

LOCAL LAW 1-2020
A LOCAL LAW TO AMEND CHAPTER 197, ARTICLE II (WATER CONSERVATION) OF
THE VILLAGE CODE SO AS TO ENABLE THE SUPERINTENDENT OF PUBLIC WORKS
TO DECLARE A “WATER SHORTAGE” AND FURTHER RESTRICT WATER USAGE IN
THE VILLAGE OF GARDEN CITY

BE IT ENACTED, by the Board of Trustees of the Incorporated Village of Garden City, as follows:

Section 1. Legislative Findings. The Board of Trustees of the Village of Garden City seeks to provide the highest quality water possible to its residents and has been aggressively addressing the issue of Village-sourced water and water contaminants. Widespread contamination of groundwater with “emerging contaminants” (specifically 1,4-Dioxane and Per- and Polyfluoroalkyl Substances (PFAS)) has been reported in water supplies on Long Island and across the country. The New York State Department of Health has proposed regulations that would implement very stringent maximum contaminant levels (“MCLs”) for these emerging contaminants and would impose a compliance deadline as early as March 2020. Recent tests have shown that a number of Garden City’s water wells may not meet the proposed MCLs and therefore will require a new form of treatment system that will not be operational by the proposed March 2020 regulatory deadline due to the complexities of the treatment process, the availability of specialized filtration equipment, and the need to thoroughly test and ensure the efficacy of the new treatment process. The Village will not supply water that does not meet all Federal, State, and County requirements, so any wells that require additional treatment to meet the MCLs will be unavailable during the installation and testing of the treatment system, and the Village’s available water supply therefore will be reduced. Accordingly, the Board of Trustees finds that, to protect the health, safety, and welfare of Village residents and to ensure the provision of adequate potable water and fire suppression capabilities, it may be necessary to temporarily further regulate the use of water by imposing additional water usage restrictions. The Board of Trustees further finds that it is expedient and desirable for the powers and duties of the Superintendent of Public Works to include the determination of when and to what extent such additional water usage restrictions are appropriate, and the administration of such restrictions. The Board of Trustees further finds that, due to the critical importance and necessity of these additional restrictions in ensuring that the Village has an adequate supply of drinking water and fire suppression capabilities, it is reasonable to impose a higher penalty for violations of the restrictions imposed in a water shortage declaration.

Section 2. Article II of Chapter 197 of the Village Code is hereby amended by adding thereto a new subsection “E” to Section 197-12, to read as follows:

E. Water shortage. Notwithstanding any other provision of this Article, the Superintendent of Public Works is hereby empowered to declare a “water shortage” and issue a “water shortage declaration” as described herein, if the Superintendent determines that there is an insufficient supply of water available that meets all Federal, State, and County water quality standards.

1. The water shortage declaration shall be made in writing to the Mayor and posted on the Village website.
2. The water shortage declaration shall include those additional water usage restrictions enumerated in paragraph 3 below that the Superintendent of Public Works deems appropriate to ensure an adequate supply of potable water and fire suppression

capabilities, and to otherwise protect the health, safety, and welfare of Village water users.

3. The water shortage declaration shall include one or more of the following temporary restrictions:

- A. A partial or complete ban on lawn sprinkling.
- B. A ban on filling private and/or public swimming pools.
- C. A ban on new water connections.

4. The water shortage declaration and restrictions set forth therein shall be effective for 60 calendar days, unless renewed or withdrawn upon further notice to the Mayor and publication on the Village website.

5. Penalties for violations. Any person, including any property owner, agent, contractor, landscaper, lessee, or tenant, who violates the restrictions contained in a water shortage declaration issued pursuant to this subsection (E) shall be guilty of a violation of the Village Code. Each day shall constitute a separate violation which shall be subject to the following fines:

- A. A first violation shall be punishable by a fine of \$2,000
- B. A second violation shall be punishable by a fine of \$3,000
- C. A third violation, and all subsequent violations, shall be punishable by a fine of \$5,000

Section 3. This Local Law shall take effect immediately upon its filing with the Secretary of State of the State of New York.