

Chapter 170

VEHICLES AND TRAFFIC

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[HISTORY: Adopted by the Town Board of the Town of Westmoreland as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Towing — See Ch. 164.

ARTICLE I Parking on Station Road [Adopted 11-12-1990 by L.L. No. 1-1990]

§ 170-1. Purpose.

It has come to the attention of the Town Board that certain dangerous conditions will exist with regards to parking within the Town of Westmoreland and particularly in the vicinity of the new Westmoreland Fire Station, where fire apparatus will be impeded by parked vehicles when exiting the firehouse on emergency calls; and that snow plowing operations are hampered by parked vehicles during the winter months. Therefore, it is the purpose of this article to alleviate this dangerous condition.

§ 170-2. Vehicular parking or standing prohibited. [Amended 5-12-2008 by L.L. No. 1-2008]

Vehicular parking or standing is hereby prohibited on both sides of Station Road within 12 feet of the center line of said road from Main Street to the south side of the building known as the "Westmoreland Fire Station."

§ 170-3. Signs.

Appropriate "No Parking" signs are authorized to be erected by the Highway Superintendent at the appropriate locations, said signs to conform to specifications as set forth in the New York State Traffic Commission Manual of Uniform Traffic Devices.

§ 170-4. Penalties for offenses.

Every violation of this article shall constitute an offense and shall be punishable by a fine of not less than \$10 nor more than \$50.

§ 170-5. Effective date.

This article shall take effect immediately upon erection of the appropriate "No Parking" signs and subject to this article being filed with the Secretary of State.

ARTICLE II

Operation of Motor Vehicles, All-Terrain Vehicles and Snowmobiles on Sidewalks

[Adopted 10-11-1999 by L.L. No. 4-1999]

§ 170-6. Purpose.

The purpose of this article is to protect the public health, welfare, safety, peace and tranquility by regulating the operation of motor vehicles, snowmobiles, and all-terrain vehicles within the Town of Westmoreland.

§ 170-7. Definitions.

For the purposes of this article, the following terms shall have the following meanings:

ALL-TERRAIN VEHICLE — Any vehicle defined in Vehicle and Traffic Law § 2281.

MOTOR VEHICLE — Any vehicle defined in Vehicle and Traffic Law § 125;

SNOWMOBILE — Any vehicle defined in Vehicle and Traffic Law § 2221;

§ 170-8. Operation on publicly owned land prohibited. ¹

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

It shall be unlawful for any person to operate any motor vehicle, snowmobile, or all-terrain vehicle upon any sidewalk, easement or any other area dedicated or commonly used for pedestrian traffic located within the Town of Westmoreland, except as provided by Vehicle and Traffic Law § 1225-a.

§ 170-9. Exceptions.²

This article shall not apply to the operation of motor vehicles used in the construction, repair, maintenance or removal of a sidewalk or otherwise in contravention of the provisions of Vehicle and Traffic Law § 1225-a.

§ 170-10. Responsibility of parent or guardian.

It shall be unlawful for the parent, guardian or any person having the care, custody and control of any child under the age of 16 years to permit such child to operate a motor vehicle, snowmobile, or all-terrain vehicle in violation of the terms of this article.

§ 170-11. Penalties for offenses.

Upon conviction, a violation of this article shall be deemed an offense and punishable by a fine not exceeding \$25 for the first offense, and \$50 for each offense thereafter.

**ARTICLE III
All-Night Parking
[Adopted 10-11-1999 by L.L. No. 5-1999]**

§ 170-12. Purpose.

The purpose of this article is to protect the public health, welfare, safety, peace and tranquility, and to facilitate the removal of snow from roads and highways, by regulating all-night parking within the Town of Westmoreland.

§ 170-13. Title.

This article shall hereafter be known and cited as the "Town of Westmoreland All-Night Parking Local Law."

§ 170-14. All-night parking on publicly owned land prohibited.

It shall be unlawful for any person to park any motor vehicle upon any road commonly used for vehicular traffic located within the Town of Westmoreland between the hours of 1:00 a.m. and 6:00 a.m. during the months of December, January, February, and March.

2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

§ 170-15. Penalties for offenses.

Upon conviction, a violation of this article shall be deemed an offense and punishable by a fine not exceeding \$25 for the first offense, and \$50 for each offense thereafter.

Chapter 175

WATER

ARTICLE I Cross-Connection Control

§ 175-1. Legislative intent.

§ 175-2. Definitions.

§ 175-3. Cross-connection control requirements.

§ 175-4. Penalties for offenses; recourse for noncompliance.

[HISTORY: Adopted by the Town Board of the Town of Westmoreland as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Flood damage prevention — See Ch. 108.
Storm sewers — See Ch. 149.

Stormwater management — See Ch. 149.

ARTICLE I Cross-Connection Control [Adopted 1-14-2013 by L.L. No. 1-2013]

§ 175-1. Legislative intent.

The purpose of this article is to safeguard potable water supplies from potential contamination by preventing backflow from a water user's system into the public water system. It is the intent of this article to recognize that there are varying degrees of hazard and to supply the principle that the degrees of protection should be commensurate with the degrees of hazard. Further, it is the intent of the Town of Westmoreland, New York, to comply with the requirements of New York State Sanitary Code, Part 5, Section 5-1.31, which said section mandates the requirement that the supplier of water protect its water system in accordance with procedures acceptable to the Commissioner of Health. These mandated requirements are as set forth in the Cross-Connection Control Manual published by the New York State Department of Health (NYSDOH), and to that extent, the terms, conditions and provisions of the New York State Sanitary Code, Part 5, Section 5-1.31, and the Cross-Connection Control Manual are incorporated in this article by reference as if fully stated.

§ 175-2. Definitions.

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

AIR GAP SEPARATION — A physical break between the supply pipe and a receiving vessel. The air gap shall be at least double the diameter of the supply pipe, measured vertically above the top rim of the vessel, in no case less than one inch.

APPROVED CHECK VALVE — A check valve that seals readily and completely. It must be carefully machined to have free moving parts and assured water tightness. The face of the

closure element and valve seat must be bronze composition, or other noncorrodible material which will seat tightly under all prevailing conditions of field use. Pins and bushings shall be of bronze and other noncorrodible, nonsticking material, machined for easy dependable operation. The closure element shall be internally weighted or otherwise internally equipped to promote rapid and positive closure in all sizes where this feature is obtainable.

APPROVED DOUBLE CHECK VALVE ASSEMBLY — Two single, independently acting check valves, consisting of a tightly closing shutoff valve located at each end of the assembly and suitable test connections. This device must be approved as a complete assembly.

APPROVED REDUCED PRESSURE ZONE DEVICE — A minimum of two independently acting check valves together with an automatically operated pressure differential relief valve located between the two check valves and properly located test cocks. In case of leakage of either check valve, the differential relief valve, by discharging to the atmosphere, shall operate to maintain the pressure between the checks at less than supply pressure. This device must also be approved as a complete assembly.

APPROVED WATER SUPPLY — Any water supply approved by the New York State Department of Health.

AUXILIARY SUPPLY — Any water supply on or available to the premises other than the approved public water supply.

CERTIFIED BACKFLOW PREVENTION DEVICE TESTER — An individual who has successfully completed a New York State Department of Health approved course in the testing of backflow prevention devices and has been issued a certificate by the New York State Department of Health.

CROSS-CONNECTION — Any unprotected connection between any part of a water system used or intended to be used as a supply of water for drinking purposes in a source or systems containing water or substance that is not or cannot be approved as equally safe, wholesome and potable for human consumption.

VACUUM BREAKER, PRESSURE TYPE AND NON-PRESSURE TYPE — A vacuum breaker which can only be used for internal plumbing control and, therefore, not acceptable as a containment device.

WATER SUPERVISOR — The consumer or a person on the premises charged with the responsibility of complete knowledge and understanding of the water supply piping within the premises and for maintaining the water system free from cross-connections and other sanitary defects, as required by this article and all other required regulations and laws.

§ 175-3. Cross-connection control requirements.

- A. Where protection is required. The water system shall be required to maintain a degree of protection commensurate with the degree of hazard regardless of whether the hazard is immediate or potential. This may include but not be limited to the presence and use of water boilers for heating systems. To that extent, the Cross-Connection Control Manual published by NYSDOH shall be used as a guide to determine where protection is

required and devices shall be of a type acceptable to the New York State Department of Health.

- B. Supplier of water. The supplier of water's responsibility for cross-connection control is found in Part 5 of the State Sanitary Code, Section 5-1.31. The supplier of water is responsible to ensure that water of questionable or unsuitable quality does not enter the public water supply system. The supplier is required to determine the degree of hazard that a facility poses to his water supply system, and to require that an acceptable backflow prevention containment device be installed, tested, operated and maintained and that adequate records of maintenance and repair be kept.
- C. Customer. The customer has the primary responsibility of preventing contaminants from entering the potable water piping system and subsequently, the public water supply. He shall, as required by the supplier of water, install, test, operate, maintain and keep adequate maintenance and repair records for every backflow prevention device installed to provide containment. Additionally, the customer shall prevent cross-connection between the potable water piping system and any other piping system within his facility.
- D. Type of protection. The protective device required shall depend on the degree of hazard as tabulated below:
- (1) At the service connection to any premises where there is an auxiliary water supply handled in a separate piping system with no known cross-connection, the public water supply shall be protected by an approved reduced pressure zone device.
 - (2) At the service connection to any premises on which a substance that would be objectionable (but not necessarily hazardous to health) if introduced into the public water supply is handled so as to constitute a cross-connection, the public water supply shall be protected by an approved double check valve assembly.
 - (3) At the service connection to any premises on which a substance of unusual toxic concentration or danger to health is or may be handled but not under pressure, the public water supply shall be protected by an air gap separation or an approved reduced pressure zone backflow prevention device. If an air gap is installed, it shall be located as close as practicable to the water meter, and all piping between the water meter and receiving tank shall be entirely visible. A reduced pressure zone device when installed shall be located as close as possible to the property line.
 - (4) At the service connection to any premises on which any material dangerous to health is or may be handled under pressure, the public water supply shall be protected by an air gap separation. The air gap shall be located as close as practicable to the water meter and shall be accessible.
 - (5) At the service connection to any sewage treatment plant or sewage pumping station, the public water supply shall be protected by an air gap separation. The air gap shall be located as close as practicable to the water meter and all piping between the water meter and receiving tank shall be entirely visible. If these conditions cannot be reasonably met, the public water supply shall be protected by

an approved reduced pressure zone backflow prevention device and it shall be located as close as possible to the property line.

- E. Frequency of inspection of protective devices. It shall be the duty of the water user on any premises on which backflow protective devices are installed to have inspections by a New York State Department of Health certified backflow prevention device inspector made at least once a year, or more often in instances where successive inspections indicate repeated failure. Devices shall be repaired, overhauled or replaced at the expense of the water user whenever the devices are found to be defective. These tests shall be performed by a qualified backflow prevention device tester, and all test results will be provided to the water user within 72 hours after the test is made. Records of such tests, repairs and overhaul shall also be kept and made available to the water users and the local health department upon request. The supplier of water is also responsible for assuring that all protective devices are tested annually and maintaining records of such tests.

§ 175-4. Penalties for offenses; recourse for noncompliance.

- A. No water service connection to any premises shall be installed or maintained by the water user, unless the water supply is protected as required by this article and other such applicable local, state and federal laws, rules and regulations.
- B. If any facility served by a water system denies a water department person access to its premises for the purposes of determining if protection to the public water system is necessary, the following consequence applies: Since great risk may be present, the Town will require the installation of prevention devices designed for maximum risk, with the requirement that the number of devices installed shall equal the number of service lines.
- C. The following penalties shall be applicable for a violation of this article:
- (1) Failure to install the appropriate backflow prevention device within a prescribed time frame after the first notice: \$350.
 - (2) Failure to install the appropriate backflow prevention device within a prescribed time frame after the second notice: termination of service.
 - (3) Failure to at least annually test the backflow prevention device: \$500 and/or termination of water services.
 - (4) Failure to replace or repair a backflow prevention device as required: \$1,000 and/or termination of water services.