

ORDINANCE NO. 248-A-1987

AN ORDINANCE WITH RESPECT TO ESTABLISHING A COMPREHENSIVE PLAN FOR WATER CONSERVATION AND REGULATION OF WATER THROUGHOUT NASSAU COUNTY, INCLUDING PROVISIONS FOR ENFORCEMENT THEREOF, PURSUANT TO ARTICLE XII OF THE COUNTY GOVERNMENT LAW OF NASSAU COUNTY.

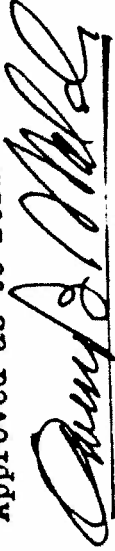
(Passed by Board of Supervisors on JUNE 8 1987
Votes for 108 ; votes against, none. Became a
resolution on JUNE 8 1987 with the approval
of the County Executive.)

WHEREAS, a ground water geohydrological firm was retained by Nassau County to proceed with the development of a Ground Water Management Program and said firm, working with the Department of Public Works of said County, undertook extensive research with a view toward development of a Comprehensive Management/Conservation Program to include interviews with water purveyors and major water users; and

WHEREAS, it is the intent of the Board of Supervisors to conserve, protect and manage the water supply within the County dependent, as it is, upon a sole source aquifer system serving domestic, industrial, commercial and/or recreational needs of individuals in the County; and

WHEREAS, the New York State Department of Environmental Conservation imposed pumping restrictions on the public water purveyors in Nassau County in 1986; and

WHEREAS, the Board of Supervisors believes it is in the best interest of Nassau County with respect to the sufficiency of its water supply to regulate or limit the use

APPROVED BY

First Chief Deputy
County Attorney

of water throughout the County, including the towns, cities, villages and special districts therein and to adopt a Comprehensive Management/Conservation Program; now therefore, be it

ORDAINED BY THE BOARD OF SUPERVISORS OF THE
COUNTY OF NASSAU AS FOLLOWS:

Section 1. Legislative Findings.

It is the determination of this Board of Supervisors that circumstances exist with respect to the sufficiency of water supply within Nassau County which poses a potential threat to the safety and wellbeing of its citizens. Accordingly, the Board of Supervisors declares, pursuant to Article XII of the County Government Law of Nassau County, this county-wide Comprehensive Management/Conservation Program which is designed to regulate or limit the use of water throughout the County, including the towns, cities, villages and special districts, and to provide for enforcement of such Program since it is the policy of the County to conserve, protect and manage the waters within its jurisdiction. This determination has been made in connection with the action of the New York State Department of Environmental Conservation in imposing restrictions in 1986 and in view of the fact that the water supply in Nassau County is dependent upon a sole source aquifer system which serves domestic, industrial, commercial and/or recreational needs of individuals in the County and the Board further finds that due to the sensitivity of the aquifer system certain limitations are necessary to curb water withdrawals in order to ensure a long term water supply.

Section 2. Lawn Sprinkling.

During the hours of 10:00 a.m. to 4:00 p.m., no person shall water, hose, sprinkle or otherwise irrigate any outdoor lawn, field, garden, hedge or shrub, except in accordance with the following:

1. Persons occupying residences or other

establishments with even-numbered addresses may water, hose, sprinkle or otherwise irrigate other than during the above hours on even-numbered days of the month.

2. Persons occupying residences or other establishments with odd-numbered addresses may water, hose, sprinkle or otherwise irrigate other than during the above hours on odd-numbered days of the month.

3. Persons occupying residences or other establishments without numbered addresses may water, hose, sprinkle, or otherwise irrigate other than during the above hours on even-numbered days of the month.

4. Provided further that nothing in this section shall be construed to limit, restrict, or prohibit, irrigation of any sort which is done by means of water obtained from sources other than the Nassau County sole source aquifer system.

Section 3. Air Conditioning Systems.

A. All existing commercial and industrial water-operative air conditioning systems, refrigeration or other water-cooling equipment, shall be equipped with a water-recycling system or be converted to an air-operative system by June 30, 1988.

B. All commercial and industrial water-operative air conditioning systems, refrigeration or other water-cooling equipment, for which building permits have not been issued shall be equipped with a water-recycling system.

C. Each city, town or village shall be responsible for enforcing this section, where a city, town or village has adopted this section.

Section 4. Car Washes and Fleet Maintenance.

A. All existing commercial car washes and all fleet vehicle washes shall install water-recycling systems

by June 30, 1988.

B. All commercial car washes and all fleet vehicle washes for which building permits have not been issued shall be equipped with water-recycling systems.

C. Each city, town or village shall be responsible for enforcing this section, where a city, town or village had adopted this section.

Section 5. Fire Hydrant Usage.

All local water purveyors, as defined in Section 6. A. herein, shall institute such a system and regulations as will enable said purveyors to authorize and monitor the use of fire hydrants by all entities except that fire departments and local units of government shall not be bound thereby or required to apply for authority to utilize fire hydrants. All local water purveyors shall file such fire hydrant usage regulations with the Commissioner of Public Works by August 1, 1987.

Section 6. Exceptions and Variances.

A. As used in this Ordinance, local water purveyors shall mean any city, village, town or special district or private water supply company operating in whole or in part in the County.

B. In those instances where local water purveyors have established limitations more restrictive than provided in this Ordinance, said more restrictive provisions may be locally imposed as an exception to this Ordinance if the Commissioner of Public Works authorizes such local limitations after an application made by such local water purveyors.

C. The Commissioner of Public Works is authorized to grant a variance from the limitations of this Ordinance to local water purveyors who demonstrate a hardship to the said local water purveyor by literal application of the terms and provisions of the limitations contained in this Ordinance.

Section 7. Enforcement/Penalties.

A. The Nassau County Police Department or the Police Department of the respective cities or villages or Police Districts in the County shall be charged with the enforcement of this Ordinance except that enforcement shall be effected by the respective cities, towns or villages of the County where express provision for same has been made in this Ordinance.

B. Any person or persons, association or corporation committing an offense against the provisions of Section 2 of this Ordinance shall be guilty of a violation punishable by a fine of Fifty Dollars (\$50.00) for the first offense, One Hundred Dollars (\$100.00) for the second offense, Two Hundred Dollars (\$200.00) for the third offense and Five Hundred Dollars (\$500.00) for each and every offense thereafter.

C. Any person or persons, association or corporation committing an offense of Section 3 and Section 4 of this Ordinance shall be guilty of a misdemeanor punishable by a fine not exceeding Five Hundred Dollars (\$500.00) for the first offense and One Thousand Dollars (\$1,000.00) for each and every subsequent offense, or by imprisonment for a period not exceeding one year for each such offense, or both such fine and imprisonment.

D. Any person or persons, association or corporation who uses a fire hydrant without authority and not in accordance with the regulations adopted by water purveyors in

Nassau County shall be guilty of a misdemeanor punishable by a fine not exceeding Five Hundred Dollars (\$500.00) for the first offense and One Thousand Dollars (\$1,000.00) for each and every subsequent offense, or by imprisonment for a period not exceeding one year for each such offense, or both such fine and imprisonment.

Section 8. Separability.

If any provision of this Ordinance or the application of such provision to any person or circumstance shall be held unconstitutional or invalid, the constitutionality or validity of the remainder of this Ordinance and the applicability of such provision to other persons or circumstances shall not be affected thereby.

Section 9. Effective Date.

This Ordinance is effective immediately upon the approval of the State.

APPROVED: JUNE 8 1987
THOMAS S. GILOTTA
County Executive