

**INCORPORATED VILLAGE OF SANDS POINT
BOARD OF TRUSTEES**

LOCAL LAW NO. 1 OF 2021

**AMENDING CHAPTER 137, “SPRINKLER SYSTEMS”, OF
THE CODE OF THE VILLAGE OF SANDS POINT**

WHEREAS, the Board of Trustees has recommended the enactment of a Local Law amending Section 137, “Sprinkler Systems”; and

WHEREAS, this Local Law was introduced by the Board of Trustees on January 26, 2021; and

WHEREAS, the Board finds that this Local Law is a Type II Action pursuant to the New York State Environmental Quality Review Act (“SEQRA”); and

WHEREAS, this Local Law was the subject of a duly noticed public hearing in accordance with New York State Village Law and the Village Code before the Board on February 23, 2021, and on March 23, 2021, at which all interested persons were heard; and

WHEREAS, this Local Law was referred to Nassau County Planning Commission, which issued its Resolution authorizing the Village to take such action it deems appropriate.

NOW THEREFORE, BE IT ENACTED by the Board of Trustees of the Incorporated Village of Sands Point:

Section 1. Section 137-3 of the Code of the Village of Sands Point is hereby amended to read as follows:

§ 137-3 **Permit required.**

- A. Owners of existing underground sprinkler systems installed before the enactment of this chapter and operating without a permit, whether automatic or manually operated, shall obtain a permit for these systems by filing an application with the Village Clerk. Existing systems must be made to conform to all provisions as herein provided. Applications for permits to cover existing systems not presently operating under permits must be filed within 60 days of the effective date of this chapter. Any existing sprinkler system which does not conform to the requirements of this chapter shall be discontinued, disconnected, or reclassified until such time as the system is corrected and approved by the Village Engineer. Any existing sprinkler system which does not have both a conforming domestic meter and a separate conforming irrigation meter will be reclassified by the Village so that the domestic meter will be reclassified to be an irrigation meter and all water passing

through the reclassified meter shall be charged at irrigation rates.

- B. A permit shall be obtained prior to the installation of any new underground lawn sprinkler system or the alteration or addition to an existing underground lawn sprinkler system. A permit shall be obtained by filing an application and plan with the Village Clerk and paying the appropriate fee unless the irrigation system was approved with the landscape plan during site plan review by the Board of Appeals. The data submitted with the application shall include:
- (1) Three copies of the site plan showing details of the layout of the irrigation system, including all zones, designating individual zones by number and showing each zone within a dashed-line enclosure.
 - (2) A table showing the sprinkler heads and flow capacity for each zone including the manufacturer's catalog number for each head and attaching a copy of the manufacturer's catalog sheet showing the flow characteristics of each head.
 - (3) Sketches of the system zone valve pit and the backflow device pit.
- C. A permit to operate the installed system must be obtained from the Village Engineer and will require an inspection and flow test by the same on the system for compliance with the requirements of this chapter.
- D. All underground sprinkler systems shall be subject to an annual system permit renewal fee in the amount set forth in Chapter **82** of the Village Code, which amount shall be charged on each system owner's Water invoice.
[Added 10-25-2017 by L.L. No. 6-2017]

Section 2. Section 137-4 of the Code of the Village of Sands Point is hereby amended to read as follows:

§ 137-4 **Standards.**

- A. At the expense of the homeowner or water user, on or before May 1, 2022, all automatic underground lawn sprinkler systems shall be equipped with an EPA certified WaterSense irrigation control system (“controller”) of a type approved by the Village and electrically operated valves. The controller shall be programmed to permit irrigation only on days and during the hours established by the Village at the beginning of each lawn sprinkling season. The controller shall be connected via internet to access local weather data and shall have the ability to skip or adjust irrigation cycles based on local weather conditions. The

controller shall have the ability to be remotely programmed by homeowner or authorized servicer and to be turned off by homeowner or authorized servicer to comply with such emergency restrictions as may be promulgated by the Village from time to time. The controller shall not otherwise be reprogrammed, except in conformity with Village regulations.

- B. The maximum size water supply line to the underground sprinkler system shall be limited to one inch in diameter.
- C. It is anticipated that the Water Department will set the following regulations before April 1 of each year:
 - (1) The maximum flow rate to any underground sprinkler system in the Village.
 - (2) The maximum number of irrigation zones permitted on properties in the Village.
 - (3) The maximum number of hours per day, and the maximum number of days per week, underground sprinkler systems can be used in the Village.
- D. The Water Department will publish on the Village's website and have copies available for pick-up from Village Hall during normal business hours, the regulations set forth in Section 137-4(C), on or before the date set pursuant to Section 137-4(C).
- E. Each underground sprinkler system shall be equipped with a curb stop shut off valve, water meter and double check valve backflow device. All materials shall meet the standards used or specified by the Village Water Department. The water supply line to the sprinkler system shall be metered separately from the other house fixtures and shall be used exclusively for the lawn sprinkler system. The water meter shall be installed in a pit meeting the Water Department standard. The double check valve assembly shall be a unit approved by the New York State Department of Health and shall be installed in a separate pit.
- F. The source of water supply for the sprinkler system may be from a connection made directly to the water main in the street or from a connection made to the house service line at a point between the house meter and house curb stop. The village assumes no responsibility for water pressure on the premises when the supply to the sprinkler system is connected to the house service line. Any form of temporary connection of underground lawn sprinkler systems to any part of the domestic water supply is prohibited. Any attempt to bypass the sprinkler system water service line, water meter or backflow preventer is a violation of New York State and Nassau County Health Department regulations. Violations will be reported to the County Health Department, the service line to the lawn sprinkler

system will be disconnected permanently, and the homeowner or water user of the property shall be subject to a fine between \$2,500.00 and \$10,000.00.

Section 3. Section 137-5 of the Code of the Village of Sands Point is hereby amended to read as follows:

§ 137-5 **Hours of operation; penalties for offenses.**

Sprinklers shall only be used on days and during the hours established by the Village at the beginning of each lawn sprinkling season. Violations shall be subject to the following warnings or penalties:

- A. First violation: warning.

- B. Second and subsequent violations: turnoff of the service line to the underground lawn sprinkler system; turn-on fee of \$500.
 [Amended 4-24-2001 by L.L. No. 2-2001]

- C. Additional turn-on charges of \$500 will be imposed for successive violations.
 [Amended 4-24-2001 by L.L. No. 2-2001]

Section 4. Section 137-8 of the Code of the Village of Sands Point is hereby amended to read as follows:

§ 137-8 **Penalties for offenses.**

For any and every violation of the provisions of this chapter, the owner or his general agent or contractor of a building or premises where such violation has been committed or shall exist and the lessee or tenant of premises where such violation has been committed or shall exist and any person who commits, takes part or assists in such violation or maintains any premises upon which such violation shall exist shall, for each and every violation, except as provided in §§ 137-4(F) and 137-5, be subject to and pay a fine not to exceed \$250. For each day a violation is permitted to continue, it shall constitute a separate offense by the violator, who shall be subject to and pay a fine not to exceed \$250 for such additional offense. Any violation of this chapter or any part thereof shall constitute disorderly conduct. Any person violating same shall be a disorderly person.

Section 5. Section 137, “Sprinkler Systems” of the Village Code of the Village of Sands Point shall otherwise remain in full force and effect.

Section 6. Severability. If a court determines that any clause, sentence, paragraph subdivision, or part of this local law or the application thereof to any person, firm or corporation or circumstance is invalid or unconstitutional, the Court’s order or judgment shall not affect, impair or invalidate

the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 7. Effective Date. This Local Law shall take effect immediately upon filing with the Secretary of State.

On motion made by Trustee Ullman, seconded by Trustee Moslow, the foregoing Local Law was enacted upon the following vote:

Mayor Edward A.K. Adler voting	-	aye
Trustee Katharine M. Ullman voting	-	aye
Deputy Mayor Peter A. Forman voting	-	aye
Trustee Jeffrey Moslow voting	-	aye
Trustee Rita Sethi voting	-	aye

Dated: Sands Point, New York
March 23, 2021

Filed: Sands Point, New York
March 24, 2021

**INCORPORATED VILLAGE OF SANDS POINT
BOARD OF TRUSTEES**

LOCAL LAW NO. 10 OF 2021

**AMENDING CHAPTER 137, “SPRINKLER SYSTEMS”, OF
THE CODE OF THE VILLAGE OF SANDS POINT**

WHEREAS, the Board of Trustees has recommended the enactment of a Local Law amending Chapter 137, “Sprinkler Systems”, relating to the regulation of irrigation within the Village; and

WHEREAS, this Local Law was introduced by the Board of Trustees on September 28, 2021; and

WHEREAS, the Board finds that this Local Law is a Type II Action pursuant to the New York State Environmental Quality Review Act (“SEQRA”); and

WHEREAS, this Local Law was the subject of duly noticed public hearings in accordance with New York State Village Law and the Village Code before the Board on October 26, 2021, and November 16, 2021, at which all interested persons were heard; and

NOW THEREFORE, BE IT ENACTED by the Board of Trustees of the Incorporated Village of Sands Point:

Chapter 137, “Sprinkler Systems”, of the Village Code of the Village of Sands Point be and is hereby amended to add

Section 1. Chapter 137, “Sprinkler Systems”, of the Village Code of the Incorporated Village of Sands Point, is hereby renamed to “Irrigation”.

Section 2. Chapter 137 of the Village Code of the Incorporated Village of Sands Point is hereby amended to read as follows:

§ 137-1 Definitions; word usage.

- A. For the purposes of this chapter, the following terms, phrases, words, and their derivations shall have the meaning herein:

VILLAGE: The Incorporated Village of Sands Point, including its duly authorized representative or appropriate administrative official.

PERSON: Any person, agent, firm, partnership, association, corporation, company, or entity responsible to install, repair, maintain, or operate an irrigation system, including an Owner.

WATER: Water as used in this Chapter, means water drawn from the Village’s water supply

system, including water provided through inter-municipal connection systems, and water that is drawn from an Owner's on-premises well that is used for the purposes of irrigation

OWNER: The record owner of real property in the Village

IRRIGATION SYSTEM OPERATOR ("ISO"): The Person who has access to an Owner's SIC and other irrigation system components and who shall be responsible for its programming and operation, installation, or maintenance. In the absence of an ISO appointed by the Owner, the Owner shall be the ISO for the Owner's Property.

IRRIGATION SYSTEM: An underground system, whether automatic or manually operated in compliance with Village Regulations and Standards, that provides controlled amounts of water to land.

VILLAGE REGULATIONS AND STANDARDS ("REGS"): The technical and operational requirements for any Existing Irrigation System or New Irrigation System, to be maintained, installed, or operated in the Village, as published on the Village's website, or as directed by information on the Village's website.

SMART IRRIGATION CONTROLLER ("SIC"): EPA-certified "WaterSense", weather-based, Village-approved automatic lawn irrigation controller.

SMART METERING: The method by which the Village monitors the usage of Water via remote reporting meters.

- B. When not inconsistent with the context, words used in the present tense include the future; words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

§ 137-2 Applicability of provisions.

The provisions of this Chapter shall apply to all Persons using Water for irrigation.

§ 137-3 Standards and Permits.

[Amended 10-25-2017 by L.L. No. 6-2017; 3-23-2021 by L.L. No. 1-2021]

- A. Existing Irrigation System. An Existing Irrigation System is an Irrigation System that was installed before the enactment of this Chapter that is operating without a permit, whether automatic or manually operated. All Existing Irrigation Systems shall conform to the provisions of the REGS. Owners of an Existing Irrigation System shall obtain a permit from the Village's Building Department to maintain such a system by filing an application with the Village within 60 days of the effective date of this Chapter, as required by the REGS. An Existing Irrigation System which does not conform to the REGS shall be discontinued, disconnected, or reclassified until such time that the Existing Irrigation System conforms to the REGS as verified by the Village.
- B. New Irrigation System. A New Irrigation System is an Irrigation System that is or was

installed after the enactment of this Chapter. New Irrigation Systems shall conform to the provisions of the REGS. A permit shall be obtained from the Village's Building Department prior to the installation of any New Irrigation System, or the alteration of, or addition to, an Existing Irrigation System, which permit shall be obtained by filing an application with the Village as required by the REGS.

- C. Annual Irrigation Permit. The earlier of May 1 of each year, or as directed on the Village website, the Owner or ISO of any Irrigation System in the Village shall obtain an Annual Irrigation Permit by filing a certification of compliance, certifying that the SIC and Irrigation System is programmed in compliance with, and shall continue to be kept in compliance with, this Chapter and REGS. The certification of compliance shall be submitted to the Village pursuant to the REGS. Failure to obtain an Annual Irrigation Permit shall result in a suspension of the right of the Owner to use Water and such other remedies the Village determines including the discontinuance and disconnection of the Irrigation System from the Village's Water system, until such permit is issued by the Village to the Owner or ISO of the Irrigation System. The Annual Irrigation Permit shall be subject to an annual permit renewal fee, if any, in the amount set forth in Chapter 82, Fees and Deposits, of the Village Code, which amount shall be charged on each Owner's Water invoice.
- D. Regulation of Private Wells. The Village shall have the right to regulate the construction, use of, number, and fees related to, private wells including the right to require Smart Metering and SICs pursuant to the rules and regulations adopted by the Board of Trustees pursuant to Chapter 172 of the Village Code

§ 137-4 Change or limitation of sprinkling hours.

Nothing contained herein, or in the REGS, is intended to prohibit the Board of Trustees from changing or otherwise limiting the hours that Irrigation Systems may be operated in the case of an emergency or to meet the demands for water for any use.

§ 137-5 Penalties for offenses.

[Amended 3-23-2021 by L.L. No. 1-2021]

- A. Any action taken to bypass the Irrigation System water service line, water meter or backflow preventer in violation of New York State and Nassau County Health Department regulations shall be reported to the Nassau County Health Department and shall be subject to such penalties provided by the Nassau County Health Department. The Village shall have the right to disconnect the service line to the Irrigation System pending compliance, and the Owner, Person, or ISO of the property shall be subject to a fine between \$2,500 and \$10,000.
- B. Irrigation Systems shall only be used on days and times established in the REGS.

Violations shall be subject to the following warnings or penalties:

1. First violation: warning to cease and desist illegal operations.
 2. Second and subsequent violations: turnoff of the service line to the Irrigation System; turn-on fee of \$500.
 3. Additional turn-on charges of \$500 will be imposed for successive violations.
- C. For each and every violation of the provisions of this Chapter, the ISO, Owner, or his general agent, where such violation has been committed or shall exist, and the lessee or tenant of the premises where such violation has been committed or shall exist, and any Person who commits, takes part, or assists in such violation or maintains any premises upon which such violation shall, for each and every violation, except as provided in §§ 137-5(A) and 137-5(B), be subject to and pay a fine not to exceed \$500. Each day a violation is permitted to continue, shall constitute a separate offense.

§ 137-6 Water use limitations.

[Amended 8-28-2001 by L.L. No. 5-2001]

The Water use limitations placed on individual Irrigation Systems are imposed by the Village to meet the annual water pumpage limits placed on the Village by the New York State Department of Environmental Conservation in July 1986 and to conserve the Village's Water resources.

Section 3. **Severability.** If any section or provision of this local law shall be adjudged to be invalid by any Court of competent jurisdiction, such judgment shall not affect, impair or invalidate any other part of this Local Law or the remainder thereof, but shall be confined in its operation to the section or provision or part thereof directly involved in the controversy in which such judgment shall be rendered.

Section 4. **Effective Date.** This Local Law shall take effect immediately upon filing with the Secretary of State.

On motion made by Trustee Karabatos and seconded by Deputy Mayor Moslow, the foregoing Local Law was enacted upon the following vote:

Peter A. Forman, Mayor	-	aye
Jeffrey Moslow, Deputy Mayor	-	aye
Rita Sethi, Trustee voting	-	aye
Elena Karabatos, Trustee	-	aye
Rebecca Vitas Schamis, Trustee	-	aye

Dated: Sands Point, New York
November 16, 2021
Filed: Sands Point, New York
November 16, 2021