New York State Department of State
Division of Corporations, State Records and Uniform Commercial Code
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231-0001
www.dos.ny.gov

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

☐ **County** ☐ **City** ☒ **Town** ☐ **Village**
(Select one:)

of Monroe

Local Law No. 1 **of the year 20** 20

A local law the Incorporated Town of Monroe, New York Town Board adding Article VIII to Chapter 53
(Insert Title)
of the Code of the Town of Monroe

Be it enacted by the Town Board **of the**
(Name of Legislative Body)

☐ **County** ☐ **City** ☒ **Town** ☐ **Village**
(Select one:)

of Monroe **as follows:**

see attached

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2020 of the ~~(County)(City)~~(Town)~~(Village)~~ of Monroe was duly passed by the Town Board on April 6 2020, in accordance with the applicable provisions of law.

(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20_____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20_____, and was (approved)(not approved)

(Name of Legislative Body)

(repassed after disapproval) by the _____ and was deemed duly adopted

(Elective Chief Executive Officer)*

on _____ 20☐☐, in accordance w ith the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20_____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20_____, and was (approved)(not approved)

(Name of Legislative Body)

(repassed after disapproval) by the _____ on _____ 20_____.

(Elective Chief Executive Officer)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20_____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20_____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20_____, and was (approved)(not approved)

(Name of Legislative Body)

(repassed after disapproval) by the _____ on _____ 20_____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20_____, in accordance with the applicable provisions of law.

(Elective Chief Executive Officer)*

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)
I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal)

Date: April 7, 2020

LOCAL LAW NO. 1 OF 2020 OF THE INCORPORATED TOWN OF MONROE, NEW YORK TOWN BOARD ADDING ARTICLE VIII TO CHAPTER 53 OF THE CODE OF THE TOWN OF MONROE

A LOCAL LAW to add Article VIII to Chapter 53 of the Code of the Town of Monroe.

BE IT ENACTED AS FOLLOWS:

Section 1. Authority

This local law is adopted pursuant to Section 10 of the New York State Municipal Home Rule Law, Article 2 of the New York State Statutes of Local Governments, and the New York State Sanitary Code, Title 10 of the New York Code of Rules and Regulations, Part 5, Section 5-1.31.

Section 2. Title, Purpose, and Intent

This Local Law shall be known as and may be cited as "Local Law No. 1 of 2020."

It is the primary purpose of this local law to protect the public potable water supply of the Town of Monroe from the possibility of contamination or pollution which could backflow from a water user's internal distribution system or a private water system by contaminants. This local law is also intended to promote the elimination or control of cross-connections, actual or potential, temporary or permanent, to provide for the maintenance of a continuing program of cross-connection control that will systematically and effectively prevent the contamination or pollution of all potable water systems, and to comply with the requirements of the New York State Sanitary Code, Title 10 of the New York Code of Rules and Regulations, Part 5, § 5-1.31.

Section 3. Amendment

The Town Code of the Town of Monroe shall be amended to add Article VIII to Chapter 53 as follows:

Chapter 53, Article VIII Cross-Connection Control

§ 53-27 Definitions

As used in this Chapter, the following terms shall have the meanings:

Air gap: a physical separation sufficient to prevent backflow between the free flowing discharge end of the potable water system and any other system; physically defined as a distance equal to a minimum of twice the diameter of the supply side pipe diameter but never less than one (1) inch.

Approved: accepted by the Town or any water district within the Town, meeting applicable specifications stated or cited in this regulation, or as suitable for the proposed use.

Atmospheric vacuum breaker: a device which prevents backsiphonage by creating an atmospheric vent when there is either a negative pressure or sub-atmospheric pressure in a water system.

Auxiliary water supply: any water supply on or available to the premises other than the purveyor's approved public potable water supply.

Backflow: the flow of water or other liquids, mixtures or substances and/or positive or reduced pressure in the distribution pipes of a potable water supply from any source other than its intended source.

Backflow preventer: a device or means designed to prevent backflow or backsiphonage. Most commonly categorized as air gap, reduced pressure zone principle device, double check valve assembly, pressure vacuum breaker, atmospheric vacuum breaker, hose Bibb vacuum breaker, residential dual check, double check with intermediate atmospheric vent, and barometric loop.

Back pressure: a condition in which the owner's system pressure is greater than the supplier's system pressure.

Back-siphon: the flow of water or other liquids, mixtures or substances into the distribution pipes of a potable water supply system from any source other than its intended source, caused by a sudden reduction of pressure in the potable water supply system.

Barometric loop: a fabricated piping arrangement rising at least thirty-five (35) feet at its topmost point above the highest fixture it supplies. It is utilized in water supply systems to protect against backsiphonage.

Certified Backflow Prevention Device Tester: a New York State Certified Backflow Prevention Device Tester.

Containment: a method of backflow prevention which requires a backflow prevention device at the water service entrance immediately after the water meter or, in the event of no meter, immediately after the point of entry.

Contaminant: any physical, chemical, microbiological or radiological substance or matter in water.

Cross-connection: any actual connection between a public water supply and a potential source of contamination.

Department of Health: the State of New York Health Department and its agent, the Orange County Department of Health.

District: any water district within the Town.

Double check detector assembly (DCDA): an assembly of two (2) spring-loaded check valves, a by-pass with water meter and double check valve, and two tightly closing OS&Y gate valves.

Double check valve assembly (DCVA): an assembly of two (2) independently operating spring-loaded check valves with tightly closing shutoff valves on each side of the check valves, plus properly located test cocks for the testing of each check valve.

Double-check valve with intermediate atmospheric vent: a device having two (2) spring-loaded check valves separated by an atmospheric vent chamber.

Fixture isolation: a method of backflow prevention in which a backflow preventer is located to correct a cross-connection at an in-plant location rather than at a water service entrance.

Hose Bibb vacuum breaker: a device which is permanently attached to a hose Bibb and which acts as an atmospheric vacuum breaker.

Owner: any person who has a legal title to or license to operate or habitat in a property upon which a cross connection is present.

Permit: a document issued by the Town Building Inspector which allows the use of a backflow preventer. A permit to construct and a completed works approval may also be required from the State of New York Department of Health.

Person: any individual, partnership, company, public or private corporation, political subdivision or agency of the State Department, agency or instrumentality of the United States or any other legal entity.

Pollutant: a foreign substance that, if permitted to get into the public water system, will or has the potential to degrade its quality so as to constitute a moderate hazard or impair the usefulness or quality of the water to a degree which does not create an actual hazard to the public health but which does adversely and unreasonably affect such water for domestic use.

Pressure vacuum breaker: a device containing one (1) or two (2) independently operated spring-loaded check valves and an independently operated spring-loaded air inlet valve located on the discharge side of the check or checks. Such device includes tightly closing shutoff valves on each side of the check valves and properly located test cocks for the testing of the check valves.

Reduced-pressure-zone assembly backflow preventer (RPZA): an assembly consisting of two (2) independently operating approved check valves with an automatically operating differential relief valve located between two (2) check valves, tightly closing shutoff valves on each side of the check valves, plus properly located test cocks for the testing of the check valves and the relief valve.

Town: the Town of Monroe, its officials, employees, and authorized agents.

Water service entrance: the point in the owner's water system beyond the sanitary control of the districts; generally considered to the outlet end of the water meter and always before any unprotected branch.

§ 53-28 Requirements

A. Backflow Prevention Devices shall be required for all users of Town public water systems with the exception of the following:
   1) Single family residential users without the following:
      a. Private well
      b. Lawn sprinkler
      c. Other irrigation system
      d. Potentially hazardous home business (e.g. hair salon, etc.)

B. The following measures shall be required by each water user based on the degree of hazard posed to the public water supply system:

   1) Backflow Devices shall be accomplished with an air gap, reduced pressure zone device (RPZA), double check valve assembly, or equivalent protective device as determined by the Building Department, Town Engineer, or Orange County Department of Health.
   2) Users shall submit the Orange County Department of Health approved application to the Town's Building Department prior to installation.
   3) All testable protective devices (DCVA and RPZA) require an initial test and annual testing when they are used in an irrigation system or when the use, activity, or situation, may render a private residence equivalent to that of a commercial user, or establishes an equivalent degree of hazard when determined by the Building Inspector, Town Engineer or their designee. Copies of all testing reports shall be forwarded to the Town and OCDOH. See reporting requirements are listed in Section 53-29 Administration Item A.3 herein. Such tests shall be conducted by Certified Backflow Prevention Device Testers. Testers shall meet the requirements listed in **§ 53-37**, Certified testers.

§ 53-29 Administration

A. The Town shall implement, administer and operate a cross-connection control program in accordance with this Chapter. Notwithstanding the requirements of this Chapter, the cross-connection control program shall include the following requirements:

   1) a protective device commensurate with the degree of hazard posed by any service connection;
   2) the user of such connections to submit plans for the installation of protective devices to the supplier of water and/or the State for approval; and
   3) all testable protective devices are inspected and tested by a Certified Backflow Prevention Device Tester at the time of initial installation, after each repair, and annually thereafter. Records of such tests shall be made available to, reviewed by, and

filed with the supplier of water and/or Building Inspector. All protective device tests and inspections shall be conducted by a certified backflow prevention device tester ("tester").

B. If the Town requires that the public supply be protected by containment, the owners shall be responsible for water quality beyond the outlet end of the containment device and should utilize fixture outlet protection for that purpose.

C. The owners shall be responsible for having a licensed New York State engineer certify that the installation is in accordance with the approved plans and a certification from an approved tester that the installation is in accordance with the approved design. Certifications shall be provided on New York State Department of Health approved forms.

D. Records and reports.

1) Records. The Town Building Department will initiate and maintain the following:
   a. Master files on customer cross-connection tests and/or inspections.
   b. Master files on cross-connection permits.
   c. Copies of permits and permit applications.
   d. Copies of lists and summaries supplied to the Department of Health.

E. Fees and Charges. The Town Board will publish a list of fees for the initial application and renewal fees as part of the Town Comprehensive Fee Schedule.

§ 53-30 Enforcement

A. The Town Building Inspector, or his or her designee, shall be authorized to enforce this Chapter and the cross-connection and backflow protection requirements, specifications, guidelines, and facility classifications of the New York State Department of Health and the Orange County Department of Health. Specifications, guidelines, facilities, classifications and other administrative requirements and information which shall be used to implement the requirements shall be on file in the Town and available for review.

§ 53-31 Requirements

A. Owners. The owner shall, within ninety (90) days after the authorization of this Local Law, install such approved device, or devices, at his or her own expense. Failure or refusal or inability on the part of the owner to install said device or devices within ninety (90) days shall constitute grounds for discontinuing water service until such device or devices have been properly installed. Hazardous conditions shall be addressed immediately.

1) The owners shall be responsible for the elimination or protection of all cross-connections on their premises.

2) The owners, after having been informed by written notice from the Town, shall at their expense install, maintain, and test, or have tested, any and all backflow preventers on their premises.

3) The owners shall correct any malfunction of the backflow preventer which is revealed by periodic testing.

4) The owners shall inform the Town of any proposed or modified cross-connections of which the owners are aware but have not been found by the Town.

5) The owners shall not install a bypass around any backflow preventer unless there is a backflow preventer on the bypass providing equal or greater protection. Owners who cannot shut down operation for testing of the device(s) must supply additional devices necessary to allow testing to occur.

6) The owners shall install backflow preventers in a manner approved by the Town or the Orange County Health Department as applicable.

7) The owners shall install only backflow preventers which are shown on the list generated by the University of Southern California Foundation for Cross Connection Control and Hydraulic Research ("FCCHR").

8) In the event that the owners install plumbing to provide potable water for domestic purposes which is on the Town's side of the backflow preventer, such plumbing must have its own backflow preventer installed.

9) The owners shall be responsible for the payment of all permit fees, penalties, annual or semiannual device testing, retesting in the case that the device fails to operate correctly, and second reinspections for noncompliance with Town and Department of Health requirements.

§ 53-32 Degree of Hazard

A. The Town recognizes the threat to the public water system arising from cross-connections. All threats will be classified by degree of hazard and will require the installation of approved reduced-pressure-principle backflow prevention devices (RPZA) or double check valves (DCVA). To achieve containment, an acceptable backflow prevention device must be installed in every service connection to a facility.

B. The degree of hazard shall be determined by the Town together with the guidelines published by the New York State Department of Health or any revisions or amendments thereto. Based on degree of hazard determination, a facility shall be rated as either hazardous, aesthetically objectionable, or nonhazardous. A hazardous facility shall be contained through the use of an RPZA or an air gap. An aesthetically objectionable facility shall be contained through the use of a DCVA. All facilities should be protected through an internal plumbing control program to ensure that plumbing cross-connections

inside a facility are adequately protected or eliminated. The internal control program will be the coordinated effort between the Town, Town Engineer, and the Town's Water Department to eliminate all existing internal cross-connection and prevent future cross-connections.

C. The following three (3) categories will be considered when determining the degree of hazard posed by a facility and making subsequent determinations of the type of protective device required:

1) Use, toxicity and availability of contaminants;
2) Availability of a supplementary supply of water; and
3) Fire-fighting system evaluation.

D. Hazardous facilities. The following non-exhaustive listing provides examples of the types of facilities which will require an acceptable RPZA or air gap to be installed in the service connection to the public water distribution system:

Type of Facility	Potential Hazard
Sewage and industrial wastewater treatment plants and pumping stations, sewer flushers, etc.	Sewage and industrial wastewater, contaminated water, toxic chemicals, etc.
Paper manufacturing or processing, dye plants, petroleum processing, printing plants, chemical manufacturing or processing, industrial fluid systems, steam generation, rubber processing, tanneries	Toxic chemicals, water conditioning compounds. Examples: toxic dyes, acids, alkalis, solvents, quaternary ammonia compounds, mercury, chromium, etc.
Canneries, breweries, food processing, milk processing, ice manufacturing, meat packers, poultry processing, rendering companies, etc.	Process wastewater, steam, detergents, acids, caustics, refrigeration lines
Hospitals, clinics, laboratories veterinary hospitals, mortuaries, embalmers, etc.	Bacterial cultures, laboratory solutions, blood and tissue waste, toxic materials, etc.
Shipyards, marinas, etc.	Sea water, sewage, contaminated water, etc.
Metal-plating, photo processing, laundries, commercial car washes, commercial refrigeration systems, dry cleaning establishments, etc.	Toxic chemicals, concentrated cleaning agents, solvents, etc. Examples: cyanides, fluorides, copper, chromium, caustic and acid solutions, etc.
Commercial greenhouses, spraying and irrigation systems using weedicides, herbicides, exterminators	Toxic chemicals. Examples: ammonium salts, phosphates, 2,4 disodium arsenide, lindane, Malathion, etc.
Boiler systems, cooling towers or internal	Typically: apartment buildings, cooling towers,

firefighting systems using conditioners, inhibitors, corrosion control chemicals, etc.	warehouses Toxic chemicals. Examples: hydrazine, sodium compounds, antifreeze solutions, etc.

E. Aesthetically objectionable facilities. The following non-exhaustive listings provides examples of the types of facilities which will require an acceptable DCVA to be installed in the service connection to the public water distribution system:

Type of Facility	Potential Hazard
Customer fire protection loops, fire storage tanks, with no chemical additives	Stagnant water, objectionable tastes, odors.
High-temperature potable water	Objectionable temperatures
Utilization of good grade dyes	Objectionable color
Complex plumbing systems in commercial buildings. Typically: barbershops, beauty salons, churches, apartment buildings, gas stations, supermarkets, nursing homes, construction sites, carnivals	Plumbing errors, obsolete plumbing equipment, poor plumbing inspection/correction programs

F. Nonhazardous facilities. The containment approach does not apply. The following non-exhaustive listing indicates the type of facility that would qualify:

Type of Facility	Potential Hazard
Private homes not served by an outside private well supply	None; rely on internal plumbing control
Dry commercial establishments without complex plumbing systems	None; rely on internal plumbing control

G. Irrigation Systems. A Double Check Valve assembly (DCVA) shall be considered the minimum required protective device for irrigation systems that are subject to flooding or back pressure/backsiphonage conditions. (Underground lawn sprinklers for example). A RPZA device shall be required in all cases where chemicals or herbicides are injected into the irrigation system.

H. Hoses. A Vacuum Breaker shall be used any time a hose is connected to hazardous material such as pesticides, herbicides, fertilizers, detergents or other chemicals.

I. Hydrant Connections. The use of any hydrant of blowoff or similar connection, other than for firefighting purposes, is strictly prohibited by the water supplier unless prior written permission has been obtained from the Town and a plan exists to show how adequate Cross Connection control will be provided. The plan must include the use of an RPZA which must be fitted to the hydrant prior to allowing the water to flow from the

hydrant to any vehicle other than one approved to deliver potable water (bulk hauler approved by the NYSDOH). The Town will designate a specific hydrant to be used for such drafting of water.

§ 53-33 Permits

A. The Town shall not permit a cross-connection within the public water supply system unless it is considered necessary, and it cannot be eliminated.

B. The Town Board shall determine the applicable permit fees at its sole discretion.

C. Permits shall be renewed every year and are nontransferable. Permits are subject to revocation and become immediately revoked if the owner should so change the type of cross-connection or degree of hazard associated with the service.

D. A permit is not required when fixture isolation is achieved with the utilization of a non-testable backflow preventer, e.g. dual check valve.

§ 53-34 Existing In-Use Backflow Prevention Devices

A. Any existing backflow preventer shall be allowed by the Town to continue in service unless the degree of hazard is such as to supersede the effectiveness of the present backflow preventer, or result in an unreasonable risk to the public health. Where the degree of hazard has increased, as in the case of a residential installation converting to a business establishment, any existing backflow preventer must be upgraded to a reduced pressure- principle device, or a reduced-pressure-principle device must be installed in the event that no backflow device was present.

§ 53-35 Periodic Testing

A. Reduced-pressure-principle backflow devices shall be tested and inspected as required.

B. Periodic testing shall be performed by a Certified Backflow Prevention Device Tester as defined by Title 10 of the New York Code of Rules and Regulations, Part 5, § 5-1.31. Testing results shall be provided to the Town Building Department. Testing shall be at the owner's sole expense.

C. Any backflow preventer which fails during a periodic test will be repaired or replaced. When repairs are necessary, and upon completion of the repair, the device shall be retested at the owner's expense to ensure correct operation. High-hazard situations will not be allowed to continue unprotected if the backflow preventer fails the test and cannot be repaired immediately. In other situations, a compliance date of not more than thirty (30) days after the test date will be established. The owner is responsible for spare parts, repair tools or a replacement device.

D. Backflow prevention devices will be tested more frequently than specified where there is a history of test failures and the Town determines that, due to the degree of hazard involved, additional testing is warranted. Cost of the additional tests will be borne by the owners.

§ 53-36 Residential dual check assembly

A. Installation of a residential dual check assembly may be required on a retrofit basis on existing service lines and/or may be required on new service lines as deemed necessary by the Town and the potential cost shall be borne by the homeowner.

§ 53-37 Certified Testers

A. All Certified Backflow Prevention Device Testers shall be approved by the New York State Department of Health. Prior to performing certification tests in the Town, each Certified Backflow Prevention Device Tester must demonstrate to the Town Engineer and the Town Water Department that he or she is currently authorized to conduct such tests as approved by the Department of Health.

§ 53-38 Penalties

A. Any person violating any provision of this chapter, as determined by the Town's Building Inspector, shall be guilty of a violation and, upon conviction thereof, shall be punished by a fine not to exceed the sum of two hundred fifty dollars ($250.00) and/or imprisonment for no more than fifteen (15) days, or both. Each day shall constitute a separate and distinct offence, punishable by a like fine or penalty as herein set forth.

B. Notwithstanding the penalties provided above, the Town may maintain an action or proceeding in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of any provision of this chapter.

C. The foregoing provisions are not exclusive and are in addition to any and all laws applicable thereto.

Section 4. State Environmental Quality Review Act

Pursuant to 6 NYCRR §§ 617.5 (26) and (33), this local law is classified as a Type II action which requires no further review under the State Environmental Quality Review Act.

Section 5. Invalidity

If any section or article of this local law shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder hereof.

Section 6. Repeal, Amendment, and Supersession of other Laws.

All other resolutions, ordinances, or local laws of the Town of Monroe, which conflict with the provisions of this Local Law are hereby superseded or repealed to the extent necessary to give this Local Law full force and effect.

Section 7. Effective Date

This local law shall take effect upon filing in the office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.