

## ARTICLE VII. Water Supplies

### Sec. 873.700. Water supplies; definitions.

[Added 6-22-1989, eff. 6-22-1989 Editor's Note: This resolution added a new Article [VII](#) and also repealed former Article VII, effective 9-1-1959. ]

When used in this article, unless otherwise expressly stated or unless the context or subject matter requires a different meaning, the following terms shall have the respective meanings hereinafter set forth or indicated:

1. *Auxiliary source of water.* The term "auxiliary source of water" means a source of water which is not normally used, but which has been approved by the department and the State Department of Health and other state agencies having jurisdiction as a source of water and developed for use when for any reason the normal source or sources fail to meet normal demand therefor.
2. *Domestic use.* The term "domestic use" means water used or intended for use for drinking purposes, food preparation, washing, laundering of clothes, sanitary facilities and purposes, household cleaning or medical purposes.
3. *Emergency source of water.* The term "emergency source of water" means a source of water which has not been developed or approved as a regular or auxiliary source of water and which is developed during an emergency for temporary use as a source of water in case of failure or inadequacy of the regular or auxiliary source of water.
4. *Individual water supply system.* The term "individual water supply system" means a single system of piping, tanks or other facilities together with a source of water intended to supply a single parcel of land unless the system is a public water supply as defined herein.
5. *Person.* The term "person" means, except for any federal or state agencies, any individual, firm, public or private corporation, association, partnership, institution, political subdivision, government agency, public body, joint-stock association, trust, estate or other group of individuals or combination of the foregoing or any other legal entity whatsoever, and includes the plural as well as the singular.
6. *Potable water.* The term "potable water" means water which meets the drinking water quality requirements established in Part 5 of the State Sanitary Code.

7. *Private water supply or private water system.* The term "private water supply or private water system" means a single system of piping, tanks or other facilities together with a source of water installed to supply buildings located on not less than two (2) and not more than four (4) parcels of land not occupied by the owner of the source of water or employees thereof unless the system is a public water supply as defined herein.

8. *Public water supply or public water system.* The term "public water supply or public water system" means a water system which provides piped water to the public for human consumption, if such system has at least five service connections or regularly serves an average of at least twenty-five (25) individuals daily at least sixty (60) days out of the year, which term shall include:

a. Source, collection, treatment, storage and distribution facilities under control of the supplier of water to such system and used in connection with such system; and

b. Source, collection or pretreatment storage facilities not under control which are used in connection with such system.

9. *Sanitary.* The term "sanitary" means a condition or state that is free from filth or infective matter.

10. *Source of public water supply.* The term "source of public water supply" means any groundwater aquifer, surface water body or watercourse from which water is taken, either periodically or continuously, for drinking, culinary or food-processing purposes or which has been designated for present or future use as a source of water supply for domestic or municipal purposes.

11. *Water treatment plant.* The term "water treatment plant" means any facility, equipment or device which, through the addition of chemicals or through any other means or combinations of treatment, shall change the physical, chemical, radiological or microbiological quality of the water.

**Sec. 873.701. Water supplies; potable water; standards of quality; safety.**

**[Added 6-22-1989, eff. 6-22-1989]**

1. No person shall provide or make available or accessible a supply of water for domestic use, unless such water supply is potable and unless the source, treatment and distribution of such water shall be so protected from actual or potential pollution and so maintained as to deliver at all times a potable water.

2. Water delivered for domestic use shall not contain microbacterial, chemical, radiological or other contamination in such quantity as may be injurious to health or as may indicate such water to be unsatisfactory for human consumption as determined by a test or tests in a laboratory approved for such purpose by the State Department of Health.

3. No person shall permit any connection between a potable water supply and an unapproved auxiliary water supply or any structure containing sewage, nonpotable water or other substance injurious to health, except in such manner as to prevent the entrance of such liquid or substance into the potable water supply system and otherwise in conformity with the provisions of the Code.

4. No spring basin, collection basin, well or infiltration gallery used as a source of water supply, nor any main, standpipe, reservoir, tank or other pipe or structure through which water is delivered to consumers for potable purposes shall be placed in use after it has been constructed, cleaned or repaired until such structure or main has been disinfected in a manner approved by the State Department of Health. *Editor's Note: For standards for disinfecting a main or structure, see Rules and Regulations of the Commissioner Policy No. WS 1-89, effective 7-5-1989, which is on file in the office of the Commissioner of Health.*

5. Use other than domestic.

a. No person shall provide or maintain a water supply in or for the use of the occupants of any habitable building or at any public place for use other than for domestic use which does not comply with this Code and the requirements of the department unless each outlet is provided with a permanent, prominent and legible label or sign reading "UNSAFE WATER, DO NOT DRINK."

b. No drinking fountains, outlets or taps shall be connected to a source of nonpotable water.

6. Any person who shall provide or make accessible a supply of water for domestic use shall submit to the department a report of bacteriological examination of such delivered water made by a laboratory approved for the purpose by the State Commissioner of Health, as often as the department may deem necessary, provided that the frequency of such examinations shall not be less than that set forth in the State Sanitary Code.

7. Potable water delivered to consumers shall comply with the drinking water standards established by the State Department of Health.

**Sec. 873.702. Water supplies; bottled drinking water; permit.**

**[Added 6-22-1989, eff. 6-22-1989]**

1. The sale, offering for sale or delivery of bottled natural or distilled water intended for domestic use is prohibited unless the person bottling such water shall have been approved by the State Commissioner of Health. **Editor's Note:** For standards used to determine compliance with this section, see Rules and Regulations of the Commissioner Policy No. WS 2-1989, effective 7-5-1989, which is on file in the office of the Commissioner of Health.
2. Bottled drinking water sold, offered for sale or delivered for human consumption or domestic use shall comply with the drinking water standards established by the State Department of Health.

**Sec. 873.703. Water supplies; potable water; factories; institutions; similar establishments.**

**[Added 6-22-1989, eff. 6-22-1989]**

1. Whenever a public water supply is available, no water from any other water supply system shall be furnished for human consumption or domestic use unless such other water supply system has been approved by the department in accordance with the Code.
2. If no satisfactory public water supply is available, the water for domestic use shall comply with the drinking water standards provided for by the Department of Health of the State of New York.
3. Water not approved for domestic use.
  - a. If the water supply for industrial or fire protection purposes is obtained entirely or in part from a source not approved for domestic use, this supply shall be distributed through an independent piping system having no connection with the system for domestic use.
  - b. Each faucet or other outlet furnishing water not safe for domestic use shall be provided with a permanent, prominent and legible label or sign "UNSAFE WATER, DO NOT DRINK."
  - c. No drinking fountain, outlets or taps shall be connected to a nonpotable source of water.

**Sec. 873.704. Water supplies; ice.**

**[Added 6-22-1989, eff. 6-22-1989]**

1. No person shall give, sell, offer for sale or deliver any artificial ice unless such ice shall have been produced from a potable water supply and manufactured, prepared and delivered under clean and sanitary conditions.
2. No person shall give, sell, offer for sale or deliver any natural ice for domestic refrigeration or for use in foods or beverages.

**Sec. 873.705. Water supplies; treatment and abandonment.**

**[Added 6-22-1989, eff. 6-22-1989]**

1. Whenever the department shall determine that water delivered to consumers for domestic use does not meet the requirements of the State Sanitary Code or the Code, the supplier of such water supply shall be notified of such condition, in writing.
2. The notice herein provided for may order the treatment or posting of such water supply or any portion of the distribution system or connections that do not meet the requirements of the State Sanitary Code or of the Code.
3. The commissioner may order the abandonment, sealing or posting of such water supply or any portion of the distribution system or connections that do not meet the requirements of the State Sanitary Code or the Code.

**Sec. 873.706. Water supplies; continuation of water service.**

**[Added 6-22-1989, eff. 6-22-1989]**

1. Any person who shall have contracted, undertaken or who is bound by any document or other legal obligation to furnish a supply of water for use in any habitable building shall maintain an adequate supply of water complying with the standards of the Code and the State Sanitary Code.
2. No person who shall have contracted, undertaken or who is bound by the terms of any agreement, whether verbal or written, or other legal obligation to supply water for use in any habitable building, while so obligated, shall shut off or discontinue service except as permitted by the Public Health Law or the State Sanitary Code.

**Sec. 873.707. Water supplies; public and private water systems; approval of plans and completed works; and certificate for use.**

**[Added 6-22-1989, eff. 6-22-1989]**

1. No person shall make, install or construct or allow to be made, installed or constructed a private or public water system or any addition to or modification thereof which may affect the quality of the water or which may affect the adequacy of the supply thereof until the plans and specifications shall have been submitted to and received the prior approval of the commissioner.

*Editor's Note: For standards used to evaluate the construction of a public or private water system, see Rules and Regulations of the Commissioner Policy No. WS 3-89, which is on file in the office of the Commissioner of Health.*

2. The application for approval of plans to construct a private or public water system shall be made on forms provided by the department and shall be accompanied by such engineering reports, plans, specifications, reports of bacterial, chemical, physical and microscopic analyses of the water source and such other information as may be required by the department, and in accordance with the requirements of the department.

3. An application for approval of plans for a private water supply shall be accompanied by evidence, satisfactory to the department, that there is no public water supply available to the premises to be served by such private water supply or that it is not practicable or economically feasible to connect to a public water supply.

4. Form of plans.

a. The department may prescribe the number of copies and the format in which the information required by this section shall be submitted.

b. Plans, specifications, soil and groundwater information shall contain the signature, seal and address of the professional engineer or registered and licensed architect pursuant to the Education Law of the State of New York under whose supervision such plans, specifications, soil and groundwater information was prepared.

5. No person shall place public or private water supply into service or to be used or allow such water supply to be placed into service or to be used until he has applied for and received prior approval of the completed works and certificate for use from the commissioner. *Editor's Note: As to expiration dates of such certificates, see Rules and Regulations of the Commissioner Policy No. WS 4-89, effective 7-5-1989, which is on file in the office of the Commissioner of Health.*

6. All public and private water supplies must operate and maintain their equipment, facilities and appurtenances to ensure continued compliance with this Code.

**Sec. 873.708. Water supplies; individual water supply systems; approval of plans and completed works; and certificate for use.**

**[Added 6-22-1989, eff. 6-22-1989]**

1. No person shall undertake to construct any new building or structure requiring an individual water supply system or make, install or construct or allow to be made, installed and constructed an individual water supply system until the plans and specifications first shall have been submitted to and received the approval of the department.

2. Application for approval of plans to construct an individual water supply system shall be made on forms provided by the department and shall be accompanied by such engineering reports, plans, specifications and such other information as may be required by the department and in accordance with the requirements of the department.

3. An individual water supply system shall be constructed and maintained in conformity with the plans and specifications approved by the department and in compliance with the terms of any approvals issued in respect thereto and with the provisions of the Code.

4. No person shall use any new individual water supply system to furnish water for domestic use or any new building be occupied without first obtaining a valid certificate issued by the department to use such system. **Editor's Note:** For expiration dates of such certificates, see Rules and Regulations of the Commissioner Policy No. WS 6-89, effective 7-5-1989, which is on file in the office of the Commissioner of Health.

5. Certification.

a. Application for a certificate for use of a new individual water supply system shall be made, in writing, to the department and shall be accompanied by a written statement from a professional engineer or architect licensed and registered to practice in the State of New York, certifying that the new individual water supply system has been constructed in accordance with the approved permit to construct, plans and specifications.

b. The issuance of a certificate for use shall not be construed as a guaranty by the department that the system has been properly constructed or will function satisfactorily.

**Sec. 873.709. Water supplies; water supply systems; construction; inspections.**

**[Added 6-22-1989, eff. 6-22-1989]**

1. No water supply system shall be constructed otherwise than in accordance with the plans and specifications filed with and approved by the department.
2. The department may inspect any water supply system at any time during or after construction and may prohibit the operation and use of such system until the department is satisfied that the water supply system is constructed in accordance with the approved plans and specifications and approved amendments thereto and is capable of producing water of satisfactory quality for intended purposes.
3. No person shall construct or abandon any water well unless a permit has first been secured from the permit issuing official.

**Sec. 873.710. Water supplies; water supply systems; operation records; permits.**

**[Added 6-22-1989, eff. 6-22-1989; amended 11-19-1992, eff. 1-1-1993]**

1. Supervision.
  - a. Every public and private water supply system shall be under the supervision of at least one water supply system operator.
  - b. All water supply system operators and assistant operators shall meet the qualification requirements of the department, provided that such persons shall be deemed qualified if they hold a certificate from the Department of Health of the State of New York in the proper grade pursuant to the provisions of the State Sanitary Code.
2. Daily records.
  - a. Any person who owns or operates a public or private water supply system shall keep complete daily records of the operation of any water treatment or disinfection of water required pursuant to the provisions of all applicable codes and the conditions of any written approval issued pursuant thereto.

b. Complete daily records of operation herein required shall be kept on forms furnished or approved by the department or the State Commissioner of Health.

c. A copy of daily records of operation shall be forwarded to the department at the end of each month of operation within ten days thereafter.

d. Daily operating records and reports of laboratory tests shall be readily available and produced for inspection by representatives of the department.

3. *Permits.* No person shall operate a public or private water system without a valid permit issued by the commissioner.

**Sec. 873.711. Water supplies; water supply systems; emergency changes.**

**[Added 6-22-1989, eff. 6-22-1989]**

1. No owner or operator of any public or private water supply system shall:

a. Take, use or cause to be taken for use for water supply purposes water from an emergency source other than the regular or auxiliary sources of water supply;

b. Discontinue the disinfection or treatment of any public or private water supply; or

c. Make any change whatsoever which may affect the quality of such water supply without first having notified the commissioner and the State Commissioner of Health or representative therefor by telephone and without having obtained the prior approval of the commissioner or the State Commissioner of Health for such change.

2. A printed copy of this section and of the appropriate section of the State Sanitary Code relating to emergency changes affecting water supply shall be permanently posted in the office of the owner and operator of each public or private water supply.

3. All owners or operators of any public or private water supply shall notify the department as soon as practicable but within 24 hours of any emergency condition, including but not limited to the interruption in the water supply.

**Sec. 873.712. Water supplies; water supply systems; connections.**

**[Added 6-22-1989, eff. 6-22-1989]**

1. Where a public water main is available, no new connection or arrangement for a water supply shall be made other than an individual service to the public water main for each building to be served.

2. Connection with public water supply.

a. When a public water supply is or shall become available and accessible to any occupied building or structure served by an individual water supply system, the owner may be required at his expense to install a connection thereto, in accordance with any regulations of the owner of such public water supply system, within 90 days after the date of an order, in writing, issued by the commissioner or the commissioner's representative to do so, provided that the water main is readily accessible to any property line of such premises and is otherwise capable of providing adequate service.

b. The commissioner may, upon prior written application, waive the strict compliance with the provisions of subsection [2.a.](#) above in a particular case, subject to appropriate conditions, where such waiver is in harmony with the general purpose and intent of this Code.

3. Where a public water supply is available, no person shall maintain an individual water supply system for domestic use without first having obtained a special permit therefor from the department, and no direct physical connection shall be maintained or permitted between such individual system and the public water supply system without the prior written approval of the owner of the public water supply and the department.

**Sec. 873.713. Water supplies; unsafe well or spring.**

**[Added 6-22-1989, eff. 6-22-1989]**

1. Whenever the commissioner or the commissioner's representative shall determine, upon the basis of laboratory examinations of samples of water from a well or spring or from a sanitary survey of a well spring, that the consumption of water from such well or spring may be injurious or hazardous to health, the use of such well or spring shall be discontinued forthwith upon notice of such determination.

2. The commissioner or the commissioner's representative may take such action as he may deem necessary to effect the discontinuance of a well or spring the consumption of water from which may be injurious or hazardous to health or which may be a potential danger to health, unless written permission is obtained from the commissioner or the commissioner's representative for

the use of such water in such manner and for such purpose as will not endanger health.

**Sec. 873.714. Water supplies; new houses and buildings, disinfection.**

**[Added 6-22-1989, eff. 6-22-1989]**

1. Before occupancy of a house or building constructed after the effective date of this Code, the public water system thereof shall be effectively flushed with water from the water source provided to service the premises, after which a sample of water shall be collected from the water distribution system of such house or building, shall be submitted to a laboratory acceptable to the State Department of Health for bacterial analysis and the results of such tests shall be on file and available on the premises.

2. In the event that the laboratory analysis indicates that the microbiological quality does not meet the standards for microbiological quality for water for domestic use as set forth in the State Sanitary Code, the public water system shall be effectively disinfected and microbiological sampling and analysis repeated until the microbiological quality meets the standards.

**Sec. 873.715. Water supplies; separability.**

**[Added 6-22-1989, eff. 6-22-1989]**

If any provision of this article is held invalid, such invalidity shall not affect other provisions which shall be given effect without the invalid provision.