

**THE ORDINANCE OF THE
MANHASSET-LAKEVILLE WATER DISTRICT
(Amended and Restated as of April 2, 2013)**

TABLE OF CONTENTS

ARTICLE I - INTRODUCTION 1

ARTICLE II - DEFINITIONS 2

ARTICLE III - GENERAL PROVISIONS 12

 Section 1 WATER CHARGES 12

 Section 2 ACCESS TO CUSTOMER’S PREMISES 12

 Section 3 CONVEYANCE OF PREMISES 13

 Section 4 WATER SHUT DOWN 13

 Section 5 ORDERS 14

ARTICLE IV - METERING 16

 Section 1 SEPARATE METERS 16

 Section 2 SUBDIVISION 16

 Section 3 VACANT PREMISES 16

 Section 4 FAILURE TO COMPLY 17

 Section 5 ESTIMATES 18

 Section 6 REMOVAL FOR STORAGE 18

 Section 7 EXTERNAL METERING 18

ARTICLE V - APPLICATION FOR WATER SERVICE 20

 Section 1 WRITTEN APPROVAL 20

 Section 2 OWNER’S SIGNATURE 20

 Section 3 PROOF OF OWNERSHIP 20

 Section 4 AUTHORIZED AGENTS 21

 Section 5 WATER AVAILABILITY 21

 Section 6 DISAPPROVAL 22

 Section 7 APPROVAL 22

 Section 8 UNPAID FEES 22

 Section 9 CONTRACT 22

 Section 10 ARREARS 23

 Section 11 SEPARATE APPLICATIONS 23

 Section 12 NEW SERVICE REQUIRED UPON DEMOLITION OF EXISTING
 STRUCTURE 24

ARTICLE VI - INSTALLATIONS 26

 Section 1 APPROVED CONTRACTOR 26

Section 2	DISTRIBUTION SYSTEM	26
Section 3	SERVICE LINES	26
Section 4	TAPS	27
Section 5	TRESPASS.....	27
Section 6	METER PITS	27
Section 7	SERVICE LINE DEPTHS	28
Section 8	BOARD RESTORATION STANDARDS	26
ARTICLE VII - MAINTENANCE		31
Section 1	SERVICE LINES	31
Section 2	METERS	32
Section 3	PROPERTY LINES	33
Section 4	CONSEQUENTIAL DAMAGE.....	33
Section 5	METER ASSEMBLIES	26
ARTICLE VIII – TAPPING OF MAINS		35
Section 1	GENERAL	35
Section 2	OWNER’S COST.....	35
Section 3	SIZE OF SERVICE.....	36
Section 4	TAMPERING.....	36
ARTICLE IX - BILLING AND LIENS		37
Section 1	PAYMENTS DUE WHEN RENDERED.....	37
Section 2.	BILLING FREQUENCY	37
Section 3	UNPAID RENTS AND LIENS	38
Section 4	QUESTIONABLE BILLS	38
Section 5	METER TESTS.....	38
Section 6	AVERAGE BILLS.....	39
Section 7	FINAL BILLS	40
Section 8	AFTER HOURS SERVICE CALLS	40
Section 9	FIRE LINES	41
ARTICLE X - DEVELOPMENT OF TRACTS OF LAND		42
Section 1	APPLICATION.....	42
Section 2	WATER AVAILABILITY	42
Section 3	DEVELOPER’S COSTS.....	43
Section 4	EASEMENTS.....	44
Section 5	ENGINEER’S APPROVAL	44
Section 6	DEVELOPER AGREEMENT	45

Section 7	EXECUTION OF AGREEMENT	45
Section 8	DEDICATION OF EASEMENTS.....	46
Section 9	DEPOSITS	46
Section 10	BOARD EXECUTION	47
Section 11	MAIN CONSTRUCTION	47
Section 12	SPECIFICATIONS	48
Section 13	TAPS, INSPECTIONS AND METERS	48
Section 14	PROFESSIONAL SERVICES.....	49
Section 15	SUBMITTALS	50
Section 16	ASSIGNMENT	52
Section 17	AS BUILTS	52
ARTICLE XI - HYDRANTS.....		53
Section 1	EMERGENCY USE ONLY	53
Section 2	PERMITS	53
Section 3	DAMAGE BY PERMITTEE.....	53
Section 4	ILLEGAL USE.....	
ARTICLE XII - LAWN SPRINKLING SYSTEMS		55
Section 1	WRITTEN APPLICATION.....	55
Section 2	BACKFLOW DEVICE.....	55
Section 3	TIME CLOCK AND RAIN SENSOR.....	56
Section 4	INSPECTION.....	56
Section 5	RESTRICTED USE	56
Section 6	NON-COMPLIANCE	57
ARTICLE XIII - ADMITTANCE TO DISTRICT PROPERTY		58
ARTICLE XIV - EMPLOYEES		59
Section 1	REPORTING.....	59
Section 2	IDENTIFICATION	59
ARTICLE XV - CROSS-CONNECTION CONTROL.....		60
Section 1	AUTHORITY.....	60
Section 2	GENERAL (TECHNICAL) REQUIREMENTS	62
Section 3	MAINTENANCE REQUIREMENTS.....	65
Section 4	INSTALLATION REQUIREMENTS.....	66

ARTICLE XVI - RULES AND REGULATIONS; ENFORCEMENT AND REMEDIES.....	69
Section 1 ADOPTION OF RULES AND REGULATIONS.....	69
Section 2 NOTIFICATION OF VIOLATION.....	69
Section 3 FAILURE TO CORRECT DEFECT OR TO COMPLY WITH ANY ORDERS OR RESOLUTION OF THE BOARD.	69
Section 4 FINES	70
Section 5 INJUNCTION	70
Section 6 SERVICE TERMINATION.....	71
ARTICLE XVII - ADDITIONAL PROVISIONS.....	72
Section 1 INCONSISTENCIES IN ORDINANCE	72
Section 2 DETERMINATION OF INVALIDITY	72

THE ORDINANCE OF THE
MANHASSET-LAKEVILLE WATER DISTRICT

(Amended and Restated as of April 2, 2013)

ARTICLE I - INTRODUCTION

The Rules and Regulations of the Manhasset-Lakeville Water District previously adopted by resolution of the Board of Commissioners dated March 21, 1978, and all subsequent amendments thereto, were repealed by resolution of the Board adopted June 8, 1999. Pursuant to Sections 201 and 215 of the Town Law of the State of New York and Section 225.4(h) of the Nassau County Civil Divisions Act, by that same resolution, the Board adopted and enacted the Ordinance of the Manhasset-Lakeville Water District, effective as of July 1, 1999. The form of the Ordinance set forth below constitutes the Ordinance as enacted effective as of July 1, 1999, as subsequently amended and modified through April 1, 2013.

This Amended and Restated Ordinance, as same may be duly amended from time to time (hereinafter referred to as this “Ordinance”), sets forth rules and regulations that relate to the operation of the Manhasset-Lakeville Water District (hereinafter referred to as the “District”) and the use of water therein, and shall constitute a part of any contract with any party taking or using water or services furnished by the District.

ARTICLE II - DEFINITIONS

For purposes of this Ordinance, the following words and phrases shall have the meanings given to them below:

ACCEPTABLE BACKFLOW PREVENTION DEVICE

A reduced Pressure Zone Device or Double Check Valve Assembly used to contain or control potential contamination within a Facility, and which is deemed acceptable by the New York State Department of Health in accordance with applicable New York State Department of Health requirements, as in effect from time to time.

AESTHETICALLY OBJECTIONABLE FACILITY

A Facility which contains one or more Aesthetically Objectionable Substances.

AESTHETICALLY OBJECTIONABLE SUBSTANCE

A substance which, if introduced into the Public Water Supply System, may constitute a nuisance to water users, but would not adversely affect human health. (Examples include food-grade dyes, hot water, and stagnant water from fire lines in which no chemical additives are used.)

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

receptacle and the rim of such tank, plumbing fixture or other receptacle over which water overflows. Air Gaps do not constitute Acceptable Backflow Prevention Devices.

APPROVED

Accepted by the Board of Commissioners of the District as either (i) satisfying an applicable specification set forth or referred to in this Ordinance, or (ii) suitable for the proposed use. A list of devices, materials and equipment approved by the Board shall be maintained by the Superintendent and shall be on file in the District office at 170 East Shore Road, Great Neck, New York 11023 (the “District Office”) and available for inspection during the District’s regular business hours.

ATTORNEY

The attorney or firm of attorneys retained by the Board of Commissioners of the District as counsel to the Board of Commissioners.

AUXILIARY SUPPLY

Any water source or system other than the Public Water Supply System which may be available in a building or on a Premises in the District.

BACKFLOW

A flow condition caused by a differential in pressure that causes the flow of water or other liquids, gases, mixtures or substances into the distribution pipes of a Potable Water supply from any source or sources other than its intended source.

BACK SIPHONAGE

The flow of contaminated or polluted water, or water of questionable quality, from a plumbing fixture or other Customer source into a Public Water Supply System main due to a temporary negative or sub-atmospheric pressure within the Public Water Supply System.

BOARD

The Board of Commissioners of the Manhasset-Lakeville Water District.

CERTIFIED BACKFLOW PREVENTION TESTER

Any person approved by the Commissioner of the New York State Department of Health as a Certified Backflow Prevention Tester.

CHECK VALVE

A self-closing device, which seats readily and completely, and is designed to permit the flow of fluids in one direction and to close if there is a reverse flow.

CONTAINMENT

A system of Cross-Connection control that isolates a Customer's Water System from the Public Water Supply System so as to prevent contamination of the Public Water Supply in the event of Backflow or Back Siphonage from the Customer's Water System.

CONTAMINATION

The presence in water of any foreign substance (organic, inorganic, radiological or biological) which tends to degrade the quality of the water so as to constitute a Hazard or impair the usefulness of the water.

CONTRACTOR OR DISTRICT APPROVED CONTRACTOR

A Contractor or subcontractor approved by the Board.

CROSS-CONNECTION

Any physical connection or other arrangement between (i) a Potable Water supply or piping Facility and (ii) any waste pipe, soil pipe, vent pipe, sewer, drain, underground piping or any unapproved source, system or Facility, or any Potable Water supply outlet or inlet that is or can be submerged in waste water and/or any other source of Contamination, including any unapproved source or system containing water of unknown or questionable safety, or steam, gases or chemicals.

CUSTOMER

Any person who owns any Premises to which the District furnishes water or services, and who has an established account with the District for the furnishing of water or services.

CUSTOMER'S WATER SYSTEM

The entire Facility located on a Customer's Premises and used to transport water supplied by the District throughout, or through any portion of, a Customer's Premises.

DEGREE OF HAZARD

A designation assigned by the District to a Customer's Water System (or portion thereof) in order to evaluate the Containment requirements for such Water System (or portion thereof), including, without limitation, the type of Acceptable Backflow Prevention Device to be installed for Containment purposes. In determining the Degree of Hazard applicable to a Customer's Water System, the District shall consider use, toxicity and the presence or potential presence of contaminants, availability of an Auxiliary Supply of water, and firefighting system evaluation. The three (3) Degrees of Hazard are: (i) Hazardous; (ii) Aesthetically Objectionable; and (iii) Non-Hazardous.

DETECTOR CHECK VALVE

An approved single Check Valve equipped with a five-eighths inch (5/8") by-pass meter, which must be installed prior to any sprinkler connection or take-off which relates to fire water supply service.

DISTRICT

The Manhasset-Lakeville Water District.

DISTRICT ENGINEER

The engineer or firm of engineers retained by the Board of Commissioners of the District.

DOUBLE CHECK VALVE ASSEMBLY

An assembly comprised of two single, independently acting Check Valves, including tightly closing shut-off valves located at each end of the assembly and suitable connections for testing the water tightness of each Check Valve.

DRAIN

Any pipe which carries waste water or waterborne wastes in a building drainage system anywhere in or on a Premises.

FACILITY

Any combination of piping, valves, fixtures, devices, receptacles or appliances that constitute, or are incorporated as part of, a system for the transport or supply of water.

HAZARD

Any condition, device or practice in the Public Water Supply System or its operation which creates, or, in the judgment of the Board, may create, a potential for substances to be present in the Public Water Supply System which may endanger or have an adverse effect upon the health or well-being of any Customer or other person using water supplied by the District.

HAZARDOUS FACILITY

A Facility in which one or more Hazards exists.

HAZARDOUS SUBSTANCE

Any substance, including Sewage and lethal chemicals, which, if introduced into the Public Water Supply System, would or may endanger or have an adverse effect upon the health or well-being of any person using water supplied by the District.

HYDRO PNEUMATIC TANK

A vessel in which air pressure acts upon the surface of water contained within the vessel, pressurizing the water distribution piping connected to the vessel.

INLET

The open end of any water supply pipe, tube, hose or conduit through which water is discharged into a plumbing fixture or the atmosphere.

MAIN OR DISTRICT MAIN

The District water supply mains or pipes to which service lines are connected.

METER

A District Approved device used to measure the quantity of water.

NON-HAZARDOUS SUBSTANCES

Any substance that is neither Hazardous nor Aesthetically Objectionable.

OWNER

The owner of record or owners of record of real property located wholly or partially within the District, as reflected on the real property tax roll maintained by the Town of North Hempstead.

PERSON

Any individual, firm, company, partnership, association, society, corporation, group or other entity.

PLUMBING FIXTURE

Installed receptacles, devices or appliances supplied with water or which receive or discharge liquids or liquid-borne wastes.

PLUMBING SYSTEM

The water supply and distribution pipes, plumbing fixtures and traps; soil, waste and vent pipes; building drains and building sewers, including their respective connections, devices, and appurtenances within the property lines of any Premises; and all equipment for water treatment or water use.

POTABLE WATER

Any water which complies with the provisions of Sub-part 5-1 Public Water Systems of the New York State Sanitary Code, as amended by the New York State Department of Health, Bureau of Public Water Supply Protection, and which satisfies

such other guidelines not inconsistent therewith established by the Board from time to time.

PREMISES

Real property, improved or unimproved, located wholly or partially within the District, and comprised of one or more contiguous tax lots under common ownership as reflected on the real property tax roll maintained by the Town of North Hempstead.

PUBLIC WATER SUPPLY SYSTEM

The District system for providing Customers and other users with water, including the source, treatment works, transmission mains, distribution systems and storage facilities relating thereto.

REDUCED PRESSURE ZONE (RPZ) DEVICE

An assembly of not fewer than 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 Check Valves shall be less than upstream (supply) pressure. If the upstream, or supply, pressure drops to 2 p.s.i. or less, the pressure differential relief valve located between the Check Valves shall open and drain to the atmosphere. The pressure differential relief valve, by discharging to the atmosphere, shall operate to maintain the pressure between the Check Valves at less than the supply pressure. The device must

include tightly closing shutoff valves located at each end of the device, and each device shall be fitted with properly located test cocks.

REMOTE METER READ OUT DEVICE

A weatherproof receptacle mounted to the outside of a building on a Customer's Premises with a cable connected to a special register head on the water meter within such building.

SERVICE LINE

The water lines or pipes connected to a District Main and through which water supplied by the District is available to a Premises.

SEWAGE

Any liquid waste containing human, animal or vegetable matter in suspension or solution and which may include industrial wastes and liquids containing chemicals.

STANDARD DISTRICT SPECIFICATIONS

The written specifications and, if applicable, drawings, prepared by the District Engineer from time to time, and maintained in the files of the District Office, which relate to components, materials, equipment, structures, or facilities that are the subject of the rules and regulations set forth in this Ordinance.

SUPERINTENDENT

The Superintendent of the Water District.

ARTICLE III - GENERAL PROVISIONS

Section 1. WATER CHARGES

The Board is hereby authorized to adopt by resolution, and amend from time to time, water rates, tapping charges, fixed charges or other costs, including, without limitation, those relating to fire service connection, swimming pool and in-ground sprinkler applications, and to provide for penalties and the cut-off of water services in accordance with the Town Law or any other applicable law. The Board shall set forth such rates, charges and other costs, as amended from time to time, in a schedule (the “Rates and Fees Schedule”), which shall be on file in the District Office for Examination by an interested person during the District’s regular business hours. All water provided by the District to Customers shall be metered and charged for in accordance with the Rates and Fees Schedule in effect from time to time.

Section 2. ACCESS TO CUSTOMER’S PREMISES

Each Owner and occupant of any Premises within the District that is supplied with water by the District shall provide all Meter readers, inspectors, employees or authorized agents of the District with free access to the Customer’s Water System and Plumbing System on each Premises, at all reasonable hours, to read or replace the Meter, to install a Remote Meter Read-Out Device or to examine and test Meters, Acceptable Backflow Prevention Devices, pipes, fixtures, quantity of water consumed, manner of its use, and for all purposes authorized under this Ordinance and deemed necessary by such Meter

reader, inspector, employee or authorized agent in connection with water service to any Premises.

Section 3. CONVEYANCE OF PREMISES

An Owner who seeks to convey title to any Premises shall give to the District written notice of the conveyance, which notice shall constitute such Owner's request to the District for a final reading of all Meters at the Premises to be conveyed. The conveying Owner shall be responsible for the charges reflected in such final Reading, and the District shall terminate the supply of water to such Premises unless and until the new Owner thereof submits, and the District accepts, such new Owner's written application for service on the District's application form, in which the new Owner agrees to comply with this Ordinance and to be personally responsible for all charges imposed by the District for water and services provided to the Premises.

Section 4. WATER SHUT DOWN

While the District shall endeavor to notify the Customers, to the extent reasonably practicable, when the District Mains affecting such Customers are to be turned off, circumstances may occur that render impossible or impracticable the District's ability to notify Customers. The District shall have no liability for any damage that may be caused by such turning off of District Mains, or by the District's failure to provide notice thereof to Customers.

Section 5. ORDERS

- A. The Board may adopt orders from time to time directing the Owners of any Premises connected or to be connected to the District's water supply system to make or bring such connections into conformity with this Ordinance and any orders duly adopted by the Board, and to complete such water connection within time frames established by this Ordinance or by order of the Board.

- B. Before any road, street, highway or right-of-way in which District Mains have been laid shall be paved or otherwise improved, the Board may, in its discretion, order the Owners of adjoining lots or parcels of land within the District to make connections with such District Mains, at the curb line or, if extensions to the curb line have not been provided, then at the District Main, under the supervision of the Board and as required by this Ordinance, at such distance apart as the Board may prescribe. The Secretary of the Board shall cause to be published a notice of said order in a newspaper or newspapers of general circulation within the District at least twice, the first publication of which shall be at least fifteen (15) days before the time specified for the completion of the connections so ordered.

- C. If, within the time prescribed in the order and notice described in the preceding paragraph "B", the connections so ordered shall not have been completed, then the Board, in addition to any other remedies or

enforcement mechanisms, such as penalties, available to it, may cause the same to be done and audit and pay all expenses thereof and assess such expenses against the Premises benefited. The assessment shall be reported to the District Treasurer as an amount to be levied and assessed against the Premises. Said assessment shall constitute a charge for water, water facilities used or services performed, for purposes of Article IX hereof, and, as such, shall be a lien and charge upon said real property until fully and finally paid.

ARTICLE IV - METERING

Section 1. SEPARATE METERS

Except as provided in Section II of this Article IV, each Premises shall be serviced by a separate Meter or metering arrangement, and, where directed by this Ordinance or otherwise by order of the Board, with an acceptable Backflow Prevention Device. At the discretion of the Board, separate buildings, or separate units within a single building, located within or upon the same Premises may be served from a separate metered water service serving the Premises. All Meters shall be of a make, type and size approved by the Board and must be purchased from and supplied by the District.

Section 2. SUBDIVISION

If a Premises is subdivided, the Owner of each proposed or new Premises created as the result of such subdivision shall make written application to the District for a new metered water service with respect to each such new Premises and shall install same in accordance with the requirements set forth herein for installing new water service lines and Meters.

Section 3. VACANT PREMISES

Each Customer shall notify the Board in writing prior to any extended period during which all buildings and structures on any Premises serviced by the District for such Customer shall be vacant or unoccupied. In any such event, the Customer shall arrange with the District to shut off all water to such Premises, and shall have all pipes

drained by a plumber to prevent freezing, all at the Customer's expense. The Customer shall give the Board written notice of completion of such draining, so that the Meter may be read and removed, in accordance with the Rates and Fees Schedule. Customers shall submit requests for removing Meters to the District during the District's regular business hours. The District will process same as soon as practicable.

Section 4. FAILURE TO COMPLY

If any Customer fails to satisfy any of its obligations under the preceding Section 3, and any of the pipes or the Meter in the Customer's Water System are damaged in any way as the result of freezing or otherwise, such Customer shall pay the District for all water that may be lost, based upon the Meter reading or if the Meter is disabled, then based upon an estimate made by the Board. Furthermore, if the Meter damaged in such manner must be replaced, in the determination of the Board, then the cost of replacing same, together with the cost of all District personnel, equipment and emergency repair work costs attributable to the damaged service line facilities, shall be borne by the Customer.

Section 5. ESTIMATES

No person shall tamper with or disturb any Meter or metering assembly or portion thereof unless authorized to do so by the Board. With respect to any period during which any Meter fails to register properly or otherwise becomes inoperative, the Board shall estimate the amount of unmetered water used during such period, and shall bill the

Customer accordingly. Furthermore, any costs, expenses, damages or liability incurred by the District through damage by or fault or oversight of the Customer will be paid for by the Customer. If the District elects to pay same, then the Customer immediately shall reimburse the District, upon written demand therefor made by the District.

Section 6. REMOVAL FOR STORAGE

An Owner who requests that the District remove, store, install or re-install a Meter shall pay to the District the amounts set forth in the Rates and Fees Schedule applicable to such removal, storage, installation or re-installation.

Section 7. EXTERNAL METERING

If District personnel are not able to read an interior Meter, the Customer shall be deemed to have authorized the District to reinstall the Meter in an external location, or install a Remote Meter Read-Out Device. Such re-installation or installation, as the case may be, will be done at no cost to the Customer. The Customer shall provide the District with such access as the District reasonably requests in order to accomplish such re-installation or installation.

ARTICLE V - APPLICATION FOR WATER SERVICE

Section 1. WRITTEN APPROVAL

No person shall take or use any District water for any purpose without first filing with the Board or its duly authorized representative an application for water service and obtaining written approval of such application from the Board or its duly authorized representative.

Section 2. OWNER'S SIGNATURE

All applications for water service to any Premises, or to extend any pipes to convey water, shall be made in writing on a form furnished by the Board for that purpose and signed by the Owner of the Premises or on behalf of the Owner by the Owner's legally authorized agent.

Section 3. PROOF OF OWNERSHIP

All applications shall include proof, satisfactory to the Board, of the applicant's ownership of the Premises, and a correct property description, including the street address and the Section, Block and Lot numbers applicable to the Premises, as designated on the Nassau County Land and Tax Map.

Section 4. AUTHORIZED AGENTS

Each such application submitted to the Board shall, by its terms, constitute authorization by the applicant for all District employees and authorized agents to enter

the Premises for the purpose of installing Meters, Meter pits and appurtenances, reading or exchanging Meters, examining Meters, pipes, fixtures, quantity of water consumed, manner of water used, inspection and testing of Acceptable Backflow Prevention Devices, and for all such other purposes deemed necessary by the District in connection with water service to the Premises.

Section 5. WATER AVAILABILITY

The Board shall not accept any application for water service unless there is an existing District Main of adequate size in a street or right-of-way abutting the Premises proposed for water service, and the Board determines that the water pressure in said Main is adequate to service the Premises. Acceptance of any application shall in no way obligate the District to extend and/or enlarge its Mains, or to increase the pressure, to serve the Premises proposed for water service. The District shall be obligated to extend its Mains only if the express term of this Ordinance, as in effect from time to time, or any other District resolution, order, rule or regulation obligates the District to do so. All costs and expenses of extending a District Main in order to serve any Premises shall be borne by the applicant for such service.

Section 6. DISAPPROVAL

If the Board determines that approval of an application would be detrimental to, or not in the best interests of, the District, then the Board shall either disapprove the application or approve the application subject to such conditions as the Board deems

sufficient to preserve and protect the health, safety and welfare of the District and its inhabitants.

Section 7. APPROVAL

If the Board determines that approval of an application will be in the best interests of the District, then the Board shall approve such application, subject to all applicable ordinances, rules, regulations, laws and standards.

Section 8. UNPAID FEES

No application shall be approved by the Board or its duly authorized agent with respect to any Premises unless and until the full amount of all fees, deposits and charges owing to the Board with respect to such Premises have been paid in full.

Section 9. CONTRACT

On approval by the District, the application shall constitute a contract between the District and the Owner-applicant, obligating the Owner-applicant to pay to the District all amounts due from time to time in accordance with the Rates and Fees Schedule, and to comply with and be bound by the ordinances, resolutions, orders and rules and regulations of the District.

Section 10. ARREARS

No application shall be approved by the Board with respect to any Premises unless and until all arrears and charges owing to the District for water or services furnished to

any Premises then or theretofore owned or occupied by the applicant, at any time while such applicant owned or occupied such Premises, shall have been paid in full.

Section 11. SEPARATE APPLICATIONS

Notwithstanding any contrary provision contained in Section 1 of this Article IV, a separate application must be made and a separate service installed for each of the following, except as expressly indicated:

- A. A single building owned by an Owner, and occupied as one residence or one place of business; or
- B. Multiple buildings located on a single Premises, and used or occupied as a single residence or a single place of business; or
- C. Each distinct portion of a multiple dwelling or multiple use house, structure, or building, including, without limitation, cooperative residences and condominium developments, which is occupied as a single residence, or which is occupied by one or more persons or entities and from which a single business is conducted; or
- D. A single building having a number of apartments, offices or lofts which are rented to tenants and which use in common one hall and one or more means of entrance; or

- E. A permanent underground lawn sprinkler system (but no separate service shall be required); or
- F. A swimming pool, farm, garden, golf course, playground, or tennis court, not connected to or drawing water from a service pipe supplying water for other purposes to the same Customer.

Section 12. NEW SERVICE REQUIRED UPON DEMOLITION OF EXISTING STRUCTURES

If any structure on a Premises to which the District provides water supply through a service line tapped into a Main is demolished, then the Owner must notify the District, in the Owner's application hereunder for Water Service, and it shall be a condition of the approval of any such application that the existing service line to such demolished structure shall be abandoned, in a manner satisfactory to the District Superintendent, at the sole cost and expense of such Owner.

ARTICLE VI - INSTALLATIONS

Section 1. APPROVED CONTRACTOR

Except to the extent an express provision to the contrary is set forth in this Ordinance, all installations relating to the District's Public Water Supply System and each Customer's Water System shall be made by a District Approved Contractor.

Section 2. DISTRIBUTION SYSTEM

All District distribution system Mains, valves, fittings, hydrants and appurtenances thereto, shall be installed only by employees of the District or District Approved Contractors authorized by the District to perform such work.

Section 3. SERVICE LINES

All water service lines, Meters, curb stops and appurtenances thereto with respect to lines one inch or less in diameter servicing a residential Premises, shall be installed only by a District Approved Contractor or a plumber duly licensed by the Town of North Hempstead. All water service lines, Meters, curb stops and appurtenances thereto with respect to lines greater than one inch in diameter or lines servicing commercial Premises, regardless of the size of such line, shall be installed only by a District Approved Contractor. Notwithstanding the foregoing, in the case of emergencies, the District may elect to have District employees make any such installation, regardless of the size of, or type of Premises serviced by, the line to which such installation relates. All costs related

to any such installation shall be borne by the Owner, except to the extent expressly provided to the contrary elsewhere in this Ordinance.

Section 4. TAPS

The tap and copper lines for service lines greater than one inch in diameter or lines servicing commercial Premises, regardless of the size of such line, shall be purchased from the District by the Owner. Except to the extent expressly provided to the contrary in this Ordinance, all other required equipment and material to be installed in a Customer's Water System, including Acceptable Backflow Prevention Devices, shall satisfy applicable Standard District Specifications, and shall be purchased by the Owner from other sources or suppliers.

Section 5. TRESPASS

No person shall trespass upon or interfere in any respect with a service line or service line connection.

Section 6. METER PITS

If the Board determines that the size or nature of any installation so warrants, the Owner shall furnish a suitable Meter pit or vault, in accordance with the applicable Standard District Specifications, all at the Owner's expense.

Section 7. SERVICE LINE DEPTHS

All service lines shall be installed at a depth of not less than four (4) feet and not more than five (5) feet below the finished grade. If for any reason, including post-installation change in ground elevation, service lines between the connections at the District Main and the Meter are buried either less than four (4) feet or greater than six (6) feet below the finished grade, the Owner shall cause such service line to be lowered or raised, as applicable, by a District Approved Contractor or District personnel, at the Owner's expense, in order to conform said service line to the new ground level at the proper elevation. This requirement shall not apply if the service line within a right-of-way or street is buried to a depth of six (6) feet or more below finished grade to avoid a conflict with an underground sanitary sewer or storm drain pipe or other underground facility.

Section 8. ROAD RESTORATION STANDARDS

(a.) The District, whenever it is required to open a public street within the District, shall restore such public street to its "usual condition," in accordance with the standards for road restoration adopted by the Board from time to time (the "District Road Restoration Standard"), and the costs of doing so, including reasonable costs of permit fees and reasonable expenses of providing security to the relevant municipality, shall be a District-wide cost, regardless of whether such road restoration in a public street relates to water mains, appurtenances thereto, or service lines located within the public right-of-way, except as provided to the contrary in this Ordinance.

(b.) In the event that the District requires any street-opening permit or other approval in order for the District to perform installation, repairs or maintenance in a public street (each, a “District Road Opening Project”) where such public street lies within a Village or an unincorporated area of the Town and the Town or such Village requires, as a condition to such permit or approval, that such public street be restored to a standard that exceeds the District Road Restoration Standard (the “Higher Local Standard”), or requires payment of a permit fee in excess of reasonable amounts therefor as determined by the District, in consultation with the District’s Engineer, or requires the providing of security for which the expense incurred by the District exceeds reasonable costs therefor as determined by the District, in consultation with the District’s Engineer (collectively, “Higher Local Fee and Security Requirements”), then the Superintendent shall notify such municipality of the amount by which the cost of road restoration required to satisfy the Higher Local Standard and/or the Higher Local Fee and Security Requirements exceeds the cost of restoration to the District Road Restoration Standard and the reasonable costs of permits and security applicable thereto (collectively, the “Extraordinary Costs”). The District shall request that such local municipality either accept the District Road Restoration Standard, or reimburse the District for such Extraordinary Costs.

(c.) If the local municipality fails or refuses for any reason to accept the District Road Restoration Standard or reimburse the District for such Extraordinary Costs within ten (10) days of request therefor, then such Extraordinary Costs shall be allocated

by the District in proportion to the amount of the work involved in such District Road Opening Project that relates to the District water mains and appurtenances, and the amount of such work that relates to each service line that lies within the public right-of-way that services any Premises. The owners of each Premises benefited by any affected service line shall be responsible to the District for their allocable share of such Extraordinary Costs, which shall be due and payable promptly upon delivery by the District to such Owners of written notice of the amount due. If any such Owner fails to pay the District such Owner's allocable share of Extraordinary Costs, within thirty (30) days after a bill for said cost is mailed to said Owner, then the amount of said cost shall be levied and collected as an assessment against the Premises, all in the manner set forth in subdivision 3(d) of Section 198 of the Town Law in the case of unpaid water rents. During that thirty (30) day period, the Owner may request a hearing before the Board to review the bill.

ARTICLE VII - MAINTENANCE

Section 1. SERVICE LINES (Amended 7/16/03)

- A. Except as provided in subdivision B of this section, all service lines connecting a premises to a District Main shall be installed, maintained and repaired at the expense of the Owner of the Premises under the direction of an employee of the District.

- B. That portion of a service line which (i) is one inch or less in diameter, (ii) serves a residential premises, and (iii) is within the bounds of a public highway, shall be maintained and repaired by the District, at the cost and expense of the District, except to the extent that any municipality with jurisdiction to issue or withhold a permit or approval to allow the District to perform such work requires, as a condition to such permit or approval, that the District restore such street to a Higher Local Standard (as defined in Section 8 of Article VI) or imposes a Higher Local Fee and Security Requirement (as defined in Section 8 of Article VI). In any such case, the Owner of the Premises served by the affected Service Line shall be responsible for the Extraordinary Costs (as defined in Section 8 of Article VI), which shall be due and payable by such Owner to the District promptly upon delivery by the District to such Owner of written notice of the amount due.

- C. If the Owner shall fail to pay the cost of installing, maintaining or repairing a service line, or the portion thereof for which he is responsible, within thirty (30) days after a bill for said cost is mailed to said Owner, then the amount of said cost shall be levied and collected as an assessment against the Premises, all in the manner set forth in subdivision 3(d) of Section 198 of the Town Law in the case of unpaid water rents. During that thirty (30) day period, the Owner may request a hearing before the Board to review the bill.
- D. The District, at the District's expense, will maintain, repair and, when deemed necessary by the District, replace each meter relating to a service line, one inch or less in diameter, serving a residential premises abutting a public highway; provided, however that any Extraordinary Costs imposed upon the District by a local municipality having jurisdiction with respect to such work shall be borne by the Owner in the same manner and to the same extent as is provided in clause B. of this Section 1. **(Amended July 16, 2003)**

Section 2. METERS

Notwithstanding any contrary provision contained herein, with respect to any Meter relating to a service line that either (i) is more than one inch in diameter or (ii) serves a commercial Premises (regardless of the size of the service line to which the Meter relates), if the District determines that such Meter must be replaced, then the

Customer shall pay for the total cost of replacement. Failure or refusal of a Customer to replace any Meter after notification by the District that such Meter must be replaced shall be a violation of this Section.

Section 3. PROPERTY LINES

To the extent that any work to be performed by or on behalf of the District warrants, in the determination of the District, evidence of the physical location of relevant boundary lines of any Premises, the Owner shall be responsible, at its sole cost and expense, for obtaining and furnishing to the District evidence satisfactory to the District of the physical location of all relevant boundary lines of the Owner's Premises.

Section 4. CONSEQUENTIAL DAMAGE

The District assumes no responsibility for consequential damages due to rupture, leakage, breaking or freezing of Mains, water service lines and/or plumbing systems.

Section 5. METER ASSEMBLIES

All meter/backflow assemblies shall be installed and maintained in accordance with District standards at the Owner's expense. This shall include adjustments in assembly height due to a change in grade. **(Section 5 added by Amendment, 3/25/03.)**

ARTICLE VIII – TAPPING OF MAINS

Section 1. GENERAL

All taps of Mains and connections shall be at the Owner's expense. All taps of Mains and connections shall be performed by an employee of the District or by a District Approved Contractor. No person shall be permitted to tap or make any connections to the Mains or distribution lines of the District without specific prior written approval from the Board. No person shall be permitted to interfere with any connections with District Mains without specific prior written approval from the Board. No person shall re-sell water supplied by the District to any person inside or outside the District without specific prior written approval from the Board.

Section 2. OWNER'S COST

No Main shall be tapped unless the Owner, including any Owner who is a Development Applicant, shall pay to the District all amounts payable with respect thereto in accordance with the Rates and Fees Schedule for the tapping of the Main and installation of necessary valves, service lines, meters, and appurtenances and necessary labor for the installation. The Owner shall pay all costs of uncovering the Mains and digging the necessary trenches for the service lines from the tap in the Main to the location of the Meter vault or Meter pit, as applicable, as well as all costs of restoration.

Section 3. SIZE OF SERVICE

The Board shall approve the size of all water service lines, taps and meters and types of meter housing, which shall be either Meter vault or Meter pit, all of which shall be furnished and installed at the Owner's expense in accordance with the Standard District Specifications. All Meters for service lines of one inch or less in diameter in newly constructed dwellings, buildings and structures shall be housed in Meter pits. All Meters for service lines of more than one inch in diameter in newly constructed dwellings, buildings and structures shall be housed in Meter vaults. Meter pits and Meter vaults shall be placed on the Owner's Premises as near as possible to a property line which is easily accessible to District personnel. If the Board determines that it is not feasible or desirable to install a Meter pit or Meter vault in any particular situation, the Meter shall be installed within a building on the relevant Premises, and located in an area easily accessible to District personnel at all times, and equipped with Remote Meter Read-Out Devices located so as to be easily accessible to District Meter readers.

Section 4. TAMPERING

No person not expressly authorized to do so by the District shall tamper with or otherwise disturb any Meter, seal or Remote Meter Read-Out Device. Any such tampering shall constitute a violation of Article 145 and Section 165.15 of the Penal Law of the State of New York.

ARTICLE IX- BILLING AND LIENS

Section 1. PAYMENTS DUE WHEN RENDERED

All bills for water, water facilities used or services performed shall be due and payable when rendered. All payments shall be payable to the “Manhasset-Lakeville Water District” at its District Office.

Section 2. BILLING FREQUENCY

Bills for water use will be rendered to each Customer once every four months or at such longer or shorter frequency as the Board may determine. A minimum charge will be incurred and payable every four months even though no water is consumed, as per the Rates and Fees Schedule. Bills will be rendered monthly to large commercial and residential users. In the event of any change in ownership of any Premises, or any change in any Customer’s mailing address, the new Customer, or a Customer whose mailing address has changed, as applicable, shall notify the District immediately as to the name and address to which bills for all charges for water, water facilities used or services performed shall be mailed. The District assumes no responsibility for bills not received.

Section 3. UNPAID RENTS AND LIENS

All charges for water, water facilities used or services performed constitute a lien against the Premises benefited thereby from the time such water, water facilities or services are provided to or for the benefit of such Premises, and until the charges therefor are fully and finally paid. Furthermore, each Owner shall be personally liable in full for

all amounts owing for such water, water facilities or services provided by the District until same are fully and finally paid, and without regard to whether the Premises are occupied by the Owner or a tenant or other person, or are unoccupied.

Section 4. QUESTIONABLE BILLS

Any questions regarding a water bill shall be forwarded by the Customer in writing to the District Office within ten (10) days after receipt of the bill. Failure to do so shall preclude the Customer and the Customer's agent from raising any questions regarding the bill or contesting the amounts or charges set forth therein. At a Customer's request, the District will recheck a Meter reading relating to water service to such Customer's Premises, and will adjust accordingly any bill found upon recheck to have been incorrect.

Section 5. METER TESTS

Upon a Customer's request, District personnel shall test for accuracy any Meter with an Inlet connection of one (1) inch or less in diameter and relating to a residential Premises. The charge payable by the Customer for such test shall be as prescribed in the District's Rates and Fee Schedules. With respect to all other Meters, the Customer shall have such testing performed, at the Customer's expense, by a firm Approved by the Board to perform such testing.

Section 6. AVERAGE BILLS

(a) The District shall render to a Customer an averaged or estimated bill for water use only if the District's Meter reader is unable to read the Customer's Meter at the time a reading for a particular billing period is made. If an averaged or estimated bill results in overcharges or undercharges, the Customer's account will be adjusted at the next scheduled reading as to which an actual reading is made, to correct such overcharge or undercharge, as applicable.

(b) If the District's Meter reader is unable to read the Customer's Meter at the times that readings are made with respect to four consecutive billing periods, then such Customer shall be obligated to pay to the District a fee in amount to be established from time to time by the Board in its Rates and Fees Schedule, to defray the costs and expenses incurred by the District in having its personnel (i) visit Customer's Premises on four consecutive occasions (relating to four consecutive billing periods), (ii) be unable to read said Meter, and (iii) be required to establish average or estimated billing.

Section 7. FINAL BILLS

The District shall conduct a special reading upon request by a Customer, for the purpose of obtaining a final bill at the expiration of a lease or change of ownership of any Premises. In the absence of any such prior request, and pursuant to Section 3 of Article III hereof, any notice of conveyance of a Premises shall constitute the conveying Owner's request for such special reading.

Section 8. AFTER HOURS SERVICE CALLS

(a) If the District provides any service to a Premises after the District's regular working hours, the Customer shall bear the cost thereof. Notwithstanding the foregoing, the District shall not charge a Customer for the repair or replacement of broken water service pipes within the public right-of-way with respect to service lines that are one inch or smaller in diameter and service a residential Premises, unless either (i) the damage requiring such repair or replacement is caused by the Customer's negligence or failure to comply with the Customer's obligations under the Ordinance or any other resolution, order, rule or regulation of the Board, in which case such Customer and the Owner shall bear all such costs and expenses, or (ii) clause (d) of this Section 8 applies.

(b) Furthermore, the District shall not charge a Customer for services provided after the District's regular business hours in other cases in which the Board determines that no charge should be imposed.

(c) The Customer and Owner shall bear all costs for District personnel, equipment and material, used to repair roads, sidewalks and adjacent property, that are damaged as the result of the failure of the Customer to comply with the Customer's obligations under this Ordinance or any other resolution, order, rule or regulation of the Board, whether such costs are incurred for work during or after regular working hours.

(d) If the work to be performed by the District to repair or replace a broken water service pipe within the public right-of-way requires approval or permit of a local municipality, and such approval or permit is conditioned upon the District incurring Extraordinary Costs (as defined in Section 8 of Article VI hereof), then the Customer and Owner shall be obligated to pay to the District the amount of all such Extraordinary Costs relating thereto.

Section 9. FIRE LINES

A minimum yearly charge will be imposed with respect to each Premises at which a Detector Check Valve is installed on the fire service line.

ARTICLE X - DEVELOPMENT OF TRACTS OF LAND

Section 1. APPLICATION

Each tract of land that is proposed to be developed other than as a single buildable lot to be used for a single-family residence is called a “Development Tract.” Any person desiring to obtain water supply to a Development Tract is called a “Development Applicant.” Each Development Applicant must file with the Board, at the District Office, one (1) original and two (2) copies of an application for water supply on the form provided by the District, each of which shall have attached thereto a copy of the preliminary layout of the Development Tract. The Development Applicant shall deposit with the Board such amount as is set forth in the Rates and Fees Schedule to cover preliminary engineering, legal and administrative expenses of the Board.

Section 2. WATER AVAILABILITY

After receipt of said application and deposit, the Board will provide one copy of the application to the District Engineer for examination. The District Engineer shall report to the Board as to the completeness of the application, and the availability of adequate water supply. The District Engineer then will furnish to the Development Applicant the District Engineer’s certificate as to whether the Board has an adequate supply of water for the proposed development, the District Engineer’s preliminary cost estimate and the District Engineer’s recommendation for dedication to the District of easements for District purposes. The cost of such examinations and reports will be charged to the Development Applicant.

Section 3. DEVELOPER'S COSTS (Amended 2/19/03)

The District, at the sole cost and expense of the Development Applicant, shall undertake the design, installation and inspection of the water supply and distribution systems the District determines to be necessary or appropriate for the proposed Development Tract. Said costs and expenses shall include all costs of construction, and of engineering, surveying, legal and administrative services related to said systems and the Developer's Agreement (defined in Section 6 of this Article X) and other agreements related thereto. The District's estimated total of said costs shall be deposited by the Developer Applicant with the District on execution of the Developer Agreement. No work shall be commenced on said systems until the Developer Agreement is duly executed by the Developer Applicant and the District, and the Developer Applicant submits the required deposit to the District. If the amount deposited by the Developer Applicant with the District exceeds the total of actual costs, then the excess amount shall be returned to the Developer upon completion of the systems and conveyance to the District of title thereto and easements therefor. If, at any time, the amount deposited is determined by the District to be inadequate to cover the actual costs incurred or anticipated to be incurred by the District for completion of said systems and the services related thereto, then the Development Applicant shall promptly deposit with the District such additional amount or amounts of money as may be necessary, in the District's judgment, to cover such actual or anticipated costs.

Section 4. EASEMENTS

The final plan of development of the Development Tract shall provide for the dedication to the District of all easements deemed required by the Board for District purposes. Such final plan of development must be approved by the appropriate local governmental authorities and the Board, and, if required by law, a copy thereof shall be filed by the Development Applicant in the County Clerk's office, at the Development Applicant's expense. Two copies thereof must be submitted to the Board, bearing, if applicable, the file number assigned by the County Clerk to the final plan.

Section 5. ENGINEER'S APPROVAL

After the filing of the final plan, the Board will furnish a copy thereof to the District Engineer for study. Upon the Board's receipt of the District Engineer's report and recommendations as to size of Mains, number and location of appurtenances, and locations of connection to the District's Mains, the Board will arrange a conference with the Development Applicant, if the Board deems same necessary. No dead-end Mains will be permitted.

Section 6. DEVELOPER AGREEMENT

Upon receipt by the Board from the Development Applicant of (i) the Development Applicant's written consent to grant the easements required by the Board, and (ii) a Certificate of Title issued by a title insurance company acceptable to the Board establishing, to the Board's satisfaction, the Development Applicant's record ownership

of the Development Tract, and identifying all mortgages and any persons having any other liens or encumbrances on any portion of the property and premises comprising the Development Tract, the Board shall direct its Attorney to prepare all instruments of easements required in connection with the proposed development, and the form of a contract to be entered into between the Development Applicant and the Board, which shall have all necessary maps and water supply facilities construction drawings prepared by the District Engineer as attachments thereto, and forming a part thereof, and which shall be in form and substance satisfactory in all respects to the Board and its Attorney (the "Developer Agreement"). All legal, engineering and other costs incurred by the Board or the District in connection with the preparation of the Developer Agreement shall be borne by the Development Applicant.

Section 7. EXECUTION OF AGREEMENT

The Board's Attorney will forward drafts of the Developer Agreement and all instruments of easements to the Development Applicant or, at the Development Applicant's election, to its attorney, for review and execution by the Development Applicant.

Section 8. DEDICATION OF EASEMENTS

Simultaneously with the execution and delivery of a Developer Agreement, the Development Applicant must deliver a duly executed irrevocable offer of a dedication of easements in all streets shown on the map comprising a portion of such Developer

Agreement, unless such streets are municipally owned, and any other irrevocable offers of dedication of easements required by the Board. All mortgagors or other lienors will be required to subordinate their encumbrances to such easements. The offers of dedication shall be prepared by the Board's Attorney at the expense of the Development Applicant. All such offers of dedication shall be recorded in the office of the County Clerk of Nassau County, at the expense of the Development Applicant.

Section 9. DEPOSITS (Amended 2/19/02)

The required deposit shall be made by delivering to the District a good certified or official bank check or checks (unendorsed) made payable to the "Board of Commissioners of Manhasset-Lakeville Water District." Said check or checks shall be drawn on a banking institution having a banking office in the State of New York.

Section 10. BOARD EXECUTION

The Development Applicant shall cause both copies of the Developer Agreement and all easement instruments to be duly executed and, as applicable, notarized, and shall deliver same to the Board's Attorney. The Board's Attorney will review same to confirm that the Developer Agreement and easement instruments have been duly executed by the Development Applicant, and notarized, as applicable, and will then present both copies of the Developer Agreement to the Board for execution by the Board, and will return one fully signed counterpart to the Development Applicant. The Board's Attorney, at the

expense of the Development Applicant, will cause all such easement instruments to be recorded in the Nassau County Clerk's real property records.

Section 11. MAIN CONSTRUCTION

Surveyor's stakes showing easements, street lines, curb lines and the established grades, in accordance with the final map, must be set by the Development Applicant before any work is started. Such stakes shall be placed and marked by the Development Applicant's licensed land surveyor.

Section 12. SPECIFICATIONS

Mains are to be installed and constructed to the satisfaction of the District Engineer and the cost of field inspection, measurement, preparation of as-built drawings, together with printing costs, will be charged to the Development Applicant. All mains shall be installed so as to provide at least four (4) feet, and not more than five (5) feet, of ground cover below final grades.

Section 13. TAPS, INSPECTION AND METERS

Requests for Water Services, Taps, Inspection and Meters.

- A. The Development Applicant will notify the Superintendent, in writing, ten (10) days prior to the time the Development Applicant desires a tap at any location.

- B. The Development Applicant will provide to the Superintendent a written list of taps requested, which will identify same by lot and, in the case of residential development, by house numbers.

- C. The District's representative will notify the Development Applicant if for any reason the District is unable to meet the requested schedule outlined in paragraph A of this section. The Development Applicant will then revise its proposed schedule and submit the revised schedule to the District, as many times as is necessary in order to obtain the District's approval of such proposed or revised schedule. The District shall not be responsible or liable for delays caused to the Development Applicant or any other person as the result of any required rescheduling or the District's inability to obtain the materials required for installation of taps, services or Meters or to perform the tapping work in accordance with the schedule agreed upon.

- D. The Development Applicant will have the trench opened and sheeted, as necessary, the Main exposed and service line trench excavated prior to the time designated by the District for the scheduled arrival of the District's personnel constituting the tapping crews.

- E. The Development Applicant's representative will be at the work location at such time and at all other times reasonably requested by the District to

assist the District personnel, as reasonably requested or otherwise deemed necessary by the District.

Section 14. PROFESSIONAL SERVICES

The Development Applicant is required to retain, at its expense, a land surveyor, engineer and attorney (all licensed by the State of New York) to perform all surveying, engineering and legal services required hereunder, except to the extent that this Article X expressly provides that the District's Engineer or Attorney shall perform some portion thereof. Nevertheless, as provided above, all fees, costs and expenses owing to the District's Engineer or Attorney with respect thereto shall be borne by the Development Applicant.

Section 15. SUBMITTALS

On completion of the installation of mains and appurtenances pursuant to the Developer Agreement, the Development Applicant shall file with the Board, in forms approved by the Board's Attorney:

- A. Receipts showing payment by the Development Applicant to any contractor or supplier or materialmen for all work, services, materials and other items involved;
- B. Certificate of contractor as to contractor's payment of all amounts owing to its subcontractors, employees, suppliers and materialmen;

- C. Bill of sale for all mains, pipes, valves, hydrants, and/or fittings installed;
- D. General release from the Development Applicant in favor of the Board, the District, its officers, employees, agents, engineers and representatives;
- E. Instruments, in form suitable for recording in the real property records of the Nassau County Clerk, of the offers of dedications, declarations, and easements required to be granted or made by the Development Applicant, together with such other documents and instruments as may be required for recording purposes;
- F. Survey, printed on Reproduceable Mylar Tracing, with six paper copies, of all easement areas, prepared by a licensed land surveyor, guaranteed to the District;
- G. A policy of title insurance in favor of the Board, issued by a title insurance company which is a member of the New York Board of Title Underwriters, insuring the Board's title interest in the easements dedicated, in the policy amounts set forth in the Developer Agreement; and
- H. Evidence that all costs, fees and expenses due the District, its Attorney and the District Engineer have been paid.

Section 16. ASSIGNMENT

No assignment of the interest of the Development Applicant in the Developer Agreement shall be recognized by the Board unless and until said assignment is set forth in writing, signed and duly acknowledged by the Development Applicant and the assignee, and a duplicate original of said assignment, certified as to authenticity by a duly authorized officer or representative of the Development Applicant and the assignee, is filed with the Board and the form and substance of same are approved by the Board's Attorney. Any attempted or purported assignment in violation of this restriction on assignment shall be deemed null and void and of no force or effect.

Section 17. AS BUILTS

The Development Applicant will supply the District with two (2) sets of "As Built" drawings of all work, prepared by the District Engineer, at the Development Applicant's expense, within thirty (30) days after completion of the work.

ARTICLE XI - HYDRANTS

Section 1. EMERGENCY USE ONLY

Except in case of a fire emergency, no fire hydrant shall be used unless the Board issues a hydrant permit, which may contain such conditions as the Board may impose.

Section 2. PERMITS

If the Board issues a fire hydrant permit, the permittee shall pay all charges and security deposits relating to use of the hydrant, and at all times shall use an Acceptable Backflow Prevention Device as prescribed by the District, and when directed by the District, a Meter.

Section 3. DAMAGE BY PERMITTEE

Any damage to such hydrant shall be promptly reported by the permittee to the District, which shall repair same at the expense of the permittee.

Section 4. ILLEGAL USE

Any person who uses any fire hydrant, or willfully damages any fire hydrant, in addition to being liable for the cost of repairs to the damaged fire hydrant, shall also be liable for criminal prosecution in accordance with the Penal Law of the State of New York, including, without limitation, Article 145 of the Penal Law, and Section 145.15 thereof.

ARTICLE XII - LAWN SPRINKLING SYSTEMS

Section 1. WRITTEN APPLICATION

Any Owner desiring to install any underground irrigation system of any type, including manual and automatic types, must submit a written application therefor to the District for approval. Such application shall include:

- A. A completed District “Application for Sprinkler System” form #2001-1.
- B. The application fee.
- C. A site plan showing the details of the layout of the irrigation system, including all zones, size and location of pipes, and sprinkler heads. The site plan shall designate individual zones by number and show each zone within a dashed line enclosure.
- D. A sketch of the zone valve vault showing the arrangement of the pressure regulating valve, zone manifold, and pressure vacuum breaker installation.

Section 2. BACKFLOW DEVICE

The Owner may draw water for underground irrigation systems from an internal pipe or separate service pipe. An acceptable Pressure Vacuum Breaker assembly shall be installed on the branch pipe serving the irrigation system as per the New York State Uniform Fire Prevention and Building Code, as then in effect. Where a separate sprinkler

service is installed, backflow protection shall be at the property line by a double check valve.

Section 3. TIME CLOCK AND RAIN SENSOR

Each such system must be equipped with a time clock and rain sensor and shall in all other respects conform to the District's then existing water conservation program pertaining to irrigation water use, and to all then-existing Nassau County ordinances limiting water use for irrigation. Sprinkling is only allowed on alternate days. Houses with even numbers may only sprinkle on even calendar days; houses with odd numbers may only sprinkle on odd calendar days.

Section 4. INSPECTION

Each such system and its installation are subject to the inspection and approval of the District prior to its activation.

Section 5. RESTRICTED USE

If for any reason, including an actual or expected shortage of water, the Board deems it advisable to control the use of water for lawn sprinkling, the Board may restrict or completely prohibit the use of water for such purpose.

Section 6. NON-COMPLIANCE

Any new or existing irrigation system that does not comply with the requirements of this Ordinance shall be removed or discontinued as directed by the District, pending compliance.

ARTICLE XIII - ADMITTANCE TO DISTRICT PROPERTY

No person shall enter upon District property other than the Commissioners of the Manhasset-Lakeville Water District, employees of the Manhasset-Lakeville Water and Fire Districts, contractors, District Engineers and Attorneys retained by the Board, active members of the Manhasset-Lakeville Fire Department on a special mission, persons accompanied by any Commissioner, the Superintendent, the Attorney or the District Engineer of the Manhasset-Lakeville Water or Fire District, personnel of NYS-DOH and NYSDEC (defined below) and a person or persons on official business.

ARTICLE XIV - EMPLOYEES

Section 1. REPORTING

All District employees will report to and be responsible to the Board of Commissioners, the Superintendent, or any Assistant Water District Superintendent, as the case may be, and receive their work instructions from the same person or persons.

Section 2. IDENTIFICATION

The District shall issue to each District employee, upon commencement of employment, a District employee identification card, with an identifying photograph of such employee on said card. The person whose name appears on the front of any such card duly issued shall have been duly appointed and authorized to assume all duties of his or her position according to District regulations and work orders assigned to him or her.

ARTICLE XV - CROSS-CONNECTION CONTROL (Amended 10/25/05)

Section 1. AUTHORITY

- A. Responsibility of the Board of Commissioners. The Board of Commissioners, as “Supplier of Water,” for purposes of Part 5 of the New York State Sanitary Code, Section 5-1.31, shall carry out the responsibility of a “supplier of water” thereunder. Pursuant thereto, the District is responsible for assuring that water of questionable or unsuitable quality does not enter the Public Water Supply System. Furthermore, the District must determine the Degree of Hazard that a Facility poses to the Water Supply System, and may require that an Acceptable Backflow Prevention Device be installed, tested, operated and maintained, and that adequate records of maintenance and repair thereof be kept.
- B. Inspection. Pursuant to Nassau County Public Health Ordinance, Article VI, the Board of Commissioners or its designated agent, has the authority to enter onto any Premises or into any building during reasonable hours to assess the potential for Backflow into the Potable Water Supply System, provided that consent to such inspection shall first be obtained for the purpose of inspecting the plumbing systems installed in such building or Premises. With respect to the inspection of any single family dwelling, consent to such inspection must be obtained from a person of suitable age and discretion found therein or in control thereof. No Owner may

unreasonably delay or withhold such Owner's consent to any reasonable request for entry by the Board or its designated agent.

- C. Responsibility of Owner. Each Owner shall be primarily responsible for preventing contaminants from entering the Potable Water piping system of the District and, subsequently, the Public Water Supply System, from such Owner's Premises and Customer's Water System. Each Owner shall, as required by the District pursuant to the State Sanitary Code, install, test, operate, maintain and keep adequate maintenance and repair records for every backflow prevention device (each of which must be an Approved Back Flow Prevention Device) installed to provide Containment.
- Furthermore, each Owner shall prevent Cross-Connections between the Potable Water piping system and any other piping system within such Customer's Water System. If the District determines, upon inspecting the plumbing system in any building or Premises, that remedial action or equipment replacement is required to control or eliminate the potential for Backflow into the Public Water Supply System, then the District shall deliver written notice of such determination to the Owner or his authorized agent, directing the Owner to complete by the date set forth in such notice the remedial action or equipment replacement described therein.
- D. Degrees of Hazard. The District shall determine the Degree of Hazard in any Facility connected to the Public Water Supply System, and the type of

Acceptable Backflow Prevention Device required in order to achieve Containment with respect to such Premises. The Owner of each Premises shall be required, at his own cost and expense, to install the type of Acceptable Backflow Prevention Device so required in accordance with Standard District Specifications.

- E. Device required for Each Service Line. In cases where more than one water service line feeds a Premises, and the District determines that a potential for Backflow exists with respect to one or more such service lines, then each water service line feeding such Premises shall be equipped with an Acceptable Backflow Prevention Device, as designated by the District.
- F. Multiple Dwellings and Commercial and Industrial Buildings. The District may require an Owner of any multiple dwelling, commercial or industrial building to designate a person to be in charge of the water supply for that building, by providing to the District a written designation setting forth such person's name, address and telephone number (daytime and nighttime).

Section 2. GENERAL (TECHNICAL) REQUIREMENTS

- A. General. A Potable Water supply system shall be designed, installed and maintained in such manner as to prevent Contamination from non-Potable Water, liquids, solids or gases being introduced into the Potable Water

Supply System through Cross-connections or any other piping connections to the System.

- B. Cross-Connections Prohibited. Cross-connections between Potable Water systems and other systems or equipment containing water or other substances are prohibited.
- C. Interconnections. Interconnection between two or more public water supplies shall be permitted only with the written approval of the Board, the New York State Department of Environmental Conservation (“NYSDEC”) and the NYS-DOH.
- D. Individual Water Supplies. Cross-connections between an individual water supply and a Potable Public Water Supply System are prohibited.
- E. Prohibition on Use of District Water for Cooling. Notwithstanding any contrary provision contained herein, the use of District water as cooling water for any purpose, including but not limited to air conditioning, refrigeration, engine cooling and condensation, is prohibited.
- F. Approval of Devices.

(a) The Board’s written approval shall be required prior to the installation of those control devices that are designed or used to protect the water supply from Backflow of Hazardous, Aesthetically Objectionable or

Non-Hazardous substances. In addition, approval of the NYS-DOH is required for all installations of those control devices that are used to protect the water supply from Backflow of Hazardous substances or Non-hazardous substances, and for which a list of accepted models or manufacturers has been established by NYS-DOH. The Owner shall maintain in good working condition all devices that he installs in any building within the District and cause a NYS-DOH Certified Backflow Prevention Tester to test same and file with the District a report in accordance with the schedule for testing such devices prescribed by the NYS-DOH. A list of devices acceptable to the NYS-DOH is on file in the District Office and available for inspection. All applications for approval of Acceptable Backflow Prevention Devices, together with specifications for the installations, shall be filed with the NYS-DOH by the District. Each Owner shall cooperate in good faith with the District, and any request reasonably made by the District, in connection with such applications.

(b) A New York State Certified Backflow Prevention Tester shall inspect such devices annually at the Owner's expense. The Board shall cause written notice to be delivered to each Owner in or on whose Premises there exists any device determined by the Board to be defective or inoperative, or which requires testing, directing such Owner promptly to test, replace and/or repair same. Each Owner shall immediately notify the

District upon learning or coming to believe that any such device is defective or inoperative. All devices shall be installed in accordance with Standard District Specifications. All such devices shall be repaired or replaced by and at the expense of Owner.

G. Installation of Devices.

(a) Each Acceptable Back Flow Prevention Device shall be installed subject to full static pressure, and must be able to withstand pressure exerted upon it by the Public Water Supply System.

(b) Each Acceptable Back Flow Prevention Device shall be installed in accordance with all applicable requirements of the NYS-DOH for installation of Backflow Prevention Devices and in accordance with all applicable Standard District Specifications.

Section 3. MAINTENANCE REQUIREMENTS

A. General Requirements.

Each Owner of a building or Premises connected to the District Water Supply System shall maintain all Acceptable Backflow Prevention Devices within the building or on the Premises in good working order and shall not make or use any piping or other arrangements to bypass any such Acceptable Back Flow Prevention Devices.

B. Backflow Prevention Devices.

The Board shall establish periodic testing and inspection schedules for all Acceptable Backflow Prevention Devices. Testing and inspection intervals for each device shall be established in accordance with applicable NYS-DOH requirements in effect from time to time. After initial installation, each device will be inspected for proper installation and functioning of the device. The testing procedures shall be in accordance with the manufacturer's instructions if approved by the Board.

Section 4. INSTALLATION REQUIREMENTS

(1.) RESIDENTIAL

A Double Check Valve (DCV) shall be installed on all new service pipes. However, the Device will be considered inactive and shall not be subject to the annual testing requirement. The District may direct any Owner to install a backflow device and require annual testing of the device if the premises are determined by the District to be potentially hazardous.

(2.) COMMERCIAL

The District shall determine the degree of protection required, double check valve or reduced pressure assembly, on a case-by-case basis. The device shall be installed on the main service pipe in accordance with the District's standard specifications. The Device will be considered active, which will require annual testing as per the New York State Department of Health. All tests must be

completed by a NYS-DOH Certified Backflow Prevention Tester at the cost and expense of the Owner.

(3) FIRE SERVICES

The District shall determine the degree of protection required, a double check detector valve or reduced pressure detector assembly, on a case-by-case basis.

The device shall be installed on the main service pipe in accordance with the District's standard specifications. The Device will be considered active, which will require annual testing as per the New York State Department of Health. All tests must be completed by a NYS-DOH Certified Backflow Prevention Tester at the cost and expense of the Owner.

(4) UNDERGROUND SPRINKLER SYSTEMS

- Each owner shall have the option of installing either a pressure vacuum breaker (PVB) or a double check valve (DCV) on the internal piping serving any sprinkler line serving his premises or installing a DCV on the main service pipe.
- If a DCV is used, the device will be listed as Active and the annual testing requirements must be satisfied.
- If a PVB is installed, there is no annual testing requirement.

ARTICLE XVI - RULES AND REGULATIONS; ENFORCEMENT AND REMEDIES

Section 1. ADOPTION OF RULES AND REGULATIONS.

The Board is hereby authorized to adopt from time to time, by Resolution without prior notice or a hearing, such rules and regulations, or amendments or modifications of this Ordinance, as the Board deems necessary or appropriate in order to carry out the purposes and intent of this Ordinance.

Section 2. NOTIFICATION OF VIOLATION.

If the District finds or becomes aware of any violation of any provision of this Ordinance in or on any building or Premises within the District, the Superintendent shall deliver a written notice of such violation to the Owner thereof, or his authorized agent.

Section 3. FAILURE TO CORRECT DEFECT OR TO COMPLY WITH ANY ORDERS OR RESOLUTION OF THE BOARD.

It shall be unlawful for any person served with a notice of violation or any other lawful order of the Board or the Superintendent or the designated agent of the Board to fail to remove or correct any defect or violation reflected or stated in any such notice or to comply with any such order within the time fixed therein for completion of such removal or correction, or for compliance therewith, as applicable.

Section 4. FINES

A violation of any provision of this Ordinance is hereby declared to be an offense, punishable by a fine not exceeding two hundred fifty dollars (\$250.00) upon conviction

thereof by a court of competent jurisdiction. Any person who violates, or owns property or Premises on which there exists a violation of, any provision of this Ordinance shall be subject to the penalties of this Article. A separate and additional violation of this Ordinance shall be deemed to have occurred for each day on which (i) any violation of this Ordinance shall continue, or (ii) any defect the subject of a notice described in the preceding Section 3 shall remain unremedied beyond the date set forth in such notice as the date by which remediation must be accomplished, or (iii) any order described in said Section 3 is not complied with.

Section 5. INJUNCTION

In the event of any violation of this Ordinance, including, without limitation, if any water is used or any water system is installed, repaired or maintained in violation of this Ordinance, then the Board, in addition to any other remedies available to it hereunder or otherwise at law in connection with such violation, may institute any appropriate action or proceeding to prevent such unlawful use, installation, repair or maintenance, to restrain, correct or abate such violation, or to compel compliance with this Ordinance or any order made hereunder. Without limiting the foregoing, the Board may make application to restrain by permanent injunction, restraining order or other equitable relief any violation of, or failure to comply with, the Ordinance or any order made hereunder, without the need to post any bond or other surety.

Section 6. SERVICE TERMINATION

In addition to the foregoing remedies, when any person served with a notice of violation or lawful order fails to comply with such notice or lawful order within the time specified therein for compliance, and in the judgment of the Board such failure results in an imminent health hazard with respect to a building or a Premises, the Board may cause the water service to such building or Premises to be terminated.

ARTICLE XVII - ADDITIONAL PROVISIONS

Section 1. INCONSISTENCIES IN ORDINANCE

To the extent that any provision of this Ordinance is inconsistent with the provisions of any other Ordinance or Resolution of the District, the provisions of this Ordinance shall be controlling.

Section 2. DETERMINATION OF INVALIDITY

If any clause, sentence, paragraph or section of this Ordinance shall be determined by a court of competent jurisdiction to be invalid, such determination shall not affect, impair or invalidate the remainder of this Ordinance, but shall be confined in its operation to the clause, sentence, paragraph or section of this Ordinance involved in the controversy in which such determination shall have been rendered.

Dated: Great Neck, New York
April 2, 2013

By Order of the Board of Commissioners
Manhasset-Lakeville Water District

Donald O'Brien, Chairman
Brian J. Morris, Secretary
Andrew DeMartin, Treasurer