

Chapter 148

WATER

[HISTORY: Adopted by the Board of Trustees of the Village of Saddle Rock: Art. I, 8-3-1994 by L.L. No. 2-1994. Amendments noted where applicable.]

GENERAL REFERENCES

Docks and docking — See Ch. 56.
Plumbing — See Ch. 118.
Water franchise — See Ch. A157.

ARTICLE I

Irrigation Systems

[Adopted 8-3-1994 by L.L. No. 2-1994]

§ 148-1. Findings.

- A. The New York State Legislature has found that the potable water for the northern portion of the Great Neck peninsula is derived from aquifers which are the sole source of water for all of Long Island. The New York State Legislature has further found that the issues of contamination and conservation of the aquifers, and the need to better manage the groundwater system on the north of the Great Neck peninsula (which had been operated by a private utility until 1985), were of such statewide concern that the Legislature heretofore created the Water Authority of Great Neck North. It was the expressed hope of the State Legislature in establishing the Authority that the Authority would not only protect, preserve and enhance the quality and quantity of the water within its supply area, but would also serve as a model and leader for other water suppliers to better manage, conserve and protect the groundwaters within and outside its supply areas. Said Authority, after investigating water conservation and regulation programs, has recommended that all of the municipalities within, or partially within, the jurisdiction of the Water Authority of Great Neck North adopt water conservation regulations substantially similar to those contained in this Article.
- B. The Board of Trustees of the Village of Saddle Rock hereby determines that it would be in the best interest of the health, safety and welfare of the inhabitants of the Village of Saddle Rock to adopt said water conservation regulations.

§ 148-2. Definitions.

As used in this Article, the following terms shall have the meanings indicated, except where the context demonstrates otherwise:

AUTHORITY — The Water Authority of Great Neck North.

IRRIGATION SYSTEM — One or more tubes, pipes or hoses, or any combination thereof, and all accessory valves, sprinklers and other devices, if any, which are used to transport and release

water for the purpose of irrigation.

PERSON — Any individual, firm, entity or other organization of any kind, including municipal districts, municipal corporations and public authorities.

SENSOR — A rain or soil moisture sensor capable of interrupting the operation of an irrigation system when watering, as determined by the sensor, is not required by virtue of rain or soil moisture, in accordance with the following suggested criteria:

- A. A rain "sensor" shall be a type capable of detecting a minimum of 1/8 inch of rainfall and automatically interrupting and preventing the irrigation system from operating. A rain sensor shall further be capable of allowing the rainfall to evaporate and, when sufficient evaporation has occurred, to automatically reset and allow continuation of normal irrigation in accordance with the programmed schedule. The rain sensor shall be set to interrupt and prevent the irrigation system from operating at a measure of rainfall no greater than the measure designated by the Board of Trustees by resolution.
- B. A moisture "sensor" shall be of a type capable of detecting the matric potential of the soil in which it is used and automatically interrupting and preventing the irrigation system from operating at a pressure no greater than the pressure designated by the Board of Trustees by resolution.

VILLAGE — The Incorporated Village of Saddle Rock.

WATER — Any water obtained from the Authority or from underground within the Water Authority of Great Neck North District.

§ 148-3. Applicability; defense.

- A. This Article shall apply to all persons using water in the Village of Saddle Rock, whether or not such person using water shall have a contract in its own name for water service within the village.
- B. In any prosecution for any violation of this Article, it shall be an affirmative defense that the alleged violation did not involve the use of water obtained from either the Authority or from underground within the Water Authority of Great Neck North District.

§ 148-4. Regulations. [Amended 5-1-1996 by L.L. No. 2-1996]

- A. No irrigation system shall be used on or between such hours as the Board of Trustees may designate by resolution, from time to time. Notice of the adoption of such resolution, or any amendments thereto, shall be published once in the official newspaper of the village; provided, however, that failure to make such publication shall not affect the validity or enforcement of such resolution or amendments.
- B. No irrigation system shall be used prior to April 15 or after November 1 in any calendar year.
- C. Irrigation by the day of the week. No irrigation system shall be used on any day except the days indicated hereinafter, depending upon the number address of the premises where the irrigation system is located:

- (1) Premises with odd number addresses: Mondays, Wednesdays and Fridays only.
 - (2) Premises with even number addresses: Sundays, Tuesdays and Thursdays only.
 - (3) Premises with no address number or multiple number addresses, including odd and even numbers: Sundays, Tuesdays and Thursdays only.
- D. Irrigation by the odd/even day of the week. The owner or occupant of any premises where an irrigation system was equipped on April 15, 1996, with a control device which could not be set to automatically irrigate on the schedule set forth in Subsection C hereof may apply for an exemption from the schedule set forth in such paragraph, which exemption shall remain in effect for so long as such control device continues to be used to control for such irrigation system. During the period of any such exemption, the irrigation system at such premises may be used only in accordance with the following schedule, depending upon the number address of the premises where the irrigation system is located; provided, however, that no irrigation system shall be used on any premises more than three days in any one calendar week:
- (1) Premises with odd number addresses: on odd number calendar days.
 - (2) Premises with even number addresses: on even number calendar days.
 - (3) Premises with no address number or multiple number addresses, including odd and even numbers: on even number calendar days.
- E. Exemptions.
- (1) Any owner or occupant of premises who seeks an exemption as provided in Subsection C hereof shall file with the Authority a signed, written application for such exemption, including the following:
 - (a) The address of the premises.
 - (b) The name of the manufacturer, model or other specific identification of the control device, to the extent known.
 - (c) Permission for a representative of the Authority to perform such investigation as may be appropriate to ascertain and confirm whether the control device cannot be set to conform to the requirements of Subsection C hereof.
 - (2) Such exemption, if approved, shall continue until the control device is removed or replaced and may be renewed for so long as such control device continues to be used for said irrigation system. No such control device shall be removed or replaced unless the new or replacement control device can conform to the requirements of Subsection C hereof and, upon the installation of such new or replacement control device, said exemption shall terminate without any further action by the Authority or the village. In the event of any such replacement or removal, the owner of the control device promptly shall advise the Village Clerk and the Authority. As used in this subsection, the term "removal" shall not include temporary removal for purposes of repair.
 - (3) Upon the approval by the Authority of an exemption upon application as provided in this section, the owner or occupant of the premises for which such exemption is

approved shall file a copy of such approval with the Village Clerk and, upon such filing, the exemption shall be applicable as provided in this section.

- F. The regulations set forth in this section may be amended by the Board of Trustees from time to time by resolution without any requirement for public hearing.

§ 148-5. Sensors required.

- A. On or after April 15, 1995, no person shall use an irrigation system in the village with any type of device which automatically turns the system on and/or off unless such irrigation system is controlled by a properly working sensor.
- B. In the event that the village has reasonable cause to believe that an irrigation system is not controlled by a properly working sensor as required by this Article, notice by registered or certified mail, return receipt requested, shall be given to the owner and/or tenant of the premises where such irrigation system is located or to the person under whose name the account for such water is listed with the Authority, requiring that the owner and/or tenant submit a certification, in a form supplied by the village, that an irrigation system is controlled by a properly working sensor as required by this Article or that an irrigation system does not exist on the property. The failure of such owner to submit the required certification within 15 days of the mailing of said notice shall be punishable as a violation. A false statement in such certification shall be punishable as provided in the Penal Law for a false statement made under oath.

§ 148-6. Penalties for offenses.

- A. It shall be unlawful for any person to commit, permit or allow any violation of this Article on any premises in the village.
- B. Any person who violates any provision of this Article shall be punishable as provided for violations of this Village Code. Each violation of each provision of this Article shall be deemed a separate offense and each such offense subject to punishment as provided in this Code. Each day that a violation of the same provision of this Article continues shall be deemed a separate offense.
- C. Any judge or justice who imposes sentence upon any person for violating any provision of this Article may require, as a condition of probation or as a condition of discharge, pursuant to Penal Law § 65.10, that any such person who has or uses a fixed, in place, irrigation system modify such irrigation system by installing, at such person's sole cost and expense, a separate water line and water meter for such system.