

#### **4. Responsibility.**

- A. Consumer responsibility. It shall be the responsibility of each consumer at his/her own expense to furnish, install and keep in good working order and safe condition any and all protective devices required in this Local Law. The Board of Water Management shall not be responsible for any loss or damage directly or indirectly resulting from or caused by the improper or negligent installation, operation, use, repair or maintenance of or interfering with any protective device by any consumer or any other person.
- B. Conflicts. Whenever two (2) or more conditions exist on any premises for the correction of which different protective devices are required in this Local Law, the consumer shall be required only to install the protective device which, in the opinion of the Chief Water Operator, affords the maximum protection to the Water Supply.

#### **5. Inspection; records; cost.**

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

#### **6. Noncompliance; service to be discontinued; notice; service; penalties.**

- A. No water service connection shall be installed on the premises of any consumer unless the Water Supply is protected as required by this Local Law.
- B. Delivery of water to the premises of any consumer may be discontinued by direction of the Board of Water Management if any protective device required by this Local Law has not been installed, inspected, tested and maintained or is defective or has been removed or bypassed.
- C. Delivery.
  - (1) Delivery of water shall be discontinued immediately and without notice to the consumer if the Chief Water Operator determines that:

- (a) The Water Supply is being contaminated or is in immediate danger of contamination;
  - (b) A protective device required by this Local Law has not been installed or is defective or has been removed or bypassed; and
  - (c) The consumer cannot immediately be located.
- (2) Delivery of water shall not be resumed until any protective device required by this Local Law and approved by the Chief Water Operator has been properly installed or until conditions at the consumer's premises causing the contamination danger or contamination have been abated or corrected to the satisfaction of the Chief Water Operator.

D. Notice.

- (1) Except as provided in Subsection 6.C above, delivery of water shall not be discontinued until written notice thereof has been given to the consumer. The notice shall state:
- (a) The conditions or defects that must be corrected;
  - (b) The manner in which the stated conditions or defects are to be corrected; and
  - (c) The date on or after which delivery of water will be discontinued, which shall not be fewer than fifteen (15) nor more than ninety (90) days following the date of delivery or mailing of the notice. The Board of Water Management may grant the consumer an extension of an additional period not to exceed ninety (90) days if it determines that the consumer has exercised due diligence but has been unable to comply with the notice within the time originally allowed.
- (2) The notice shall be given by delivering the same to the consumer, the manager or agent thereof or to any person in charge of or employed in the place of business of the consumer; or, if the consumer has no place of business, residence of the consumer. If the consumer cannot be found, service of the notice shall be mailed, postage fully prepaid, addressed to the consumer at the place of business or residence set forth in the application of consumer for water service in the records of the Board of Water Management.

- E. For the purpose of making any inspections or discharging the duties imposed by this Local Law, the Chief Water Operator and the Code Enforcement Officer shall have the right to enter upon the premises of any consumer. Each consumer, as a condition of the continued delivery to this premises of water from the Water Supply, shall be considered as having stated his/her consent to the entry upon his/her premises of the Chief Water Operator and the Code Enforcement Officer for the purposes stated herein. The powers granted herein to the Code Enforcement Officer are in addition to, and not in derogation of, the powers conferred upon the Code Enforcement Officer under Local Law No. 1 of 1986.

- F. Any consumer who knowingly permits a violation of this Local Law to remain uncorrected after the expiration of the applicable time periods set forth in this Local Law shall be subject to a fine of not to exceed Fifty Dollars (\$50.00), or imprisonment not to exceed thirty (30) days. Each day that such violation continues shall constitute a separate violation. An action or proceeding in the name of the Village may be commenced in any court of competent jurisdiction to enforce the provisions of this Local Law.

**7. Currently installed devices.**

All currently installed prevention devices that do not meet the requirements of this Local Law, but were approved devices for the purposes described herein at the time of installation and that have been properly maintained shall, except for the inspection and maintenance requirements herein, be excluded from the requirements of these rules for a period of three (3) years from the effective date of this Local Law, so long as the Chief Water Operator determines that such devices will satisfactorily protect the Water Supply. Whenever an existing device is moved from its present location, requires more than minimum maintenance, or constitutes a hazard to health, the device shall be replaced by a backflow prevention device meeting the requirements of this Local Law.

**8. Effective date.**

This Local Law shall take effect immediately upon the filing with the Secretary of State.

(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. 2 of 2011 of the (County)(City)(Town)(Village) of Victory Board of Trustees of the Village of Victory on October 4, 2011, in accordance with the applicable provisions of law.

**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) (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on 20   in accordance with 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 Victory was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ (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) (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 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.

*Maureen Kemmet*

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

Maureen Kemmet

Date: 11/2/11

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK  
COUNTY OF ALBANY

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

*Michael J. Catalfimo*

Signature

Michael J. Catalfimo, Attorney for Board of Trustees

Title

~~County~~

~~City~~ of Victory

~~Town~~

Village

Date: 11/8/11