

**RESOLUTION NO. 1201 -2013, ADOPTING LOCAL LAW
NO. -2013, A LOCAL LAW AUTHORIZING AN EXEMPTION
IN COUNTY'S BACKFLOW TESTING LAW**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on November 6, 2013, a proposed local law entitled, "**A LOCAL LAW AUTHORIZING AN EXEMPTION IN COUNTY'S BACKFLOW TESTING LAW**"; now, therefore be it

RESOLVED, that said local law be enacted in form as follows:

LOCAL LAW NO. -2013, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW AUTHORIZING AN EXEMPTION IN COUNTY'S
BACKFLOW TESTING LAW**

**BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF
SUFFOLK**, as follows:

Section 1. Legislative Intent.

This Legislature hereby finds and determines that backflow prevention devices stop contamination from entering potable water distribution systems and that these devices must be tested annually to ensure that they are working properly to protect the public health.

This Legislature further finds that Local Law No. 37-2011 established a requirement that persons testing backflow prevention devices in Suffolk County be a Licensed Master Plumber or be employed by a Master Plumber.

This Legislature determines that persons working as cross-connection control program instructors for the State of New York have the specialized qualifications and experience necessary to inspect backflow devices without the supervision of a Master Plumber.

This Legislature further finds that New York State cross-connection control program instructors should have the ability to inspect backflow prevention devices at the request of a licensed plumber.

Therefore, the purpose of this law is to authorize persons who work as cross-connection control program instructors for the State of New York to inspect backflow prevention devices at the request of a Licensed Master Plumber, without establishing an employment relationship with a plumber.

Section 2. Amendments.

Article II of Chapter 344 of the Suffolk County Code is hereby amended as follows:

Chapter 344. Building and Construction.

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Article II. Backflow Testing

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§ 344-14. Exemptions.

Persons who serve as cross-connection control program instructors for the New York State Department of Health may test backflow prevention devices at the request of any person licensed as a Master Plumber in the State of New York, without establishing an employer-employee relationship with a Master Plumber.

§ 344-[14]15. Applicability.

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§ 344-[15]16. When effective.

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Section 3. Applicability.

This law shall apply to actions occurring on or after the effective date of this law.

Section 4. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 5. SEQRA Determination.

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

Section 6. Effective Date.

This law shall take effect immediately upon filing in the Office of the Secretary of State.

[] Brackets denote deletion of existing language
___ Underlining denotes addition of new language

DATED: December 17, 2013 ****NOT ADOPTED****