

Chapter 201

WATER

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[HISTORY: Adopted by the Board of Trustees of the Village of Barker as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. 110.
Health and sanitation — See Ch. 128.

Sewers — See Ch. 166.

ARTICLE I Cross-Connection Control [Adopted 6-4-1984 by L.L. No. 4-1984]

§ 201-1. General provisions.

A. Purpose. The purpose of this article is:

- (1) To protect the public potable water supply of the Village of Barker of the County of Niagara from the possibility of contamination by isolating within its customers' internal distribution system(s) or its customers' private water system(s) such contaminations or pollutants which could backflow into the public water supply system; and
- (2) To comply with the requirements of the New York State Sanitary Code 5-1.31.

B. Responsibility. The Superintendent of Public Works shall be responsible for the protection of the Village of Barker distribution system from the contamination due to the backflow of contaminants through the water service connection. If, in the judgment of said Superintendent, an acceptable backflow prevention device is required at the district's water service connection to any customer's premises, for the safety of the water system, the Superintendent or his designated agent shall give notice in writing to said customer to install such an acceptable backflow prevention device at each service connection to this premises. The customer shall immediately install such approved device or devices at his own expense; and failure, refusal or inability on the part of the customer to install said device or devices immediately shall constitute a ground for

discontinuing water service to the premises until such device or devices have been properly installed.

§ 201-2. Definitions.

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

ACCEPTABLE BACKFLOW PREVENTION DEVICE — An acceptable air gap, reduced pressure zone device or double check valve assembly as used to contain potential contamination within a facility. In order for the reduced pressure zone device or the double check valve assembly to be acceptable it must be listed on the most current version of the New York State Department of Health List of Acceptable Devices.

AESTHETICALLY OBJECTIONABLE FACILITY — One in which substances are present which if introduced into the public water supply system could be a nuisance to other water customers, but would not adversely affect human health. Typical examples of such substances are: food-grade dyes, hot water, stagnant water from fire lines in which no chemical additives are used, etc.

AIR GAP — The unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture, or other device and the flood level rim of said vessel. An approved air-gap shall be at least double the diameter of the supply pipe, measured vertically, above the top of the rim of the vessel; and in no case less than one inch.

APPROVED — Accepted by the Superintendent of Public Works as meeting an applicable specification stated or cited in this article, or as suitable for the proposed use.

AUXILIARY WATER SUPPLY — Any water supply on or available to the premises other than the Village of Barker approved public water supply. These auxiliary waters may include water from another purveyor's public potable water supply or any natural source(s) such as a well, spring, river, stream, harbor, etc., or used waters. These waters may be contaminated or they may be objectionable and constitute an unacceptable water source over which the water purveyor does not have sanitary control.

BACKFLOW — A flow condition, induced by a differential in pressure, that causes the flow of water or other liquids and/or gases into the distribution pipes of the Village of Barker supply system from any source other than its intended source.

CERTIFIED TESTER — That individual or firm approved to accomplish the necessary inspections and operational tests of backflow prevention devices.

CONTAMINATION — The presence in water of a substance that tends to degrade its quality.

CUSTOMER — A water user served by the Village of Barker supply system.

CUSTOMER'S WATER SYSTEM — The piping used to convey water supplied by the Village of Barker supply system throughout a customer's facility. The system shall include all those parts of the piping beyond the control point of the Village of Barker water supply system. The control point is either the curb valve or the main valve located in the public right-of-way that isolates the customer's facilities from the district distribution system.

DEGREE OF HAZARD — Whether a facility is rated as hazardous, aesthetically objectionable or nonhazardous.

DOUBLE CHECK VALVE ASSEMBLY, ACCEPTABLE — An assembly composed of two single, independently acting check valves, including tightly closing shutoff valves located at each end of the assembly and suitable connections for testing the water-tightness of each check valve.

HAZARDOUS FACILITY — One in which substances may be present which if introduced into the public water system would or may endanger or have an adverse effect on the health of other water customers. Typical examples: laboratories, sewage treatment plant, chemical plants, hospitals, mortuaries.

NONHAZARDOUS FACILITY — One which does not require the installation of an acceptable backflow prevention device.

PUBLIC WATER SUPPLY SYSTEM — The Village of Barker system, including the source, treatment works, transmission mains, distribution system and storage facilities serving the public. This includes the distribution system up to its connection with the customer's water system.

REDUCED PRESSURE ZONE DEVICE, ACCEPTABLE — A device containing a minimum of two independently acting check valves, together with an automatically operated pressure differential relief valve located between the two check valves. During normal flow and at the cessation of normal flow the pressure between these two checks shall be less than the upstream (supply) pressure. In case of leakage of either check valve, the differential relief valve, by discharging to the atmosphere, shall operate to maintain the pressure. The unit must include tightly closing shutoff valves located at each end of the device, and each device shall be fitted with properly located test cocks.

SUPERINTENDENT — The Superintendent of Public Works of the Village of Barker.

§ 201-3. Water system requirements.

- A. The customer's water system shall be open for inspection at all reasonable times to authorized representatives of the Village of Barker.
- B. The Superintendent of Public Works shall rate a customer's water system according to its degree of hazard to the public water supply system. Some of the factors to be considered are the use and availability of contaminants, the availability of an auxiliary water supply and the type of fire-fighting system in use. Residential and business (nonindustrial) customers' water systems shall be considered nonhazardous facilities unless the customer is otherwise notified by the Superintendent of Public Works.
- C. An acceptable backflow prevention device shall be installed on each service line to a customer's water system at or near the property line or immediately inside the building being served, but in all cases, before the first branch line leading off the service line, as follows:
 - (1) Whenever a customer's water system is rated hazardous, an acceptable reduced pressure zone device or air gap shall be installed.

- (2) Whenever a customer's water system is rated aesthetically objectionable, as a minimum, an acceptable double check valve assembly shall be installed.
- D. The design of the installation of an acceptable backflow prevention device must be prepared in accordance with the New York State laws and regulations. The design must be approved by the Superintendent and all agencies required by the applicable New York State and Village of Barker laws and regulations.
- E. It shall be the duty of the customer at any premises where backflow prevention devices are installed to have certified inspections and operational tests made at least once a year. In those instances where the Superintendent deems the hazard to be great enough, he may require certified inspection at more frequent intervals. Certified inspections and operational tests must also be made when any backflow prevention device is to be installed, repaired, overhauled or replaced, in addition to the requirement of an annual certified inspection and operational test. All inspections and tests shall be at the expense of the customer and shall be performed by the device manufacturer's representative, Village of Barker personnel, or by a certified tester approved by the Village of Barker Superintendent. The Village of Barker shall make available the names, addresses, and telephone numbers of those persons which are certified as testers for backflow prevention devices. It shall be the duty of the Superintendent to see that certified inspection and operational tests of the backflow prevention devices are made. The customer shall notify the Superintendent in advance, in writing, when the tests are to be undertaken so that he or his representative may witness the tests if it is so desired. These devices shall be repaired, overhauled or replaced at the expense of the customer whenever said devices are found to be defective. Record of such tests, repairs and overhaul shall be kept and made available to the Superintendent of Public Works. Copies of all testing and maintenance records shall be sent to the Superintendent immediately after the work is performed.
- F. All presently installed prevention devices which do not meet the requirements of this section but were approved devices for the purposes described herein at the time of installation and which have been properly maintained, shall, except for the inspection and maintenance requirements under Subsection E be excluded from the requirements of these rules so long as the Superintendent is assured that they will satisfactorily protect the utility system. Whenever the existing device is moved from the present location or requires more than minimum maintenance, constitutes a hazard to health, the unit shall be replaced by a backflow prevention device meeting the requirements of this section.
- G. No water service connection to any customer's water system shall be installed or maintained by the Village of Barker unless the water supply is protected as required by state laws and regulations and this article. Service of water to any premises shall be discontinued by the Village of Barker if a backflow prevention device required by this article is not installed, tested and maintained, or if it is found that a backflow prevention device has been removed or bypassed. Service will not be restored until such conditions or defects are corrected.

§ 201-4. Enforcement; penalties for offenses.

- A. A violation of the provisions of this article shall constitute a violation punishable by a fine not to exceed \$250, or by imprisonment not to exceed 15 days, or by both such fine and imprisonment. Each violation will constitute a separate violation and shall be subject to separate fines, imprisonment, or civil penalties. In lieu of, or in addition to, such fine or imprisonment or both, each such violation shall be subject to a civil penalty not exceeding \$1,000 for any one case, to be recovered in an action or proceeding brought by the Village Attorney of the Village of Barker in a court of competent jurisdiction. Each day of a continuing violation shall be subject to a separate such fine, imprisonment or civil penalty.
- B. The Village Attorney may maintain an action or proceeding in the name of the village in a court of competent jurisdiction to compel compliance with this article, notwithstanding the provisions of Subsection A hereof for a penalty or other punishment.
- C. Where any violation of this article causes expense to the village, such violation may also be punishable by a civil suit against the violator, brought by the Village Attorney of the Village of Barker in the name of the village in a court of competent jurisdiction, to recover such additional cost.

ARTICLE II

Rates

[Adopted 5-3-1999 by L.L. No. 1-1999]

§ 201-5. Rates established. [Amended 3-13-2003 by L.L. No.1-2003]

The following rates are hereby established for water rentals in the Village of Barker:

- A. ~~Normal rate, including residential, business, schools and industries, except industries set forth in Subsection B below, and all other users: [Amended 6-11-2012 by L.L. No. 1-2012; 1-8-2018 by L.L. No. 1-2018]~~
- (1) ~~The minimum charge shall be \$71 charged per three-month period and shall cover the cost of providing the first 5,000 gallons of water consumed.~~
- (2) ~~The next 30,000 gallons per three-month period shall be charged at \$2.70 per 1,000 gallons of water consumed.~~
- (3) ~~The next 65,000 gallons per three-month period shall be charged at \$1.95 per 1,000 gallons of water consumed.~~
- (4) ~~All water consumed over 100,000 gallons per three-month period shall be charged at a rate of \$1.50 per 1,000 gallons consumed.~~
- B. ~~Industrial users using in excess of 100,000 gallons per month:~~
- (1) ~~The minimum charge shall be \$72.92 per one-month period and shall cover the cost of providing the first 100,000 gallons of water consumed.~~

SEE
Resolution
17-2020

~~(2) All water consumed over 100,000 gallons per one-month period shall be charged at the rate of \$1.30 per 1,000 gallons consumed.~~

- C. The Board of Trustees may hereafter amend the water rates from time to time by resolution. **[Added 1-8-2018 by L.L. No. 1-2018]**

§ 201-6. Penalty for late payment.

There shall be added to any water charge paid after the 30th day from the billing date a penalty of 10% of the amount of the bill.

§ 201-7. When effective.

These water rates shall take effect for water used on or after January 1, 1999, and shall be reflected in the next billing.

August 10, 2020 Minutes

Resolution #17-2020 Water Rate Increase

The minimum charge shall be \$85.00 charged per three month period and shall cover the cost of providing the first 5,000 gallons of water.

The next 30,000 gallons per three month period shall be charged at \$3.00 per 1,000 gallons of water consumed.

The next 65,000 gallons per three month period shall be charged at \$2.25 per 1,000 gallons of water consumed.

All water consumed over 100,000 gallons per three month period shall be charged at a rate of \$1.80 per 1,000 water consumed.

THEREFORE BE IT RESOLVED, that the Village Board of Trustees hereby sets forth these rates.

A motion to **ADOPT Resolution #17-2020 to Increase Water Rates** was made by Trustee Baker and was seconded by Deputy Mayor Corwin-Bradley.

The previous was ADOPTED. AYES-4-Nellist, Corwin-Bradley, Baker, Davis, NAYS-0/None Motioned Carried.

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