, at his own expense, have such service pipe, curb box, meter or meter pit raised or lowered as the case may be so as to conform with all of the requirements of the District, this work to be performed by authorized persons only.

ARTICLE V

SERVICE PIPES, FITTINGS AND APPURTENANCES

Sec. 5-A. Service pipes, fittings, corporation stops, double check valves, curb stops, curb boxes, meters and meter pits shall be of such size, make and construction as the District shall deem proper.

All permanent service pipes, less than two (2") inches in size, shall be of copper tubing, type "K", of not less than three quarter (3/4") inch inside diameter, connected to the main by a tee or other proper fittings authorized by the District, and with no joints between the main and the curb stop.

Service pipes between two (2") inches and four (4") inches in diameter shall be cement-lined, cast iron pipe, cement-lined ductile iron pipe or copper tubing, type "K" or equal, with fittings of the same material as the pipe in each case. They shall be connected to the main by a tee or other proper fittings authorized by the District.

Service pipes four (4") inches in diameter shall be of cement lined, cast iron pipe, cement-lined ductile iron pipe, and shall be connected to a tee in the main with a gate valve and box close to the main. Joint, pipe class and other material specifications shall be satisfactory to the District.

Service pipes of less than one and one-quarter (1 1/4") inch shall have an inverted key type of curb cock and service box. Service pipes, one and one-quarter (1 1/4") inch up to and including two (2") inches in size, shall have a gate key type valve, or a curb cock equipped "O" rings, installed outside the property line of the premises.

All new service pipes or replacements of service pipes under highways must be sleeved by a pipe at least three pipe-sizes larger than the service pipe.

All apartment developments shall have a C.I. or D.I. service of not less than two (2") inches in size connected by a main tee and valve. The installation of this service line, between the main and the meter pit and/or building, as determined by the Board of Water Commissioners or its authorized agent, shall be part of the plans and specifications for the installation of water mains within said development.

Sec. 5-B. METERS

All meters for permanent installation, whether new or replacements shall be installed in meter pits to District specifications unless otherwise authorized by the District. All meters shall be set in an accessible manner in a place approved by the District and shall at all times be available for reading, inspecting, removing, repairing or testing by the district.

METERS IN BUILDINGS- Wherever the meter shall be located within a building, a stop valve shall be installed on both the inlet and the outlet side of the meter. The District reserves the right to require remote-reading meter register wherever meters are installed inside a building.

Sec. 5-C. INSPECTION

No water shall be introduced into private pipelines upon any premises until and unless the same shall have been inspected and approved, prior to backfilling, by an authorized employee of the District; and if there be an inside meter on the premises, until the said meter shall have been officially sealed.

Whenever it shall be found that a service installation has been made in any manner other than that approved by the District, the meter may be removed and the service discontinued. Service shall not be resumed until the installation is properly done and approved, and all expenses, charges and deposits shall have been paid by the consumer or owner of the premises.

Sec. 5-D. NO OUTLET

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

Sec. 5-E. UNDERGROUND SPRINKLER SYSTEMS

Permission must be obtained from the District for the installation of any type of automatic underground sprinkler system. An approved backflow prevention device must be installed to meet the requirements of the New York State and Nassau County Department of Health and the requirements of these Rules and Regulations. All automatic underground sprinkler systems which are installed shall have an approved moisture sensing device or smart controller and shall be required to have a separate meter which must adhere to all District requirements and specifications. All other automatic underground sprinkler systems shall require the installation of an approved moisture sensing device or smart controller.

Sec 5-F. Water-cooled air conditioners are hereby prohibited. All such air conditioners existing on the effective date of this section shall be removed within one year from such effective date.

ARTICLE VI

RESPONSIBILITY FOR SERVICE LINES AND APPURTENANCES

Sec. 6-A. All installations shall be made at the expense of the consumer or owner of the premises and shall conform in all respects to the requirements and specifications established by the Board of Commissioners from time to time and by these Rules and Regulations. This amount plus engineering and legal fees will be paid by the District by monies deposited by the owner. Any unclaimed balance of a deposit after five (5) years becomes the property of the District.

Consumers must keep their own water pipes and fixtures including from the curb stop to the meter in good repair and protected from frost at their own expense. Should replacements or repairs be required thereto in the judgment of the Superintendent of the District, the Board shall notify the consumer in writing, either by mail addressed to the premises or in person, of the repairs required. Such notice shall fix a period within which the repairs shall be made. The period designated shall be such as is deemed necessary to meet the urgency of the situation. Should the consumer fail to make the required repairs in a manner satisfactory to the Board within the time fixed by such notice, the Water District may order the repair and/or replacement made and the cost thereof, with penalty thereon as now fixed or unpaid water bills from the date of billing

by the Water District, shall be considered an unpaid water charge and shall become a lien against the property in the same manner as any unpaid water bill.

Sec. 6-B. REPAIRS AND/OR CHARGES

Except in cases where the District has ordered changes or repairs made to a service connection, no repairs, alterations, or changes shall be made between the main and the meter, unless prior notice is given to the District of the date this work is to be done. All such repairs, alterations or charges shall be inspected and approved by an authorized representative of the District prior to backfilling.

Sec.6-C. REPAIRS AND REPLACEMENTS OF METERS

Meters shall not be tampered with or distributed by an unauthorized person. All repairs to or replacement of meters will be made by an authorized employee or agent of the District.

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

If the meter becomes damaged through the carelessness of the tenant or owner, by failure to protect same, the cost of replacing the damaged meter will be charged to the consumer.

Sec.6-D. METERS TO BE RETURNED TO DISTRICT

Where a meter is no longer required, due to the water service being permanently discontinued or the size of the service being changed, the meter must be returned to the District.

Sec. 6-E. OLD TAPS- TO BE SHUT OFF

Whenever a water service is permanently discontinued, or a new tap substituted for the original tap, the old tap must be shut off at the main. All expenses involved must be paid by the owner or consumer.

Sec. 6-F. LIABILITY FOR DAMAGES

The District, its officers and employees assume no responsibility or liability for any damages, injuries or leakages that may result from an increase or decrease of pressure or a discontinuance of the supply of water, and said supply may be cut off, discontinued or pressure increased or decreased at any time without notice to the consumer.

ARTICLE VII

CHANGE IN OWNERSHIP OF PROPERTY

Wherever property is conveyed, notice must be sent to the District with the name and address of the new owner(s) so that the records of the District will be accurate.

ARTICLE VIII

CONTROL OF BACKFLOW AND CROSS CONNECTIONS

Sec. 8-A

1.) Responsibility of the Board of Commissioners.

The Board of Commissioners or the Superintendent of the Oyster Bay Water District, or their designated agent, may inspect the plumbing in every building or premises in the Oyster Bay Water District as frequently as in their judgment may be necessary to ensure that such plumbing has been installed in such a manner as to prevent the possibility of pollution of the water supply of the District by the plumbing.

2.) Inspection.

The Board of Commissioners, or their designated agent, shall have the right of entry into any building, during reasonable hours, for the purpose of making inspection of the plumbing systems installed in such building or premises provided that, with respect to the inspection of any single family dwelling, consent to such inspection shall first be obtained from a person of suitable age and discretion therein or in control thereof.

Sec. 8-B. DEFINITIONS

1. Airgap: The unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture, or other device and the flood-level rim of the receptacle.
2. Approved: Accepted by the District as meeting an applicable specification stated or cited in these Rules and Regulation, or as suitable for the proposed use.
3. Auxiliary Supply: Any water source or system other than the potable water supply of the District that may be available in the building or premises.
4. Backflow: The flow of water or other liquids, mixtures, or substances into the distributing pipes of a potable supply of water from any source of sources other than its intended source. Back-siphonage is one type of backflow.
5. Backflow Preventer: A device or means to prevent backflow.
6. Back siphonage: Backflow resulting from negative pressures in the distributing pipes of a potable water supply.
7. Barometric Loop: A loop of pipe rising at least 35 feet, at its topmost point, above the highest fixture it supplies.
8. Board or Board of Commissioners: The Board of Water Commissioners of the Oyster Bay Water District of the Town of Oyster Bay, County of Nassau, State of New York.
9. Check Valve: A self-closing device which is designed to permit the flow of fluids in one direction and to close if there is a reversal of flow.
10. Contamination. See Pollution.
11. Cross-Connection: Any physical connection between a potable water supply and any waste pipe, soil pipe, sewer, drain, or any unapproved source or system. Furthermore, it is any potable water supply outlet which is submerged or can be submerged in wastewater and/or any other source of contamination. See Backflow and Back siphonage.

12. District or Water District: The Oyster Bay Water District in the Town of Oyster Bay, County of Nassau, State of New York.
13. Drain: Any pipe that carries wastewater or waterborne waste in a building drainage system.
14. Fixture, Plumbing: Installed receptacles, devices or appliances supplied with water or that receives, or discharges liquids or liquids borne wastes.
15. Flood-Level Rim: The edge of the receptacle from which water overflows.
16. Hazard, Health: Any conditions, devices, or practices in the water supply system and its operation which create or, in the judgment of the Board of Commissioners, may create a danger to the health and wellbeing of the water consumer. An example of a health hazard is a structural defect in the water supply system, whether of location, design, or construction, that regularly or occasionally may prevent satisfactory purification of the water supply or cause it to be polluted from extraneous sources.
17. Hazard, Plumbing: Any arrangement of plumbing, including piping and fixtures, whereby a cross connection is created.
18. Hydro pneumatic Tank: A pressure vessel in which air pressure acts upon the surface of the water contained within the vessel, pressurizing the water distribution piping connected into the vessel.
19. Inlet: The open end of the water supply pipe through which the water is discharged into the plumbing fixture.
20. Owner or Consumer: Owners of Real Property being serviced by the Oyster Bay Water District.
21. Plumbing System: Includes the water supply and distribution pipes, plumbing fixtures, and traps; soil, waste and vent pipes; building drains and building sewers, including their respective connections, devices and appurtenances within the property lines of the premises; and water-treating or water-using equipment.
22. Pollution: The presence of any foreign substance (organic, inorganic, radiological, or biological) in water that tends to degrade its quality to constitute a hazard or impair the usefulness of the water.

23. Reduced Pressure Principal Backflow Preventer: An assembly of differential valves and check valves, including an automatically opened spillage port to the atmosphere, designed to prevent backflow.
24. Surge Tank: The receiving, non-pressure vessel forming part of the airgap separation between a potable and auxiliary supply.
25. Vacuum: Any pressure less than that exerted by the atmosphere.
26. Water, Potable: Water free from impurities in amounts sufficient to cause disease or harmful physiological effects. Its bacteriological and chemical quality shall conform to the requirements of the Public Health Service Drinking Water Standards and the New York State Department of Health, or to the regulations of the public health authority having jurisdiction.
27. Water, Non-Potable: Water that is not safe for human consumption or that is of questionable potability.

Sec. 8-C. GENERAL (TECHNICAL) REQUIREMENTS

1. General: A potable water supply system shall be designed, installed, and maintained in such manner as to prevent contamination from non-potable liquids, solids or gases from being introduced into the potable water supply through cross-connections or any other piping connections to the system.
2. Cross- Connections Prohibited: Cross-connections between potable water systems and other systems or equipment containing water or other substances of unknown or questionable safety are prohibited except when and where, as approved by the Board or the Department of Health of the State of New York, or the Department of Health of the County of Nassau, suitable protective devices such as the reduced pressure zone backflow preventer or equal are installed, tested and maintained to insure proper operation on a continuing basis.
3. Interconnections: Interconnections between two or more public water supplies shall be permitted only with the approval of the health authority having jurisdiction.
4. Individual Water Supplies: Cross-connections between an individual water supply and a potable public supply shall not be made unless specifically approved by the health authority having jurisdiction

5. Connections to Boilers: Potable water connections to boilers shall be made through an airgap or provided with an approved backflow preventer

6. Prohibited Connections to Fixtures and Equipment: Connection to potable water supply system for the following is prohibited unless protected against backflow in accordance with Sec. 8-D, or as set herein.

(a) Bidets

(b) Operating, dissection, embalming and mortuary tables or similar equipment: in such installation the hose used for water supply shall terminate at least 12 inches away from every point of the table or attachments

(c) Pumps for non-potable water, chemicals or other substances: priming connections may be made only through an airgap.

(d) Building drainage, sewer, or vent systems.

(e) Any other fixture of similar hazard.

7. Refrigeration Unit Condensers and Cooling Jackets: Except where potable water provided for a refrigerator condenser or cooling jacket is entirely outside the piping or tank containing a toxic refrigerant, the inlet connection shall be provided with an approved check valve. Also adjacent to and at the outlet side of the check valve, an approved pressure relief valve set to relieve at 5psi above the maximum water pressure at the point of installation shall be provided if the refrigeration units contain more than 20 pounds of refrigerants.

Sec. 8-D. REQUIREMENTS FOR PROTECTION AGAINST BACKFLOW AND BACKSIPHONAGE

1. Water Outlets: A potable water system shall be protected against backflow and back siphonage

Airgap: An airgap, as specified in subsection 2 below, between the potable water outlet and the flood level rim of the fixture it supplies or between the outlet and any other source of contamination or,

(a) Backflow Preventer: A device or means to prevent backflow.

2. Minimum Required Airgap:

(b) Measured: The minimum required airgap shall be measured vertically from the lowest end of a potable water outlet to the flood rim or line of the fixture or receptacle into which it discharges.

(c) Size: The minimum required airgap shall be twice the effective opening of a potable water outlet unless the outlet is a distance less than three times the effective opening away from a wall or similar vertical surface, in which cases the minimum required airgap shall be three times the effective opening of the outlet. In no case shall the minimum required airgap be less than shown in Table A.

TABLE A *Minimum airgaps for generally used plumbing fixtures.*

Fixture	Minimum Airgap	
	When not affected by near wall (1) (inches)	When affected by near wall (2) (inches)
Lavatories and other fixtures with effective openings not greater than 1/2in. diameter...	1.0	1.5
Sink, laundry trays, goose-neck bath faucets and other fixtures with effective openings not greater than 3/4 in diameter....	1.5	2.25
Over rim bath fillers and other fixtures with effective openings not greater than 1in. diameter....	2.0	3.0
Drinking water fountains- single orifice 7/16 (0.437) in. diameter or multiple orifices having total area of 0.150 sq. in. (area of circle 7/16 in. diameter.	1.0	1.50
Effective openings greater than 1 inch....	(3)	(4)

(1) Side walls, ribs or similar obstructions do not affect airgaps when spaced from inside edge of spout opening a distance greater than 3 times the diameter of the effective opening of a single wall, or a distance greater than 4 times the diameter of the effective opening for 2 intersecting walls.

(2) Vertical walls, ribs, or similar obstructions extending from the water surface to or above the horizontal plane of the spout opening than specified in note 1 above. The effect of 3 or more vertical walls or ribs has not been determined. In such cases, the airgap shall be measured from the top of the wall.

(3) 2 times the diameter of the effective opening.

(4) 3 times the diameter of the effective opening.

3. Approval of Devices:

No device for the prevention of backflow or back siphonage may be installed, unless it shall first have been approved by the Department of Health of the State of New York and certified by a recognized testing laboratory acceptable to the Board of Commissioners. Devices installed in a building potable water supply distribution system for protection against backflow shall be maintained in good working condition by the person or persons responsible for the maintenance of the system. The Board of Commissioners or their designee shall inspect routinely such devices and if found to be defective or inoperative, or not meeting the inspection requirements of Section 8-E of this article, shall require the replacement, repair, or correction thereof.

4. Installation of Devices:

Reduced Pressure Principle Backflow Preventer: A reduced pressure principle type backflow preventer may be installed subject to full static pressure. Devices of All Types: Backflow and back siphonage preventing devices shall be accessible, preferably in the same room with the fixture they serve. Installation in utility or service spaces, provided they are readily accessible, is also permitted.

5. Tanks and Vats Below Rim Supply

(a) Where a potable water outlet terminates below the rim of a tank or vat and the tank or vat has an overflow of diameter not less than given in Table B, the overflow pipe shall be provided with an airgap as close to the tank as possible.

TABLE B *Sizes of overflow pipes for water supply tanks*

Maximum capacity of water supply line to the tank	Diameter of overflow pipe (inches ID)	Maximum capacity of water supply line to tank	Diameter of overflow pipe (inches ID)
0-50 gpm	2	400-700gpm	5
50-150 gpm	2 ½	700-1,000gpm	6
100-200gpm	3	Over 1,000gpm	8
200-400gpm	4		

1. The potable water outlet to the tank or vat shall terminate a distance not less than 1 ½ times the height to which water can rise in the tank above the top of the overflow. This level shall be established at the maximum flow rate of the supply to the tank or vat and with all outlets except the airgap overflow outlet closed.
2. The distance from the outlet to the high-water level shall be measured from the critical point of the potable water supply outlet.

b. Protective Devices Required: Approved devices to protect against backflow and back siphonage shall be installed at all fixtures and equipment where backflow and/or back siphonage may occur.

Connections Subject to Backpressure:

Where a potable water connection is made to a line, fixture, tank, vat, pump or other equipment with a hazard of backflow or back siphonage where the water connection is subject to backpressure, and an airgap cannot be installed, the Board of Commissioners may require the use of an approved reduced pressure principle backflow preventer. A partial list of such connections is shown in table C.

TABLE C: Partial list of cross-connections which may be subject to backpressure.

Chemical Lines	Pumps
Dock water outlets	Steam lines
Individual Water Supplies	Swimming pools
Industrial process water lines	Tanks and vats- bottom inlets
Pressure Tanks	Hose bibs

- c. Barometric Loop: Water connects where an actual or potential back siphonage hazard exists may in lieu of devices specified in sub-section 6 be provided with a barometric loop. Barometric loops shall precede the point of connection.
- d. Double Check-Double Gate Valves: The Board of Commissioners may authorize installation of approved, double check-double gate valve assemblies with test cocks as protective devices against backflow in connections between a potable water system and other fluid systems which present no significant health hazard in the judgment of the Board.
- e. Low Pressure Cutoff Required on Booster Pumps: When a booster pump is used on a water pressure booster system and the possibility exists that a positive pressure of 10psi or less may occur on the suction side of the pump, there shall be installed a low-pressure cutoff on the booster pump to prevent the creation of a vacuum or negative pressure on the suction side of the pump, thus cutting off water to other outlets.
- f. Reduced Pressure Zone Value: The Board of Commissioners may require installation of approved, reduced pressure zone valve assemblies with test cocks as protective devices against backflow in connections between a potable water system and other fluid systems which present a significant health hazard in the judgment of the Board.

Sec. 8-E. MAINTENANCE REQUIREMENTS

1. General Requirements: It shall be the responsibility of building and premise owners to maintain all backflow preventers within the building or on the premises in good working order and to make no piping of other arrangements for the purpose of bypassing backflow devices.
2. Backflow Preventers: Periodic testing and inspection shall follow the rules and regulations of the Nassau County Department of Health.

ARTICLE IX

TAMPERING WITH WATER FACILITIES- VIOLATIONS AND PENALTIES

Sec. 9-A. No person shall open or interfere with any fire hydrant or draw water therefrom without the consent and approval of the Board except that a Chief of the Fire Department or his authorized assistants may open or direct the opening of any fire hydrant in the event of a fire or fire drill or tournament purposes. Whenever a hydrant has been used the Fire Department shall promptly notify the District of the fact.

Sec. 9-B. RESTORATION OR DISCONTINUANCE OF SERVICES

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

Sec. 9-C. VIOLATIONS OF ORDINANCES, RULES, AND REGULATIONS

Any person who violates the terms and provisions of these Ordinances, Rules and Regulations or amendments thereto or the directions or requirements of the Board relating to the use or supply of water shall be liable to the District for a civil penalty not to exceed the sum of \$100.00 for each violation. Each day that a violation continues shall be deemed a separate offense. In the event that such person shall be a consumer, all service to such person may be cut off and discontinued and shall not be restored until (a) such penalty, together with all other costs, charges and deposits, shall have been paid, and (b) such violation is removed or corrected, to the satisfaction of the Board, by and at the expense of, such person.

ARTICLE X

PUBLIC ACCESS TO RECORDS

Sec. 10-A. PURPOSE AND SCOPE

1. The people's right to know the process of government decision-making and the documents and statistics leading to determinations is basic to our society. Access to such information should not be thwarted by shrouding it with the cloak of secrecy of confidentiality.
2. These regulations provide information concerning the procedures by which records may be obtained.
3. Personnel shall furnish to the public the information and records required by the Freedom of Information Law, as well as records otherwise available by law.
4. Any conflicts among laws governing public access to records shall be construed in favor of the widest possible availability of public records.

Sec. 10-B. Designation of records access officer:

1. The Oyster Bay Water District is responsible for insuring compliance with the regulations herein, and currently designates the following person(s) as records access officer(s):

Karen Testa – Office Manager, 45 Audrey Avenue, Oyster Bay, NY 11771, ktesta@obwd.org.

(The records access officer is responsible for insuring appropriate agency response to public requests for access to records. The designation of a records access officer shall not be construed to prohibit officials who have in the past been authorized to make records or information available to the public from continuing to do so.

The records access officer shall insure that agency personnel:

1. Maintain an up-to-date subject matter list.
2. Assist persons seeking records to identify the records sought, if necessary, and when appropriate, indicate the way the records are filed, retrieved, or generated to assist persons in reasonably describing records.
3. Contact persons seeking records when a request is voluminous or when locating the records involves substantial effort, so that personnel may ascertain the nature of records of primary interest and attempt to reasonably reduce the volume of records requested.
4. Upon locating the records, take one of the following actions:
 1. Make records available for inspection; or,
 2. Deny access to the records in whole or in part and explain in writing the reasons therefor.
5. Upon request for copies of records:
 1. Make a copy available upon payment or offer to pay established fees, if any, in accordance with Section 8; or,
 2. Permit the requester to copy those records.
6. Upon request, certify that a record is a true copy; and
7. Upon failure to locate records, certify that.
 1. Oyster Bay Water District is not the custodian for such records, or
 2. The records of which Oyster Bay Water District is a custodian cannot be found after diligent search.

Sec. 10-C Location:

Records shall be available for public inspection and copying at:

Oyster Bay Water Administration Building

45 Audrey Avenue, Oyster Bay, NY 11771

Sec. 10-D Hours for public inspection:

Requests for public access to records shall be accepted and records produced during all hours regularly open for business.

These hours are:

9:00am to 4:45pm Monday- Friday

Sec. 10-E Requests for public access to records:

1. A written request may be required, but oral requests may be accepted when records are readily available.
2. If records are maintained on the internet, the requester shall be informed that the records are accessible via the internet and in printed form either on paper or other information storage medium.
3. A response shall be given within five business days of receipt of a request by:
 1. informing a person requesting records that the request or portion of the request does not reasonably describe the records sought, including direction, to the extent possible, that would enable that person to request records reasonably described;
 2. granting or denying access to records in whole or in part;
 3. acknowledging the receipt of a request in writing, including an approximate date when the request will be granted or denied in whole or in part, which shall be reasonable under the circumstances of the request and shall not be more than twenty business days after the date of the acknowledgment, or if it is known that circumstances prevent disclosure within twenty business days from the date of such acknowledgment, providing a statement in writing indicating the reason for inability to grant the request within that time and a date certain, within a reasonable period under the circumstances of the request, when the request will be granted in whole or in part;
 4. if the receipt of request was acknowledged in writing and included an approximate date when the request would be granted in whole or in part within twenty business days of such acknowledgment, but circumstances prevent disclosure within that time, providing a statement in writing within twenty business days of such acknowledgment specifying the reason for the inability to do so and a date certain, within a reasonable period under the circumstances of the request, when the request will be granted in whole or in part.
4. In determining a reasonable time for granting or denying a request under the circumstances of a request, personnel shall consider the volume of a request, the ease or difficulty in locating, retrieving or generating records, the complexity of the request, the need to review records to determine the extent to which they must be disclosed, the number of requests received by the agency, and similar factors that bear on the ability to grant access to records promptly and within a reasonable time.
5. A failure to comply with the time limitations described herein shall constitute a denial of a request that may be appealed. Such failure shall include situations in which an officer or employee:

1. fails to grant access to the records sought, deny access in writing or acknowledge the receipt of a request within five business days of the receipt of a request;
2. acknowledges the receipt of a request within five business days but fails to furnish an approximate date when the request will be granted or denied in whole or in part;
3. furnishes an acknowledgment of the receipt of a request within five business days with an approximate date for granting or denying access in whole or in part that is unreasonable under the circumstances of the request;
4. fails to respond to a request within a reasonable time after the approximate date given or within twenty business days after the date of the acknowledgment of the receipt of a request;
5. determines to grant a request in whole or in part within twenty business days of the acknowledgment of the receipt of a request, but fails to do so, unless the agency provides the reason for its inability to do so in writing and a date certain within which the request will be granted in whole or in part;
6. does not grant a request in whole or in part within twenty business days of the acknowledgment of the receipt of a request and fails to provide the reason in writing explaining the inability to do so and a date certain by which the request will be granted in whole or in part; or
7. responds to a request, stating that more than twenty business days is needed to grant or deny the request in whole or in part and provides a date certain within which that will be accomplished, but such date is unreasonable under the circumstances of the request.

Sec. 10-F. Subject matter list:

1. The records access officer shall maintain a reasonably detailed current list by subject matter of all records in its possession, whether records are available pursuant to subdivision two of Section eighty-seven of the Public Officers Law.
2. The subject matter list shall be sufficiently detailed to permit identification of the category of the record sought.
3. The subject matter list shall be updated annually. The most recent update shall appear on the first page of the subject matter list.

Sec. 10-G Denial of access to records:

1. Denial of access to records shall be in writing stating the reason therefor and advising the requester of the right to appeal to the individual or body established to determine appeals, [who or which] shall be identified by name, title, business address and business phone number.
2. If requested records are not provided promptly, as required in Section 5 of these regulations, such failure shall also be deemed a denial of access.
3. The following person or persons or body shall determine appeals regarding denial of access to records under the Freedom of Information Law:
Board of Water Commissioners
45 Audrey Avenue, Oyster Bay, NY 11771
(516)922-4848
4. Any person denied access to records may appeal within thirty days of a denial.
5. The time for deciding an appeal by the individual or body designated to determine appeals shall commence upon receipt of a written appeal identifying:

1. the date and location of requests for records;
 2. a description, to the extent possible, of the records that were denied; and
 3. the name and return address of the person denied access.
6. A failure to determine an appeal within ten business days of its receipt by granting access to the records sought or fully explaining the reasons for further denial in writing shall constitute a denial of the appeal.
 7. The person or body designated to determine appeals shall transmit to the Committee on Open Government copies of all appeals upon receipt of appeals. Such copies shall be addressed to:

Committee on Open Government
Department of State
One Commerce Plaza
99 Washington Avenue, Suite 650
Albany, NY 12231

8. The person or body designated to determine appeals shall inform the appellant and the Committee on Open Government of its determination in writing within ten business days of receipt of an appeal. The determination shall be transmitted to the Committee on Open Government in the same manner as set forth subdivision (f) of this section.

Sec. 10-H Fees:

1. There shall be no fee charged for:
 1. inspection of records;
 2. search for records; or
 3. any certification pursuant to this part.
2. Copies may be provided without charging a fee.
3. Fees for copies may be charged, provided that:
 1. the fee for copying records shall not exceed 25 cents per page for photocopies not exceeding 9 by 14 inches. This section shall not be construed to mandate the raising of fees where agencies or municipalities in the past have charged less than 25 cents for such copies;
 2. the fee for photocopies of records more than 9 x 14 inches shall not exceed the actual cost of reproduction: or
 3. an agency has the authority to redact portions of a paper record and does so prior to disclosure of the record by making a photocopy from which the proper redactions are made.
4. The fee an agency may charge for a copy of any other record is based on the actual cost of reproduction and may include only the following:
 1. an amount equal to the hourly salary attributed to the lowest paid employee who has the necessary skill required to prepare a copy of the requested record, but only when more than two hours of the employee's time is necessary to do so; and
 2. the actual cost of the storage devices or media provided to the person making the request in complying with such request; or
 3. the actual cost to the agency of engaging an outside professional service to prepare a copy of a record, but only when an agency's information technology equipment is inadequate to prepare a copy, and if such a service is used to prepare the copy.
5. When an agency can retrieve or extract a record or data maintained in a computer storage system with reasonable effort, or when doing so requires less employee time than engaging in manual retrieval or

redactions from non-electronic records, the agency shall be required to retrieve or extract such record or data electronically. In such case, the agency may charge a fee in accordance with paragraph (4)(1) and (2) above.

6. An agency shall inform a person requesting a record of the estimated cost of preparing a copy of the record if more than two hours of an agency employee's time is needed, or if it is necessary to retain an outside professional service to prepare a copy of the record.
7. An agency may require that the fee for copying or reproducing a record be paid in advance of the preparation of such a copy.
8. An agency may waive a fee in whole or in part when making copies of records available.

Sec. 10-I Public notice:

A notice containing the title or name and business address of the records access officers and appeals person or body and the location where records can be seen, or copies shall be posted in a conspicuous location wherever records are kept and/or published in a local newspaper of general circulation.

Sec. 10-J Severability:

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

ARTICLE XI

AMENDMENTS AND EFFECTIVE DATE

Sec. 11-A. Amendments

The right is reserved to change or amend these Ordinances, Rules, and Regulations at any time in a manner provided by law.

Sec. 11-B. REVOCATION OF PREVIOUS ORDINANCES, RULES, AND REGULATIONS

All ordinances, rules and regulations heretofore adopted by the Board of Water Commissioners and hereby revoked, cancelled, and annulled insofar as they are inconsistent with any of the within rules and regulations.

BY ORDER OF THE BOARD OF WATER COMMISSIONERS OF THE OYSTER BAY WATER
DISTRICT.

Robert J. McEvoy, Chairman

Richard. P. Niznik, Treasurer

Michael F. Rich III, Secretary

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