Legislation Details (With Text)

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		In control:	Committee on Health
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Title: A Local Law to amend the administrative code of the city of New York, in relation to the inspection of water tanks used for the purpose of storing and distributing drinking water.

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Indexes:

Attachments: 1. Int. No. 408 - 8/16/08, 2. Committee Report 1/8/09, 3. Hearing Testimony 1/8/09, 4. Hearing Transcript 1/8/09, 5. Committee Report 2/11/09, 6. Hearing Transcript 2/11/09, 7. Fiscal Impact Statement, 8. Hearing Transcript - Stated Meeting 2/11/09, 9. Local Law

Date	Ver.	Action By	Action	Result
8/16/2006	*	City Council	Introduced by Council	
8/16/2006	*	City Council	Referred to Comm by Council	
1/8/2009	*	Committee on Health	Hearing Held by Committee	
1/8/2009	*	Committee on Health	Amendment Proposed by Comm	
1/8/2009	*	Committee on Health	Laid Over by Committee	
2/11/2009	*	Committee on Health	Hearing Held by Committee	
2/11/2009	*	Committee on Health	Amendment Proposed by Comm	
2/11/2009	*	Committee on Health	Amended by Committee	
2/11/2009	A	Committee on Health	Approved by Committee	Pass
2/11/2009	A	City Council	Approved by Council	Pass
2/11/2009	A	City Council	Sent to Mayor by Council	
2/26/2009	A	Mayor	Hearing Held by Mayor	
2/26/2009	A	Mayor	Signed Into Law by Mayor	
2/26/2009	A	City Council	Recved from Mayor by Council	

Int. No. 408-A

By Council Members Garodnick, Brewer, Dickens, Gennaro, Gentile, Gerson, Gonzalez, James, Liu, Martinez, Mealy, Nelson, Stewart, Weprin, Sears, Jackson, White Jr. and Arroyo

A Local Law to amend the administrative code of the city of New York, in relation to the inspection of water tanks used for the purpose of storing and distributing drinking water.

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Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 17 of the administrative code of the city of New York is hereby amended by adding a new section 17-194 to read as follows:

§17-194. Drinking water tank inspections a. Definitions. For purposes of this section, the following terms shall have the following meanings:

1. “Building” shall mean any building, structure, premises, or part thereof.

2. “Drinking water” shall mean water used for human consumption or used directly or indirectly in connection with the preparation of food for human consumption, including, but not limited to, the cleaning of utensils used in the preparation of food.

3. “Owner” shall mean any owner, manager, operator or other person or persons having control of a building and any authorized agent thereof.

4. “Water heater” shall mean any heating appliance or equipment that heats potable water and supplies such water to the potable hot water distribution system.

5. “Water tank” shall mean any device used to store drinking water that is distributed as part of the water supply system of a building, however such term shall not apply to domestic hot water heaters.

b. Any owner of a building that has a water tank as part of its drinking water supply system shall have such water tank inspected at least once annually. Such inspection shall ensure that the water tank complies with all provisions of the administrative code of the city of New York, the construction codes of the city of New York and the health code of the city of New York. The results of such inspection shall be recorded in a manner prescribed by the commissioner. Such results shall be maintained by the owner for at least five years from the date of inspection and shall be made available to the department upon request within five business days. The department shall request such information from the building owner or manager when contacted pursuant to subdivision c of this section.

c. The owner of a building shall post a notice stating that (i) the water tank inspection results are

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maintained on file in a specific location and will be made available when a person makes such a request to either the building owner or manager and (ii) that a person may contact the department if the inspection results are not made available to such person by the building owner or manager. Upon receipt of such request, the owner or manager shall make a copy of the inspection results available within five business days. Such notice shall be posted in a location easily accessible to tenants and in a frame with a transparent cover, and may be combined with similar notices where not otherwise prohibited by law.

d. Beginning March 1, 2010, and each year thereafter for three years, the department shall submit to the council a report which shall provide information about water tank inspections for the preceding calendar year including, but not limited to:

1. the estimated number of building water tanks and the estimated number of buildings serviced by such tanks;

2. the number of building water tank inspection results examined by the department and the number that were in compliance with subdivision b of this section;

3. the estimated compliance rate with subdivision b of this section for the city; and

4. the number of violations issued by the department pursuant to subdivision e of this section.

e. Any owner of a building who violates subdivision b of this section or any of the rules promulgated thereunder shall be liable for a civil penalty not less than two hundred and not to exceed two thousand dollars for each violation. Any owner of a building who violates subdivision c of this section or any of the rules promulgated thereunder shall be liable for a civil penalty not to exceed two hundred fifty dollars for each violation.

§2. If any subsection, sentence, clause, phrase, or other portion of this local law is, for any reason, declared unconstitutional or invalid, in whole or in part, by any court of competent jurisdiction, such portion shall be deemed severable and such unconstitutionality or invalidity shall not affect the validity of the remaining portions of the local law that added this section, which remaining portions shall remain in full force

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and effect. Nothing in this local law shall be interpreted or applied so as to create any power, duty or obligation in conflict with any federal or state law.

§3. This local law shall take effect ninety days after its enactment.

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