

Council Member O'Brien introduced the following:

LOCAL LAW J of 2021 (As Amended 04/01/2021)

A LOCAL LAW AMENDING CHAPTER 371 (WATER AND WATERWAYS) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO INSTALLATION AND REPAIR OF SERVICE LINES AND REPLACEMENT OF LEAD SERVICE LINES

Be it enacted by the Common Council of the City of Albany as follows:

Section 1. Subsection (O) of section 371-54 (Prescribed by Commissioner of Water) of Article III (Rules and Regulations Regarding Use of Water) of Chapter 371 (Water and Waterways) of the Code of the City of Albany is hereby amended to read as follows:

- O. Service pipes less than two (2) inches in size shall be [~~of the best quality AA lead pipe~~] type K copper tubing connected to the corporation cock coupling with a wiped joint and provided inside the curblin with a brass roundway shutoff cock and metal extension box. At least one (1) foot of slack to each ten (10) feet in length shall be left between the main and the curb cock, and in no case shall service pipes be laid in a trench recently refilled. When water services are placed at the same time as sewer laterals, a bench shall be excavated at the side of the lateral trench and the water service pipe laid thereon. All services two (2) inches or larger in size shall be of cast-iron pipe provided with a gate valve and a valve box outside of the building and connected with the main by a branch.

Section 2. Chapter 371 of the Code of the City of Albany is amended by adding a new Article VIII, entitled "Service Lines," to read as follows:

Article VIII. Service Lines

§ 371-88 General regulations.

- A. Prior to the installation or repair of service lines, the property owner shall make an application for a permit to the Commissioner. Upon approval of the application, the property owner shall pay all required charges, fees and deposits and obtain the necessary street opening and any other required permits.
- B. Tapping and making connections to the water mains must, in all cases, be done by authorized employees of the Water Department and shall not be done by any other persons, unless acting with the written permission or direction of the Commissioner.

- C. Unless otherwise directed, no new service line shall be made available for use of water until all inactive service lines have been shut off permanently at the corporation at the water main.
- D. Unless otherwise directed, no new service line shall be made available for the use of water until the new line has been tested and disinfected in accordance with Chapter 261 of this Code (The Plumbing Code) and as approved by the Commissioner. The property owner shall pay any charges associated with this procedure.

§ 371-89 Installation.

- A. Unless otherwise specified, new service lines and replacements of existing service lines shall be a minimum of 3/4 inch in diameter. Service lines up to and including two inches in diameter shall be of copper tubing (Type K) with flared/compression joints unless otherwise permitted and service lines greater than two inches in diameter shall be of cast iron or ductile iron cement-lined pipe. There shall be no repair of galvanized iron or lead service lines. Such lines shall be replaced by copper lines unless otherwise permitted.
- B. The property owner shall, at their own expense, do all work necessary for the installation of the service line, including but not limited to the cost of materials and labor, excavation, shoring, backfilling, dewatering, rodding, concrete thrust blocks and surface restoration, in a manner satisfactory to the Commissioner, except for tapping and making connections to the water main.
- C. No tap shall be made until the depth of the trench and dimensions of excavation are such as will allow adequate room for tapping the main and for laying the service line. The permittee shall notify the Commissioner not less than 24 hours in advance, exclusive of weekends and holidays, that the trench is ready for the tap and installation of the service line or fire line.
- D. In general, the trenches excavated for service lines shall be straight and perpendicular to the water main opposite the owner's property. If the main is in an unusual location or because of solid rock, the Commissioner may grant permission to lay the line in another generally accepted manner.
- E. Not more than one premises shall be connected to any one tap and service line. The word "premises" as used herein shall mean:
- (1) A building under one roof owned or leased by one party and occupied as a residence or for business or commercial purposes.
 - (2) A group or combination of buildings in one common enclosure owned or leased by one party or occupied by one family or one corporation or firm or as a place of business or for manufacturing or industrial purposes or as a hospital or other public institution.

- (3) One side of a double house having a solid vertical partition wall.
- (4) A building owned or leased by one party, containing more than one apartment and having one entrance and using one hall in common.
- (5) A building owned or leased by one party having a number of apartments, offices or lofts, which are rented to tenants.
- (6) A public building such as a town hall, school house, fire engine house, etc.
- (7) A single lot or park or playground.
- (8) Each house in a row of houses.

F. Domestic service lines in all cases shall be separate from fire service lines. Unless otherwise approved by the Commissioner, fire service lines shall not be less than four inches in diameter.

§ 371-90 Special equipment and materials for taps.

Where the property owner requests a tap on a water main which is of a material other than cast iron or ductile iron, special equipment and materials may be required. The City shall not be held liable for any delay in obtaining special equipment and materials needed to complete the work.

§ 371-91 Responsibility of owners.

- A. The property owner shall, at their expense, including all necessary labor and materials, install, maintain, and keep in good repair and proper operating condition all service lines serving the property. The Commissioner may direct the owner to replace or repair, as directed, any and all parts of the service line serving said property which, in the Commissioner's opinion, may be necessary to prevent leakage or waste of water or damage to property. All repairs to water service lines shall be performed at the customer's expense to City specifications and shall be subject to inspection and approval by the Commissioner.
- B. Property owners shall, at their expense, including all necessary labor and materials, keep the service line curb box readily accessible to the Water Department for the purposes of turning water off or on. They shall also maintain the boxes level with the surface of adjoining ground, pavement, walk or driveway for the safety of pedestrians or other traffic.
- C. The City shall not be responsible for its inability to turn water off or on in the event that the water service valve is inaccessible or inoperable, nor shall it be liable on account of injury to persons or damage to property by reasons of the fact that the curb box or curb stop or any part of the service line was not maintained in accordance with these rules and regulations.
- D. The City shall not be liable in any way for injury to persons or damage to property by reason of breaks, obstructions, leaks in service lines and house piping or any part thereof

as the result of frost or necessary maintenance operations of the Water Department or any other cause.

E. Any service line or any part thereof which may become frozen shall be thawed, repaired, or replaced by the property owner at their expense, as directed by the Commissioner.

**APPROVED AS TO FORM THIS
1ST DAY OF APRIL, 2021**

Corporation Counsel

To: Danielle Gillespie, City Clerk

From: Brett Williams, Esq., Senior Assistant Corporation Counsel

Re: Request for Common Council Legislation
Supporting Memorandum

Date: April 1, 2021

Sponsor(s) Council Member O'Brien

LOCAL LAW J of 2021 (*As Amended 04/01/2021*)

TITLE

A LOCAL LAW AMENDING CHAPTER 371 (WATER AND WATERWAYS) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO INSTALLATION AND REPAIR OF SERVICE LINES AND REPLACEMENT OF LEAD SERVICE LINES

GENERAL PURPOSE OF THE LEGISLATION

Section 1 of this legislation removes from the Code the requirement that the Water Department use lead pipes.

Under section 2 of this legislation, property owners must apply to the Water Department “[p]rior to the installation or repair of service lines.” The legislation also lays out rules and regulations for service and installation of service lines, once approved, including by specifying the type and quality of materials to be used and regulations for the type and location of trenches dug to access service line.

More specifically, the local law states that “There shall be no repair of galvanized iron or lead service lines. Such lines shall be replaced by copper lines unless otherwise permitted.” Thus, this legislation will prohibit even the repair of lead service lines in most situations; such lines must instead be replaced with copper.

NECESSITY FOR LEGISLATION AND ANY CHANGE TO EXISTING LAW

This legislation is part of a broader effort by the Water Department to move forward with its program of replacing lead service lines in the City, as lead pipe is no longer an acceptable material to use in public water systems, due to the potential negative health impacts it can cause.

By creating a requirement in the Code by which the entirety of a lead service must be replaced when a water service is exposed for repair or replacement work, the Water Department will be able to effectively eliminate spot repairs or half service replacements, which are very common and likely increase lead levels for a home with lead service lines.

FISCAL IMPACT

None, as the cost for such repairs will be borne by the property owner, not the City.