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Chapter 130

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**[HISTORY: Adopted by the Board of Trustees of the Village of Cold Spring: Art. I, 8-27-63; Art. II, 10-24-78 as L.L. No. 3-1978; Art. III 2-27-01 as L.L. 2001-03 Amendments noted where applicable.]**

**GENERAL REFERENCES**

Sewers – See Ch. 97.

Street Openings - See Ch. 108, Art. 1.

Swimming Pools - See Ch. 114.

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**ARTICLE I**  
**Rules and Regulations**  
[Adopted 8-27-63]

**§ 130-1. Purpose.**

This Article is enacted pursuant to Sections 90 and 228 of the Village Law<sup>1</sup> to set forth rules and regulations of the Board of Water Commissioners for the operation and administration of the Cold Spring Waterworks.

**§ 130-2. Definitions.**

The following terms, words and phrases, when used herein, shall be deemed to mean as follows:

**BOARD** – The Board of Water Commissioners of the Village of Cold Spring.

**CELLULAR ENDPOINT** – The device attached to the water meter which electronically transmits flow data to billing software. **[Added 02-28-17 by L.L. 02-2017]**

**CONNECTING PIPE** - The supply pipe which carries the water from the curb cock to the owner's premises.

**CURB COCK** - The fitting attached to the service pipe at the curb for turning on and shutting off water at the premises.

**REMOTE** - The device attached to the water meter to provide exterior meter reading **[Added 12-5-00 by L.L. 2000-14]**

**SERVICE PIPE** - The supply pipe leading from the corporation cock in the main to the curb cock.

**SUPPLY PIPE** - The pipe leading from the corporation cock in the water main to and through private property, to which one or more service pipes and/or connecting pipes are attached to deliver water to consumers. **[Added 10-1965]**

**TAP or CORPORATION COCK** - The fitting inserted in the main to which the service pipe is attached. It is used for shutting off water in case of repairs to the service pipe.

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<sup>1</sup> Editor's Note: Section 90 was omitted from the Village Law adopted by L. 1973, c. 892, effective September 1, 1973. Section 228 was carried forward as § 11-1116.

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UNIT – [Added 11-25-97 by L.L. 97-03] A unit is a general term used to designate a water supply assessment basis. The term unit includes and may refer to any one of the following:

- A. Residential Unit: Water Supply to a Single Family Residence, as Defined in §134-2.
- B. Commercial Unit: Water supply to a commercial premises.
- C. Mixed Units: A combination of Residential and Commercial Units.
- D. Special Unit: Water Supply which because of limited or extensive use, special circumstances, temporary hookups, municipal use, or other factors the Board determines fall outside the limits of residential or commercial uses defined in §130-15 herein.
- E. Multiple Units: Any combination of two or more units.

WATER MAIN - The pipe in the street which delivers the water to the fire hydrants and/or to the service pipes attached thereto and which supplies the premises of owners and/or consumers.

WATER METER - The device installed prior to any connection to measure water usage for a building or property. [Added 12-5-00 by L.L. 2000-14]

### § 130-3. Board of Water Commissioners; Superintendent.

- A. The Board of Water Commissioners shall consist of the Mayor and the Board of Trustees of the Village.
- B. The Chief Administrative Officer of the Cold Spring Waterworks shall be the Water Superintendent, who shall be appointed by the Board and serve at the will of the Board.

### § 130-4. Application for water service.

Service connections shall be made and water furnished only after written application by the owner of the property or his duly authorized agent to the Board of Water Commissioners has been approved. The applications shall indicate the location of the property, the purpose for which the service will be used and contain the name, address, license and signature of the qualified plumber who is to be completely responsible for the street opening, connection, and arrange for Village inspection and closing of the street. All applications and subsequent use by the applicant of the water and facilities shall be subject to all rules and regulations of the Board. Service connections and service pipe shall be installed at the owner's expense. [Amended 11-25-97 by L.L. 97-03]

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**§ 130-5. Connections and taps.**

- A. No person shall make any attachment to or connection with the pipes of the waterworks, nor any repairs, addition to or alterations of any tap, pipe, cock or fixtures connected with the main service pipe or fixtures within the street, except an authorized licensed bonded plumber approved by the Board of Water Commissioners.
- B. Any plumber wishing to do business in connection with the Cold Spring waterworks shall file with the Board the following:
  - (1) Proof of plumbing license issued by Putnam County.
  - (2) Bond in a sum of not less than twenty thousand dollars (\$20,000.00) with one (1) or more sureties approved by the Board, to indemnify and save harmless the Village of Cold Spring for and from all losses, costs and damages which may result from the work being done carelessly or imperfectly. **[Amended 11-25-97 by L.L. 97-03]**
- C. The tapping of a water main will only be permitted under the immediate direction of the Board or its Superintendent, who will also determine the size of the tap to be inserted.
- D. Plumbers, when tapping a main, shall not refill trenches until the work has been inspected and approved by the authorized agent of the Board.
- E. All service pipe shall be laid at least four (4) feet below the surface of the ground. No service pipe shall be laid in the same trench, with the gas pipe, fuel oil pipe or any facility of a public-service company, nor within three (3) feet of any open excavation or vault. No branch connection of any kind shall be made to service pipe. Water pipe and sewer pipe shall be at least eighteen (18) inches apart when vertically in same trench, or 3' minimum separation on the same horizontal plane, or when less than 18" vertical exists. **[Amended 12-5-00 by L.L. 2000-14]**

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F. **[Added 11-25-97 by L.L. 97-03]** All connections and street or sidewalk openings shall be completed in full compliance with New York State Codes, Rules and Regulations, Town and Village Codes, County, Federal and OSHA requirements. The plumber named in or making applications to obtain the authorization to commence work shall be fully responsible and liable to the Village for compliance with all codes (including Code Rule 753 regarding utilities), as well as compliance with all applicable regulations. The named plumber shall also act as General Contractor, and be responsible for and arrange for street openings pursuant to §130-6.

G. The materials required are as follows:

- (1) One (1) side tap for street main, not over three-fourths (3/4) inch without special permit.
- (2) One (1) corporation stop and box, inside curb.
- (3) One (1) lock-and-seal stopcock and waste cock in basement.
- (4) One (1) service pipe from main, of copper, not less than three-fourths (3/4) inch in diameter or equivalent tubing.  
**[Amended 12-5-2000 by L.L. 2000-14]**
- (5) A connecting pipe from curb cock of same material as the service pipe.

H. No installation of supply pipes will be allowed and no additional connections shall be permitted to any existing supply lines without the written permission of The Board of the Water Commissioners.  
**[Amended 11-25-97 by L.L. 97-03]**

I. In future installations or reinstallations of service pipes, only one (1) property or property unit shall be supplied through a single service pipe. Where more than one (1) property unit is located on one (1) property, only one (1) property unit shall be supplied through a single service pipe, as in the case of separate residences, trailers, bungalows, etc. Where more than one (1) property or property unit is now supplied through one (1) service pipe and under the control of one (1) curb cock, any violation of the rules of the Board by any of the owners so supplied shall be construed as a violation by all, and the Board may take such action as could be taken against a single owner, except that where there is no serious emergency, such action shall not be taken until the owner who has not violated the rules has been given a reasonable opportunity to attach his pipe to a separately controlled service connection. **[Added 10-19-65]**

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- J. Whenever an existing service pipe supplying two (2) or more owners or property units may, for the purpose of stopping leaks or making other repairs, require the main stops to be closed, it shall be replaced with separate service pipe connections. Whenever one (1) service pipe has been used for two (2) or more properties all in one (1) ownership and there is a division of such ownership, each property shall thereafter have its own service pipe. **[Added 10-19-65]**
  
- K. All connecting pipes shall be installed by an authorized licensed plumber. **[Added 10-19-65]**
  
- L. **[Added 10-19-65]** All connecting pipes shall be of pipe approved by the Board, laid at least four (4) feet below the surface of the ground. No connecting pipes shall be laid in the same trench with the gas pipe, fuel oil pipe, sewer pipe or any other facility of a public-service company, nor within three (3) feet of any open excavation or vault. No branch connection of any kind shall be made to a connecting pipe. Water and sewer pipe shall be at least 18” apart, vertically, in the same trench, or 3’ minimum separation on the same horizontal plane, or when less than 18” vertical exists. **[Amended 12-5-00 by L.L. 2000-14]**
  
- M. No connection or tap shall be permitted for a structure which fails to meet the requirements for a building permit or Certificate of Occupancy or which is in violation of any state law, village ordinance, village rule or regulation. **[Added 10-19-65]**
  
- N. Specifics, for materials and installation practices, not addressed in this Chapter will meet the minimum requirements set forth by the American Water Works Association (AWWA) with approval by the Board or it’s Inspector. **[Added 12-5-00 by L.L. 2000-14]**

### § 130-6. Street openings.

- A. No opening of a street in the Village of Cold Spring shall be made for the purpose of connecting with a water main unless a written permit shall be obtained from the Board of Trustees of the Village or its duly authorized representatives.<sup>2</sup>

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<sup>2</sup> Editor's Note: For further provisions regarding excavations in streets, see Ch. 108, Streets and Sidewalks, § 108-1 et seq.

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- B. All street openings in the Village of Nelsonville and state or county highways shall be arranged by applicants with the proper authorities in addition to the permit for a service connection from the Board of Water Commissioners.
- C. The plumber designated by the owner, or the owner, to whom a permit is issued by the Board of Water Commissioners for a service connection, will not be recognized in any sense as the agent of the Village of Cold Spring or Board of Water Commissioners, nor will the Village of Cold Spring or Board of Water Commissioners be responsible for the acts of said plumber or owner.
- D. All connections and street or sidewalk openings shall be completed in full compliance with New York State Codes, Rules and Regulations, Town and Village Codes, County, Federal and OSHA requirements. The plumber named in or making applications to obtain the authorization to commence work shall be fully responsible and liable to the Village for compliance with all codes (including Code Rule 753 regarding utilities), as well as compliance with all applicable regulations. The named plumber shall also act as General Contractor, and be responsible for and arrange for street openings pursuant to §130-6. **[Added 11-25-97 by L.L. 97-03]**

**§ 130-7. Maintenance.**

- A. All connecting pipes, service pipes and connections thereto, together with all fixtures, plumbing and water heating equipment, shall be maintained in good condition by the property owner at his own expense to prevent all unnecessary waste of water.
- B. Should a leak develop, it shall be immediately repaired. Failure by the owner to make immediate repairs shall authorize the Board, at its option, either to shut off the service at the curb or at the main and keep it off until the repairs are made or to enter upon the property and make the necessary repairs. All costs or charges incurred either in shutting off the service or making the necessary repairs shall become the obligation of the owner and shall be added to the water bill for said owner, become an immediate lien against the property and be collected in the same manner as all water bills.
- C. A new corporation cock must be installed in the water main when a property owner is replacing an old service pipe unless the existing cock is approved by the Board or its authorized representative. **[Amended 02-28-17 by L.L. 02-2017]**

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### **§ 130-8. Use of water.**

- A. Before water shall be turned on for the supply of any building or premises, application shall be made in writing signed by the owner, agent or legal representative therefor. Water can be turned off and on only by a written permit from the Board, except in any emergency. **[Amended 02-28-17 by L.L. 02-2017]**
  
- B. The Board of Water Commissioners reserves the right to limit the amount of water furnished to any property owner or consumer, should the circumstances seem to warrant such action, although no limit is expressed in the application or permit for such use, or to entirely cut it off, after reasonable notice.<sup>3</sup> **[Amended 02-28-17 by L.L. 02-2017]**
  
- C. The Board reserves the right to suspend without notice, when circumstances require it, the supply of water to any street or streets for other than domestic use in dwelling houses, and also reserves the right to shut off the entire supply from any street or streets for making repairs or extensions.

### **§ 130-9. Discontinuance of use.**

Written notice must be given to the Board by the owner when he wishes to discontinue the use of water. Water rents are charges against the property and the owners will be responsible for the payment of all water rents until water is turned off officially, at the time said written notice is filed with the Board for discontinuance. In a multiple-dwelling building, service to any unoccupied part of the building shall be turned off and sealed by the Board after the owner has filed written request, to have water use discontinued, and it shall then remain off until application is made to the Board to resume service. The fees for turning service on or off are hereinafter set forth.

### **§ 130-10. Right of entry.**

The Board of Water Commissioners, its agents or representatives may enter the premises of any property owner at any reasonable time, after reasonable notice, to examine the pipes and fixtures, the quantity of water used or the manner of its use. In cases of waste or violations of rules, regulations, ordinances or laws, water supply will be cut off. **[Amended 02-28-17 by L.L. 02-2017]**

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<sup>3</sup> Editor's Note: As to water emergencies, see Art. 11 of this chapter.

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**§ 130-11. Hydrants and valves.**

No person or persons except employees of the Board or those acting with its permission, or authorized members of the Fire Department, shall open or close, obstruct or interfere with any hydrant, gate or valve connected with the water system. Under no circumstances shall water for building construction be taken from the fire hydrants.

**§ 130-12. Water meters.**

- A. All building and outside supplies shall be billed according to Section 130-15 herein. All meters in use or that shall be used on the water services of the Village of Cold Spring shall be of a manufacture approved by the Board and become the property of the consumer. All meters installed by the Village in conjunction with the 1997 filtration plant construction through 1-1-98 shall be installed at Village expense and become the property of the property owner upon installation. All meters installed in conjunction with the 2016/2017 meter/cellular endpoint project shall be installed at the Village expense and become the property of the property owner upon installation. **[Amended 11-25-97 by L.L. 97-03; 2-28-17 by L.L. 02-2017]**
- B. A suitable stopcock shall be placed in the connecting pipe near the inlet side of the meter. Whenever a hot water boiler or steam boiler is on a service or meter service, a suitable check valve shall be placed on the water pipe between the meter and the boiler to prevent the return of hot water to the meter as well as to prevent the emptying of the boiler when the water main is drawn off.
- C. **[Added 11-25-97 by L.L. 97-03]** As of 1-1-98, repairs and replacement of all meters and remote readouts (exclusive of all warranties) shall be done at the expense of the consumer. Any un-metered service as of 1-1-98 shall be charged for installation and repairs when installed. As of 7-1-2017, repairs and replacements of cellular endpoints (exclusive of all warranties) shall be done at the expense of the property owner. **[Amended 12-5-00 by L.L. 2000-14; 2-28-17 by L.L. 2-2017]**
- D. **[Added 12-5-00 by L.L. 2000-14]** Prior Connections – All water serving a Property or Building is to pass through the water meter. Any connections, including system drains, spigots, etc., prior to the Meter will constitute a violation under the Penal Law and will be subject to the penalties mentioned in this Article.

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### § 130-13. Obstructions.

No person shall obstruct access to any water meter, remote reader, fire hydrant or stopcock controlling hydrant lines, or curb cock, by placing thereon any building materials, rubbish, snow or other substance or hindrance. Each day a violation under this section continues shall be considered a separate violation. **[Amended 12-5-00 by L.L. 2000-14]**

### § 130-14. Penalties for offenses.

- A. Any person committing an offense against any of the provisions of this chapter or Article, as the case may be, shall be guilty of a violation under the Penal Law and, upon conviction thereof, shall be punishable by a fine of not more than five hundred dollars (\$500) or by imprisonment for not more than fifteen (15) days, or both. **[Amended 3-27-79 by L.L. No. 1-1979; 11-25-97 by L.L. 97-03]**
- B. Obedience to any of the provisions of this Article may be enforced by injunction.
- C. **[Added 11-25-97 by L.L. 97-03]** Meter tampering: Any destruction, manipulation, disconnection, abuse or other interference with the meter, readout or wiring shall be considered a violation under the Penal Law and subject the offending party to the above penalties, furthermore the water rate for any quarter during which the meter is out of service due to tampering will be the highest non-metered rate in effect at this time.

### § 130-15. Water rents. **[Amended 11-25-97 by L.L. 97-03]**

- A. All rents shall be collected on an annual basis, payable quarterly, with collections to start on January 1, April 1, July 1, and October 1 of each year.
- B. To each bill remaining unpaid after the due date shown on the water bill a penalty shall be added at the rate of (6%) per quarter on any overdue balance. **[Amended 2-28-17 by L.L. 02-2017]**
- C. All persons outside the Village of Cold Spring refusing or neglecting to pay water bills will be liable to have the water shut off and will be subject to legal action for collection of delinquencies.
- D. All water rents not paid by property owners of Cold Spring become a lien on said property and shall appear with penalty added on the next bill of real estate tax.

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E.

(1) The following water rents are hereby established, and the Board of Water Commissioners is hereby authorized to make such changes from time to time as in its judgment may seem best. Changes in water rents may be made merely by resolution of the Board.

(2) Annual Water Rates for the Village of Cold Spring

|  |                           |
|--|---------------------------|
| Rates: Residential Unit<br><b>[Amended 6-29-04 by Board Resolution]</b>  | \$225.00/plus usage       |
| Commercial Unit  | \$225.00/plus usage       |
| Hookup new service   | \$750.00                  |
| Turn on charge/turn off charge   | \$50.00 Each              |
| Usage <b>[Amended 6-29-04 by Board Resolution]</b>   | \$3.05 per 1000 gallons   |
| Flat rate for un-metered service   | \$600.00 per unit         |
| Technology fee <b>[Added 2-28-17 by L.L 02-2017]</b>   | \$10.68/cellular endpoint |
| Startup of new Meter/Cellular Endpoint in Multi-Unit Building or Complex <b>[Added 2-28-17 by L.L 02-2017]</b> | \$200.00 each             |

(a) Special Assessments and Unit Designations.

|   |  |
|---|--|
| Single Family Residence                     | One unit   |
| Two or More Residential Homes or Apartments | One unit per residential area  |
| Multiple & Mixed Use Buildings              | One unit per usable residence plus one or more commercial units per business |
| Commercial Buildings                        | One commercial unit per business, unless otherwise listed herein.            |

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|                                       |   |
|---------------------------------------|---|
| Special                               | Units set by Board review on a case-by-case basis, based upon facilities and occupancy. |
| (b) Typical Special Assessments       |   |
| Commercial Garages                    | 1.5 Commercial units  |
| Full Service Restaurants/Bars         | 4 Commercial units  |
| Retail Business                       | 1 per business  |
| Combined Food Service/<br>Retail Shop | 2 Commercial units  |
| Multi-tenant Commercial stalls        | 1 Commercial unit-plus one per four stalls  |
| Laundries                             | 1 Commercial unit per washer  |
| Hair Salons                           | 2 Commercial units for 10 chairs, plus one unit per three additional chairs.            |
| Municipal Buildings                   | Special Assessment  |
| Nursing Homes                         | Special Assessment  |
| Hospitals                             | Special Assessment  |
| Schools                               | Special Assessment  |
| Church                                | Special Assessment  |
| Light Industry                        | Special Assessment  |
| Heavy Industry                        | Special Assessment  |
| Cemetery                              | Special Assessment  |
| Outdoor Services                      | Special Assessment  |

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The Board reserves the right to modify the unit price and assessment for any and all services by simple resolution of the Board.

(3) Water Rates for Outside the Village of Cold Spring

The flat rates for all units shall be one and one half (1½) times the rates charged within the Village. Metered rates shall be equal to in Village rates.

All unit assessments shall be consistent with those established for the Village as shown. Those using Village water outside the Village of Cold Spring limits are contract users and such contracts are renewable on a quarterly basis upon payment of quarterly rates.

- F. Failure of Meter to Register. **[Added 12-5-00 by L.L. 2000-14]**  
In the event that a meter has failed to register, during all or part of a billing period, an estimated consumption will be charged, based on past history of the account during similar billing periods (i.e. past history of third quarter for estimation of same).

**§ 130-16. Additional regulations; amendments.**

The contents of this Article are not exclusive but are in addition to such other laws applicable to the matter contained herein. The right to amend cancel or change the whole or any part of this Article is hereby reserved.

**§ 130-16.1. Use of system by nonresidents. [Added 2-8-83 by L.L. No. 1983-01]**

- A. The Mayor and Board of Trustees are hereby authorized to exercise the powers of the Board of Water Commissioners in exercising the powers granted in Village Law § 11-1120.
- (1) The Board may sell to a corporation, or to an individual, the right to make connection with the Cold Spring Water System for the purpose of drawing water therefrom, and fix the prices and conditions therefor. The term "corporation" shall mean a corporation as defined in § 102 of the Business Corporation Law.
  - (2) All new connections, and the continuance of all connections previously allowed, shall be subject to the following conditions:
    - (a) The Board shall not sell nor permit the use of its water system under this section if thereby such system will be adversely affected or rendered inadequate for the village or its inhabitants.

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- (b) If it is found by the Board that any existing connection or connections from outside the village are having an adverse impact on the sufficiency of the Cold Spring Water System or may be rendering the existing water system inadequate for the village or its inhabitants, the Board shall terminate such service on not less than sixty (60) days notice. Notice shall be served either personally or by registered mail on the owner of the premises at the property address and at any other last known address. Service by registered mail shall be accompanied by posting the notice on the entry of the premises. Personal service shall be complete upon delivery. Service by registered mail shall be complete three (3) days after mailing.
- (c) Termination. All outside connections may be terminated by either the connecting user or the Village of Cold Spring upon giving reasonable notice to the other party. The connecting user may terminate the service upon giving thirty (30) days written notice to the village at the Village Office, 85 Main Street, Cold Spring, New York. The Village of Cold Spring may terminate the service upon giving one hundred eighty (180) days notice in the manner set forth in Subsection A2(b) above; provided, however, that if the termination is based upon the grounds set forth in Subsection A2(b) or on the ground of nonpayment as set forth in Subsection B hereof, the shorter notice periods in the applicable section shall apply.
- (d) Consideration.

[1] For all new connections the Board shall impose a connection fee as may be set from time to time by the Board by resolution, and shall also require a deposit in an amount to be set from time to time by the Board of Trustees as security for prompt payment of water charges. If the Village Treasurer invests these funds, the interest shall be credited to the user.

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[2] Payment of water rents. The continuance of all outside water connections shall be conditioned upon prompt payment of water rents imposed by the Village of Cold Spring.

[3] In the event of nonpayment of water rents, water service shall be discontinued upon the terms set forth in Subsection B.

(e) Other conditions. In allowing any new connections to the Cold Spring Water System, the Board may impose such additional conditions as it finds to be appropriate. All outside users of the water system shall be promptly notified of any such conditions.

B. All persons outside the Village of Cold Spring refusing or neglecting to pay water rents will be liable to have the water disconnected under the following provisions:

- (1) Upon certification by the Village Clerk that a nonresident user of water is delinquent in payment of water rents, the Board of Trustees, acting as the Board of Water Commissioners, may, by resolution, authorize the enforcement of the payment of water rents by disconnecting the water system.
- (2) The resolution of the Board of Trustees, acting as the Board of Water Commissioners, shall set forth the name and address of the proper person, the amount of delinquent water rents, and shall authorize the sending of a notice and the implementation of the procedures set forth below.
- (3) The term "proper person" means:
  - (a) Either the owner of the premises where service is rendered or, in lieu thereof, the person, firm or corporation to whom or which the last preceding bill has been rendered and from whom or which the village has received payment therefor;
  - (b) The superintendent or other person in charge of the building or premises where service is rendered, if it can be readily ascertained that there is such superintendent or other person in charge; and
  - (c) The tenants of any multiple dwelling where service is rendered.

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- (4) The term "address of such proper person or persons" as that term relates to the persons indicated in Subsection B(3) of this section means the address where service is rendered, except that if the proper person has specified to the village in writing an alternate address for billing purposes, such term shall refer to such alternate address.
- (5) Method of service of notice.
  - (a) Notice of the determination of the Village Board, acting as the Board of Water Commissioners, shall be given to the proper person, either personally or by both of the following:
    - [1] Posting the notice on the doorway of the premises; and
    - [2] Depositing the notice by registered mail directed to the proper person at his address.
  - (b) If service is made by registered mail, service shall be deemed complete three (3) days after mailing. Personal service shall be complete upon delivery.
- (6) The notice shall provide the proper person with an opportunity to meet informally with the Mayor to discuss any disputes concerning the amounts owing.
- (7) The notice shall also provide that the Village Board of Trustees, acting as the Village Board of Water Commissioners, will meet on a stated date prior to the proposed water disconnection date, to conduct a hearing to further consider the proposed disconnection of the water and to provide the proper person with a full opportunity to be heard. The Board shall have the right by resolution to designate a committee of the Board, or a hearing officer to conduct such hearing.
- (8) Such notice by the Board shall also provide that the proper person will be given the opportunity to avoid the disconnection of the water system by paying the full amount due, with any applicable penalties, at the Village Office prior to the time of disconnection.

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- (9) The notice sent to the proper person shall set forth the date of the scheduled disconnection of water service. That date shall be at least twenty (20) days from the date the notice is served.
- (10) The date set for the proposed disconnection of water system shall be any Monday, Tuesday, Wednesday or Thursday between the hours of 8:00 a.m. and 6:00 p.m.; provided, however, that the proposed date of disconnection shall not be on a public holiday as enumerated in the General Construction Law.
- (11) The notice shall be substantially in the following form:

NOTICE OF TERMINATION  
OF WATER SERVICE

Dated: .....

To: ..... (Name)  
 ..... (Address)  
 .....

Please take notice that the Village of Cold Spring records show that you have failed or refused to pay water rents justly due to and billed by the Village of Cold Spring since your last payment on .....(date), and the amount of \$ ..... is now due and owing.

Please take further notice that because of this nonpayment, the Village of Cold Spring will terminate your water service by disconnecting your water system on ..... [date of a Monday, Tuesday, Wednesday or Thursday at least twenty three (23) days from date notice to be served]. Termination will take place between 8:00 a.m. and 6:00 p.m. After disconnection, the village may refuse you the privilege of reconnection. If the Board does allow you to reconnect, it will require that you pay the entire outstanding balance with any applicable penalties and make a deposit in the amount of one hundred dollars (\$100) as security against further delinquency, prior to allowing reconnection. After disconnection if you reconnect to the system, or draw water, without permission of the Village Board, you will be prosecuted for a violation of Local Law No. 1 of the year 1983 of the Village of Cold Spring and will be subject to fine or imprisonment.

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Please take further notice that you have the right to utilize two separate procedures to dispute your account and show that you have not in fact failed to pay water rents.

First: If you wish to dispute the amount owing as stated herein, discuss your account, or present any written letters or documents concerning your account, please contact the Office of the Mayor at the Village Office (265-3611), during business hours of 10:00 a.m. to 3: 00 p.m., Monday to Friday, and an informal meeting will be scheduled with you.

Second: The Village Board of Trustees, acting as the Board of Water Commissioners, will hold a hearing on this proposed disconnection on . . . . . (day of the week), . . . . . (date) at . . . . . (time) at the Village Office, 85 Main Street, Cold Spring, New York, at which time you will have an opportunity to be heard. You may submit any oral, written or other proof on your behalf, to show that you have not failed to pay water rents.

After the hearing, the Board will consider the evidence presented, and if it finds that you have actually failed or refused to pay water rents imposed by the Village of Cold Spring, the disconnection of your service will take place on or after the date set forth above.

If you wish, you may avoid termination of service by paying the total amounts set forth above at the Village Office, Cold Spring, New York 10516 on or before 3:00 p.m. the business day before the date of disconnection of service.

**THIS IS A FINAL DISCONNECT NOTICE. TO AVOID INCONVENIENCE, BRING THIS NOTICE TO THE ATTENTION OF THE VILLAGE WHEN PAYING THIS BILL.**

Very truly yours,

Village Board of Trustees/  
Board of Water  
Commissioners  
**[Amended 12-5-00 by L.L.  
2000-14]**

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(12) Conduct of hearing.

- (a) At the date, time and place set forth in the notice, the Board or a committee thereof or a hearing officer shall hold a hearing on the proposed termination of water service. The hearing shall be conducted to determine whether or not the proper person has failed to pay water rents to the Village of Cold Spring.
- (b) At the hearing, the proper person, and any owner, tenant or other occupant of the premises, shall have the opportunity to be heard on all issues presented in the matter and shall have the right to present documentary evidence, and the statements of any person or persons on his behalf. The Board may also allow any other person to be heard with respect to the matters at issue. At the hearing, the proper person shall provide the Board with a telephone number where he/she can be reached to be informed of the Board's finding after the hearing. The Village Clerk or other designated agent shall take minutes at the hearing but a stenographic transcript shall not be required.
- (c) After the hearing, the full Board shall consider the matters raised at the hearing. If the Board finds that the proper person has in fact failed to pay water rents, it shall confirm the order of termination as set forth in the previous notice to the proper person and service shall be terminated. If the Board finds that the proper person has not failed to pay water rents, the Board may modify or rescind its prior findings and order on such terms as may be just. The Board's determination after the hearing shall be communicated to the proper person either in person or by telephone, and a copy shall also be sent to the proper person by regular mail.

- (13) Receipt of a subsequently dishonored check or other negotiable instrument in response to a notice of discontinuance shall not constitute payment of the proper person's account, and the village shall not be required to issue additional notice prior to discontinuance.

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(14) Disconnection of water.

- (a) Upon a determination of the Board that the water should be disconnected, the disconnection shall take place on or after the date set forth in the original notice.

[1] Actual disconnection shall not take place until: It shall have verified that payment has not been received through the end of the notice period required by this chapter; and

[2] It shall have verified on the day disconnection occurs that payment has not been posted to the proper person's account as of the opening of business on that day.

- (b) If necessary in order to disconnect the water, village personnel shall be authorized to enter the property of the proper person for the sole purpose of disconnecting the water system to the minimum extent necessary to make such disconnection.

(15) Violations and penalties.

- (a) Any person who draws water from the Cold Spring Water System after water service has been disconnected under this chapter, unless a reconnection has been authorized under the provisions of Subsection B(16) shall be guilty of a violation under the Penal Law.

- (b) A conviction of a violation under this section shall be punishable by a fine of not more than five hundred dollars (\$500) or by imprisonment for not more than fifteen (15) days, or by both such fine and imprisonment. Each week of such connection shall constitute a separate violation.  
**[Amended 11-25-97 by L.L. 97-03]**

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(16) Reconnection.

(a) After water service has been disconnected for nonpayment, the village shall have the right to refuse to grant any application for reconnection.

(b) In the event that the Board does grant an application for reconnection, such reconnection shall not be granted unless accompanied by:

[1] Payment in full of all past due water rent amounts, including any applicable penalties; and

[2] A reconnection fee. Such fee shall consist of the sum of:

[a] The actual cost to the Village of Cold Spring in disconnecting the water system and restoring the street; and

[b] The actual or estimated cost of reconnecting the water system, and restoring the street, as determined by the Board of Water Commissioners.

[3] A deposit for reconnection in the amount of one hundred fifty dollars (\$150) to be held by the village as security for the prompt payment of future water rents. If the Village Clerk or Treasurer invests these deposit funds in an interest-bearing account, the interest shall be credited to the nonresident user. The Village Board may change the amount of the reconnection fee by resolution.

(c) All applications for reconnection shall be made in writing to the Board. If, after review of the application, the Board determines to grant the application to reconnect, then the Board shall inform the applicant of the amounts which must be paid under Subsection B(16)(b) prior to reconnection. Upon such payment by cash or certified check, the water will be reconnected.

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**ARTICLE II  
Emergencies**

**[Adopted 10-24-78 as L.L. No. 1978-03]**

**§ 130-17. Legislative findings and purpose. [Amended 11-25-97 by L.L. 97-03]**

The Village Board of the Village of Cold Spring hereby makes the following legislative findings:

- A. In order to make the best, most efficient and fairest use of the current village water supply, it has become necessary, in the interest of the health, safety and welfare of the users of the water supply, to promptly take all reasonable precautions and measures to conserve the existing water supply and to prevent waste and excess use of water.
- B. One of the serious results of the inadequacy of the present village water supply is inadequate pressure in the water mains and lines during protracted periods of high temperature, atmospheric dryness and excessive use of water for outside uses unrelated to domestic, household and sanitary purposes, fire protection or reasonably necessary commercial and industrial use.

**§ 130-18. Proclamation of emergency.**

- A. Whenever the Mayor, with the approval of the Board of Trustees, shall find that the village water supply has lessened to such degree that such condition warrants the imposition of prompt and reasonable precautions to conserve the existing water supply and to prevent the excess use and waste of water in the interest of the health, safety and welfare of the village residents, the Mayor, with the approval of the Board of Trustees, shall have the authority to formally proclaim that an emergency exists with respect to the water resources of the village water system, requiring certain measures, hereinafter enumerated, to conserve water for domestic, household and sanitary uses and for fire protection.
- B. The emergency regulations shall become effective immediately upon the issuance of the proclamation, which shall be in writing, and shall remain in effect until rescinded by the Mayor, with the approval of the Board of Trustees.

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### **§ 130-19. Notice of proclamation.**

Immediately upon issuance of the proclamation, the Mayor shall direct that notice of the proclamation of the emergency be given to users of the village water supply. Notice of the proclamation shall be published in a newspaper, published or circulated in the village, and the Mayor may, in his discretion, utilize other means of notice.

### **§ 130-20. Effect of proclamation.**

- A. The proclamation shall permit the indoor use of water for domestic and sanitary purposes.
- B. Outside use of water.
  - 1) Additionally, the proclamation may permit outside uses of water but only on the days and hours as specified by the Mayor in the proclamation.
  - 2) All outside uses of water except as specifically authorized by the proclamation shall be prohibited.
  - 3) "Outside uses of water" shall mean any use of water whatsoever outside the exterior of a dwelling unit, including but not limited to watering of lawns, gardens, plants or shrubbery; washing of buildings, vehicles or any other object; filling of swimming pools; and using of hoses, spouts or similar pressure for bathing or sprinkling.
- C. Business and industries may use water for such uses as are reasonably necessary for the conduct of such business and industry.

### **§ 130-21. Failure of compliance.**

A person failing to comply with the provisions of this Article shall, upon conviction, be guilty of a violation.

### **§ 130-22. Penalties for offenses.**

Any person convicted of a violation of the provisions of this Article shall be subject to a fine not exceeding fifty dollars (\$50) for the first offense, to a fine not exceeding one hundred (\$100) for the second offense, and to a fine not exceeding one hundred fifty dollars (\$150) for the third and all subsequent offenses. [Amended 11-25-97 by L.L. 97-03]

**Article III**

**Cross-Connection Control**  
**[Adopted 2-27-2001 by L.L. 2001-03]**

**§ 130-23. Purpose.**

A. The purpose of this Section is to:

Safeguard the public potable water supply in the Village of Cold Spring from potential contamination by preventing backflow or back siphonage from water user's system into the public water system and to comply with the requirements of the New York Sanitary Code, 10 New York Code of Rules and Regulations, Part 5, §5-1.31.

B. This is to be accomplished by:

Requiring an approved air gap, reduced air pressure zone device, double-check valve assembly or an equivalent protective device consistent with the degree of hazard posed by any service connection.

**§ 130-24. Definitions.**

**BACKFLOW-** The flow of water or other liquids, mixtures or substances under positive or reduced pressure in the distribution pipes of potable water supply from any source other than its intended source.

**BACKFLOW PREVENTER-** A device or means designed to prevent the backflow or back siphonage. Most commonly categorized as air gap, reduced pressure principle device, double-check valve assembly, pressure vacuum breakers, hose bibb vacuum breaker, residential dual check, double check with intermediate atmospheric vent, and a barometric loop.

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

**CONTAMINANT-** A substance that will impair the quality of the water to a degree that it creates a serious health hazard to the public leading to poisoning or the spread of disease.

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CROSS-CONNECTION- Any actual or potential connection between the public water supply and a source or potential source of contamination or pollution.

POLLUTANT- A foreign substance, which if permitted to get into the public water system, will 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 not adversely and unreasonable effect such water for domestic use.

**§ 130-25. Responsibilities.**

A. Water Department.

- (1) On new installations, the Department will provide evaluation of plans and/or on-site inspection in order to determine what type of backflow preventer will be required. In any case, a minimum of a dual check valve will be required in any new construction. The Department will, if deemed necessary, perform any inspection after installation and perform additional inspections if the first inspection finds that the installation does not meet minimum requirements.
- (2) The Department will not allow any potential cross-connection to exist unless the public water supply system is protected by an approved backflow preventer and which will regularly be tested to insure satisfactory operation.
- (3) The Department shall inform the Owner by letter, of any failure to comply, by the time of the first re-inspection. In the event the Owner fails to comply with the necessary correction by the time of the second re-inspection, the Department will inform the Owner by certified letter, return receipt requested, that the water service to the Owner's premises will be terminated within a period not to exceed five (5) days. In the event the Owner informs the Department of extenuating circumstances as to why the correction has not been made, a time extension may be granted by the Board of Water Commissioners but in no case will exceed an additional thirty (30) days. Extenuating circumstances includes, but is not limited to, delay in delivery of equipment needed for installation for reasons that are beyond the owners control, other temporary hardships that may need to be considered, etc.
- (4) If the Water Superintendent determines *at any time* that a serious threat to the public health exists, the water service will be terminated immediately.

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**B. Owner.**

- (1) The Owner shall be responsible for the elimination or protection of all cross-connections on his/her premises.
- (2) The Owner, after having been informed by a letter from the Department, shall at his/her expense, install, maintain, and test, or have tested any and all backflow preventers on his/her premises. Such testing may only be performed by a New York State Department of Health certified backflow prevention device tester.
- (3) The Owner shall correct any malfunction of the backflow preventer that is revealed by periodic testing.
- (4) The Owner shall not install a bypass around any backflow preventer unless there is a backflow preventer of the same type on the bypass. Owners who cannot shut down operation for testing the device(s) must supply additional devices necessary to allow testing to take place.
- (5) The Owner shall install backflow preventers in a manner approved by the Water Superintendent, and which must be in conformance with the New York State Department of Health Bureau of Public Water Supply Protection "Guidelines for Designing Backflow Prevention Assembly Installations", of latest revision, and the cross-connection control manual.
- (6) The Owner shall install only backflow preventers approved by the Department, and which are contained on a New York State Department of Health approved list.
- (7) Any Owner having a private well or other private water source may be required to install a backflow preventer at the service entrance if a private water source is maintained, even if it is not cross-connection to the public water system.

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- C. The Water Superintendent or designee shall determine type of device required for each property and facility. In making this determination, the Water Superintendent may utilize the “Sample List of Facilities Requiring Backflow Prevention,” prepared by the Department of Health, and, if necessary shall consult with the Putnam County Department of Health.
- D. Cross-Connection Control by Facility Type.
- (1) Hazardous types of facilities which shall require installation of an approved Reduce Pressure Zone (RPZ) or air gap in the service connection to the public water distribution system include, but are not limited to:
- (a) Sewage and industrial wastewater treatment plants and pumping stations, sewer flushers;
  - (b) Hospitals, clinics, laboratories, veterinary hospitals, mortuaries, embalmers;
  - (c) Metal plating, photo processing, laundries, commercial car washes, commercial refrigeration systems, dry-cleaning establishments;
  - (d) Commercial greenhouses, spraying and irrigation systems using weedicides, herbicides, exterminators;
  - (e) Boiler Systems, cooling towers or internal fire-fighter systems using conditioners, inhibitors, corrosion control chemicals;
  - (f) Residential units with lawn and irrigation system with the chemical injection.
- (2) Aesthetically objectionable types of facility which shall require installation of approved double check valve in the service connection of the public water distribution system, are those which include, but are not limited to:
- (a) Customer fire protection loops, fire storage tanks with no chemical additives;
  - (b) High temperature potable water;
  - (c) Utilization for food grade dyes;

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(d) Complex plumbing systems in commercial building, such as but not limited to, beauty salons, churches, apartment buildings, gas stations, supermarkets, nursing homes, construction sites, carnivals;

(e) Residential units with lawn and irrigation systems.

(3) Residential dual check valves

A. As of 2-27-01, all new residential buildings will be required to install a residential dual check device immediately downstream of the water meter. Installation of this residential dual check device on a retrofit basis, on existing service lines, will be instituted at a cost to the homeowner.

B. The owner must be aware that the installation of a residential dual check valve results in a potential closed plumbing system within his/her residence. As such, provisions may have to be made by the owner to provide for thermal expansion within his/her closed loop system, i.e., the installation of thermal expansion devices and/or pressure relief valves.

### § 130-26. **Administration.**

A. The Water Superintendent shall enforce this Article and the cross-connection and backflow protection requirements, specifications, guidelines, and facilities' classifications of the New York State Department of Health and the Putnam County Department of Health.

B. The Department will operate a cross-connection control program, or include the keeping of necessary records, which fulfills the requirements of the NYS Health Department's Cross-Connection Regulations.

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**§ 130-27. Penalties.**

In addition, and not in lieu of any other penalty set forth in this Chapter, any person who violates any provision of this Article shall be subjected to a fine not to exceed \$250 for each day the violation continues after receiving written notice by the Water Superintendent. In addition, the service of water to any premises may be discontinued if the Board of Water Commissioners determined that backflow prevention devices, required by the Article or regulations adopted pursuant thereto, are not installed tested and maintained; if any defects are found in an installed backflow prevention device; if it is found that the backflow prevention device has been removed or bypassed; or if an unprotected cross-connection exists on the premises, such water device shall only be restored after such a condition or defect is corrected.

**§ 130-28. Severability.**

[Added 2-28-17 by L.L. 02-2017] If any article, section, subsection, paragraph, sentence, clause or provision of this chapter shall be adjudged by any court of competent jurisdiction to be invalid, such adjudication shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the article, section, subsection, paragraph, sentence, clause or provision thereof directly involved in the controversy in which such judgement shall have been rendered.

**§ 130-29. When Effective.**

[Added 2-28-17 by L.L. 02-2017] This Local Law shall take effect immediately upon filing in the office of the New York Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.