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WELLSVILLE WATER DEPARTMENT
111 W. STATE ST.
WELLSVILLE, N.Y.

WATERSHED RULES & REGULATIONS

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WATERSHED RULES & REGULATIONS

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WELLSVILLE WATER DEPARTMENT
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The foregoing rules and regulations for the protection from contamination of the public water supply of the Village of Wellsville, Allegany County are hereby duly made, ordained and established on this _____ day of _____, 1985, pursuant to section 1100 of the Public Health Law effective upon filing in the Office of the Department of Health.

Pursuant to the authority vested in the Commissioner of Health by section 1100 of the Public Health Law, sections 70, 71 and 73 of Chapter 45 of the Consolidated Laws (Public Health Law) as finally amended by Chapter 665 of the Laws of 1915 are hereby repealed this _____ day of _____, 1985 to be effective on filing in the Office of the Department of State and add a new section of Title 10 (Health) of the Official Compilation of Codes Rules and Regulations of the State of New York to read as follows:

Section _____ Village of Wellsville, Allegany County.

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a) **Application.**

- 1) The rules and regulations herein set forth duly made and enacted in accordance with the provisions of sections 1100-1107 of the Public Health Law shall apply to the Genesee River and all watercourses tributary thereto or which may ultimately discharge into said Genesee River or which may be developed in the future to serve as sources of the water supply to the Village of Wellsville, Allegany County, New York

b) **Definitions.**

- 1) **Chloride salt** shall mean the solid compounds or the solutions of: potassium chloride (commonly used as fertilizer), calcium chloride (commonly used for winter road maintenance) or sodium chloride (commonly used for water softener regeneration and winter road maintenance).
- 2) **Herbicide** shall mean any substance used to destroy or inhibit plant growth.
- 3) **Human excreta** shall mean human feces and urine.
- 4) **Junkyard** shall mean an area where two or more unregistered, old or secondhand motor vehicles and the parts thereof are being accumulated for purposes of disposal, resale of used parts or reclaiming certain materials such as metal, glass, fabric, and/or the like; and as further defined in the Village law regulating junkyards (adopted 01/10/66).
- 5) **Linear distance** shall mean the shortest horizontal distance from the nearest point of a structure or object to the high water mark of a reservoir or to the edge, margin or steep bank forming the ordinary high water line of a watercourse.
- 6) **Pesticide** shall mean any substance used to destroy or inhibit pests such as rodents and insects.
- 7) **Pollutant** shall mean dredge, spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, chemical waste, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water.
- 8) **Radioactive material** shall mean any material in any form that emits radiation spontaneously. Radiation shall mean ionizing radiation, that is, any alpha particle, beta particle, gamma ray, X-ray, neutron, high-speed proton, and any other atomic particle producing ionization, but shall not mean any sound or radio wave, or visible infrared, or ultraviolet light.

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- 9) **Refuse** shall mean all putrescible and nonputrescible solid wastes including garbage, manure, rubbish, ashes, incinerator residue, street cleanings, dead animals, offal and solid commercial and industrial wastes
- 10) **Refuse disposal area** shall mean land used for the depositing of refuse except that it shall not include the land used for the depositing of refuse from a single family, a member of which is the owner, occupant or lessee of said land, or any part of a farm on which only animal wastes resulting from the operation of such farm are deposited.
- 11) **Reservoir** shall mean any natural or artificial lake or pond which is tributary to or serves as a source of the Village of Wellsville water supply.
- 12) **Sewage** shall mean any liquid or solid waste matter from a domestic, commercial, or private or industrial establishment which is normally carried off in sewers or waste pipes.
- 13) **Sewage disposal system** shall mean any system used for disposing of sewage.
- 14) **Toxic chemical** shall mean any compound or substance, including but not limited to gasoline, kerosene, fuel oil, or diesel oil, which is or may be harmful or poisonous to humans.
- 15) **Treatment works** shall mean any treatment plant, sewer, disposal field, lagoon, pumping station, septic system, constructed drainage ditch or surface water intercepting ditch, incinerator, area devoted to sanitary landfill, or other works not specifically mentioned in this paragraph, installed for the purpose of treating, neutralizing, stabilizing or disposing of sewage.
- 16) **Water supply** shall mean the public water supply of the Village of Wellsville.
- 17) **Watercourse** shall mean every spring, stream, marsh, or channel of water of any kind within New York State which flow or may flow into the Village of Wellsville.
- 18) **Watershed** shall mean the entire New York State drainage area contributing water to the Village of Wellsville water supply.

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c) General prohibitions.

- 1) No person, including State agencies or political subdivisions having jurisdiction, shall perform any act or grant any permit or approval which may result in the contravention of the standards for raw water quality as contained in Part 170 of Title 10 (Health) of the Official Compilation of Codes, Rules and Regulations of the State of New York (10 NYCRR Part 170).

d) Specific prohibitions.

1) Cemeteries.

No interment of a human body shall be made within a 200 foot linear distance of any reservoir or watercourse.

2) Chloride salt.

No chloride salt shall be stored within a 500 foot linear distance of any reservoir or watercourse except in weather proof buildings or watertight vessels. Open storage of salt must be in such a manner as to prevent stormwater or snowmelt from dissolving the salt and carrying the solution into the underlying soil formations. Such chloride salt shall be covered in a manner reasonably acceptable to the Village.

3) Herbicides and pesticides.

No herbicides or pesticides shall be stored, discharged, applied or allowed to enter into any reservoir or watercourse unless a permit to do so has been obtained from the appropriate State agency having jurisdiction.

4) Human excreta and sewage.

- (I) No human excreta or sewage shall be deposited or allowed to escape into any reservoir or watercourse on the watershed.
- (II) No human excreta or sewage shall be deposited or spread upon the surface of the ground at any point on the watershed.
- (III) No human excreta or sewage shall be buried in the soil on the watershed unless deposited in trenches or pits at a linear distance of not less than 150 feet from any reservoir or watercourse and covered with not less than one foot of soil in such a manner as to effectually prevent its being washed into any reservoir or watercourse by rain or melting snow.

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- (IV) No privy receptacle or facilities of any kind for the deposit, movement, treatment, or storage of human excreta or sewage shall be constructed, placed, maintained or allowed to remain within 100 foot linear distance of any reservoir or watercourse except;
- (I) watertight receptacles.
 - (II) water flushed toilets connected by a watertight pipe to a sewage disposal system that has been approved by the appropriate State agency having jurisdiction over such facilities.
 - (III) a properly designed, constructed and operated treatment works that has been approved by the appropriate State agency having jurisdiction over such facility.
- (V) No portion of the seepage unit (tile field, seepage pit or equivalent) of a subsurface sewage disposal system shall be constructed, placed or allowed to remain within a 150 foot linear distance of any reservoir or watercourse
- (VI) Every watertight receptacle used for containing human excreta or sewage shall be emptied when the receptacle is filled to within six inches of the top.
- (VII) In emptying a watertight receptacle or in transferring its contents to a transportable receptacle, all necessary care shall be exercised to prevent contamination of any reservoir or watercourse. All such transportable receptacles shall be provided with tightly fitting covers which are securely fastened when transporting wastes to the place of ultimate disposal. The contents of the watertight receptacles shall be disposed of in accordance with paragraph (III) of this subdivision or at a properly designed, constructed and operated sewage disposal system that has been approved by the appropriate State agency having jurisdiction over such facility
- (VIII) Before any existing sewage disposal system is altered or any new sewage disposal system is constructed on the watershed, the plans in relation thereto shall have been first approved by the appropriate State agency having jurisdiction over such facility. Standards for waste treatment works as published from time to time by the appropriate State agency having jurisdiction over such facility and paragraph (V) of this subdivision shall comprise the criteria to approve any proposed sewage disposal system.

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5) Radioactive material.

No radioactive material shall be disposed of by burial in soil within a 500 foot linear distance of any reservoir or watercourse and not within a 1000 foot linear distance of any reservoir or watercourse unless authorization has been obtained from the appropriate State agency and such burial is in accordance with the provisions of Part 16 of Title 10 (Health) of the Official Compilation of Codes, Rules and Regulations of the State of New York (10 NYCRR Part 16).

6) Recreation.

No bathing, swimming, boating, fishing or trespassing shall be allowed within 500 feet upstream of the Genesee River water supply intake that serves the public water supply of the Village of Wellsville.

7) Solid Waste.

(I) Junkyards.

No junkyard shall be located within a 250 foot linear distance of any reservoir or watercourse.

(II) Refuse.

No refuse shall be deposited on or beneath the surface of the ground within a 250 foot linear distance of any reservoir or watercourse.

(III) Refuse disposal area

No refuse disposal area shall be located within a 500 foot linear distance of any reservoir or watercourse.

8) Toxic chemicals.

No container used for the storage of toxic chemicals shall be buried beneath the surface of the ground within a 500 foot linear distance of any reservoir or watercourse.

9) Miscellaneous.

(I) Other wastes.

No pollutant of any kind shall be discharged or allowed to flow into any reservoir or watercourse or on or beneath the surface of the ground on the watershed within 500 feet of any reservoir or watercourse. This restriction shall not apply to the effluent from a treatment works installed in accordance with plans which first have been submitted to and approved by the appropriate State agency having jurisdiction over such facilities

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e) Inspections.

Trustees of the Village of Wellsville, as the responsible authority, shall designate thru the Director of the Department of Public Works, an authorized agent of the Village Water Department and his designees to supervise and maintain the public water supply system and make regular and thorough inspections of the reservoir, watercourses and watershed to ascertain whether these rules and regulations are being complied with. It shall be the duty of the aforesaid Trustees of the Village to cause copies of any rules and regulations violated to be served upon the persons violating the same together with notices of such violations. If such persons served do not immediately comply with the rules and regulations, it shall be the further duty of the aforesaid Trustees of the Village to promptly notify the State Commissioner of Health of such violations. The aforesaid Trustees of the Village thru their authorized agent shall report to the State Commissioner of Health in writing annually, prior to the 30th day of January, the results of the regular inspections made during the preceding year. The report shall state the number of notices served, the number of violations abated and the general condition of the watershed at the time of the last inspection.

f) Penalties for violations.

Penalties for violations of these rules and regulations shall be those specified by section 1103 of the Public Health Law.

A LOCAL LAW REGARDING WATERCOURSES

adopted: 05/08/50

BE IT ENACTED BY THE BOARD OF TRUSTEES, VILLAGE OF WELLSVILLE
NEW YORK, AS FOLLOWS:

Section 38.1 WATERCOURSES PROTECTED

No person, firm or corporation shall deposit, throw or otherwise discharge into any watercourse or body of water, or onto the ground where it may leach or be washed into such watercourse or body of water, any garbage, dead animal, offal or any decomposable or putrescible matter of any kind, or any tin cans, ashes, rubbish or refuse of any kind; nor shall any person, firm or corporation operate, maintain or permit the use of a dump or place for the deposit of such refuse or matter in such location or in such manner as to cause pollution of any watercourse or other body of water; nor shall any person, firm or corporation build, construct or cause to be built or constructed, or maintain, any obstruction or dam, or construct, maintain or permit the construction or maintenance of any encroachment, in or upon any such watercourse or body of water.

Section 38.2 VIOLATIONS AND PENALTIES

A. Any violation of the provisions hereof shall constitute disorderly conduct and any person violating the same shall be deemed to be a disorderly person and any such violation hereof shall constitute disorderly conduct and any such person is hereby declared to be a disorderly person and is hereby declared to be guilty of a misdemeanor and upon arrest and conviction thereof, shall be punishable by a fine of not to exceed the sum of fifty dollars (\$50), for each offense or by imprisonment for not more than fifty (50) days, or by both such fine and imprisonment.

B. Any person who shall violate the provisions hereof shall also be liable for a civil penalty of not to exceed fifty (\$50) dollars, for each day during which such violation continues.

Section 38.3 EFFECTIVE DATE

This ordinance shall become effective immediately.