



ORDINANCE 09-2006

AN ORDINANCE AMENDING CHAPTER XX "WATER AND SEWER" OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF ATLANTIC HIGHLANDS

WHEREAS, the Borough Council has adopted a revised Water and Sewer Ordinance, including various rates and charges for Water and Sewer usage, and

WHEREAS, the Borough has now upgraded its Water meters, which has also resulted in revised methods and procedures for billing and usage, and as a result it is appropriate at this time to revise the Water and Sewer Ordinance so as to provide for and accommodate the revised methodologies for billing and usage.

NOW THEREFORE BE IT ORDAINED by the Governing Body of the Borough of Atlantic Highlands that the Water and Sewer Ordinance (Chapter XX, Sections 20-1 to 20-6 of the revised General Ordinances of the Borough) is hereby amended to read as follows (changes are noted by being crossed out, with new rates or language inserted, all other terms and provisions to remain unchanged):

CHAPTER XX

WATER AND SEWER

20-1 SEWERAGE AUTHORITY.

20-1.1 Creation of Authority. Pursuant to the provisions of Section 4c of the Sewerage Authorities Law of the State of New Jersey (the Laws of 1946, Chapter 138, as amended and supplemented),* there is hereby created a public body corporate and politic under the name and style of "Atlantic Highlands-Highlands Regional Sewerage Authority." (Ord. No. 538)

20-1.2 Dual Instrumentality of Both Boroughs: Powers. The Atlantic Highlands-Highlands Regional Sewerage Authority is and shall be an agency and instrumentality of both of the boroughs created by parallel ordinances duly adopted by the respective Governing Bodies and is a sewerage authority as contemplated and provided for by the Sewerage Authorities Law and shall have and exercise all of the powers and perform all of the duties provided for by the Sewerage Authorities Law and any other Statutes hereafter enacted and applicable thereto. (Ord. No. 538)

20-1.3 Membership. The Atlantic Highlands-Highlands Regional Sewerage Authority shall consist of six (6) members thereof, and three (3) of the members shall be appointed by the Governing Body of Atlantic Highlands and three (3) by the Governing Body of Highlands in accordance with the provisions of the Sewerage Authorities Law. (Ord. No. 538; Ord. No. 544)

20-1.4 Filing with Secretary of State. A copy of this ordinance duly certified by the Borough Clerk shall forthwith be filed by the Borough Clerk in the office of the Secretary of State of the State of New Jersey. (Ord. No. 538)

20-2 WATER DEPARTMENT. 20-2.1 Water**Rates.**

a. Each unit shall be charged for water use in accordance with the following schedule:

<i>Quarterly Consumption of Water in Gallons</i>	<i>Water Rate Per Quarter Per Unit</i>
From 0 to 3,740 Gallons	\$49.00
Over 3,740 to 7,481	63.00
Over 7,481 to 26,182	63.00 plus \$3.79*
Over 26,182	158.00 plus \$4.55**

*For each extra 748 gallons over 7,481 gallons.

** For each extra 748 gallons over 26,182 gallons.

A "unit" shall mean a single family residence, an apartment, a rented room with private bath facilities, a school or any building receiving water service not included in the above definition.

Where there is more than one (1) unit for one (1) water meter, the applicable rate per unit shall be determined by dividing the total metered quarterly consumption by the number of units.

b. Second Meters. All second meters shall be installed at the expense of the property owner and used for outside watering only, including but not limited to sprinkling systems, filling swimming pools, washing cars, etc., and shall be charged at normal rates with the following exception:

During the regular quarterly reading, any second meter with a 0 (zero) consumption between the previous and the current readings, shall not be charged a fee or minimum charge for the quarter.

c. The quarterly standby charge for sprinkler service, in addition to quarterly usage, shall be as follows:

<i>Meter Size (inches)</i>	<i>Charge per Quarter</i>
4	\$ 50.00
6	75.00
8	100.00
10	125.00

(Ord. No. 538; Ord. No. 788; Ord. No. 874 § 1; Ord. No. 963-90 § 1; Ord. No. 977-90 § 1; Ord. No. 41-94; Ord. No. 8-95 § 1; Ord. No. 2-97 § 1; Ord. No. 6-98 § 1)

WATER AND SEWER

20-2 20-2.2

Liability for Payment; Interest on Unpaid Bills.

a. The owner of any house, tenement, building or lot shall be liable for the payment of the price, rent or service charge as heretofore or hereafter fixed by ordinance or ordinances of the Borough for the use of water facilities by such owner or by the occupier, and the price or rent so fixed and the other costs, expenses, interest and penalties shall be a lien upon the house, tenement, building or lot until paid and satisfied.

b. In addition, should the water and/or sewer charges remain unpaid for thirty (30) days after bills for the same have been rendered, there shall be added to such charges, as interest, a sum equal to eight (8%) percent per annum on the first one thousand five hundred (\$1,500.00) dollars and eighteen (18%) percent per annum on any amount in excess of one thousand five hundred (\$1,500.00) dollars, the amounts to be calculated from the date the water and/or sewer charges were payable until the date of actual payment.

In addition, should the water and/or sewer charges remain unpaid for thirty (30) days after bills for the same have been rendered, the water may be shut off for the premises until all arrears, together with interest, have been paid in full.

c. The Water Department may assess an estimated quarterly charge to the owner of any house, tenement, building or lot in the event that:

1. The water meter is not read by an employee or agent of the Water Department; or
2. The officials of the Water Department deem it proper to assess an estimated quarterly charge.

d. The assessment herein prescribed shall be based upon the water usage of the corresponding quarter of the year preceding the imposition of the estimated quarterly charge.
(Ord. No. 538; Ord. No. 6-91)

20-2.3 Furnishing of Meters; Costs. All stock meters five-eighths (5/8) inch in size shall be furnished by the Borough at its cost to the property owner. All additional meters shall be furnished by the Borough, and charged to the property owner at its cost plus ten (10%) percent. (Ord. No. 538; Ord. No. 920 § 1; Ord. No. 977-90 §2)

20-2.4 Meter Connection. It shall be the duty of the owner of each property having a service pipe connection with the water main, upon notice being mailed to the last known address of such owner by the Superintendent of the Water Department, to cause suitable water connections to be made forthwith. The meters shall be placed within the building or otherwise enclosed in a place convenient for reading and inspection, shall be

protected from damage by frost or other cause and shall be kept free from obstruction. The connection shall be made in accordance with the regulations of the Water Department, and a hard stop will be constructed on each side of the meter. All openings in the service pipe shall be on the outlet side of the meter. Should any owner refuse or neglect to have such meter connections made within ten (10) days after the mailing of the notice aforesaid or should he neglect or refuse to comply with the terms of this subsection, the Borough may refuse to sell and deliver water to such owner until the provisions of this subsection shall have been complied with, and the water may be turned off from the premises. (Ord. No. 538)

20-2.5 Access to Meters. The Superintendent of the Water Department and his authorized employees shall have free and clear access at all reasonable hours to all meters for the purpose of reading, removing, repairing, testing and for any other lawful purpose. (Ord. No. 538)

20-2.6 Liability for Damages. The owner of the property within which any meter may be located shall be liable for any damage done or resulting to such meter, except for damage done by employees of the Water Department. In the event that the owner should refuse or neglect to pay such damage, the water may be shut off from the premises and not supplied until such damage shall be paid. Such damaged meter shall be repaired by the Water Department at the expense of the owners aforesaid. The cost of such repair shall be collected in the same manner as the water rent. (Ord. No. 538)

20-2.7 Maintenance of Curb Box and Stopcock. It shall be the duty of each property owner to keep in good repair and condition the street curb box and stopcock.. Upon notice being mailed to the last known address of any owner by the Superintendent of the Water Department, such property owner shall forthwith make such repairs, resetting, raising or lowering of the street curb box and stopcocks as may be necessary under the direction of the Water Department. Upon the refusal or neglect of any such owner to comply with the requirements of this subsection within thirty (30) days after mailing of the notice aforesaid, the Superintendent of the Water Department may cause the same to be done, and the cost of the work so done and of the material furnished shall be charged against the property upon which work was done and shall remain a lien and be collected in the same manner as the water rent, provided that where street or sidewalk grades or lines shall be changed after the water connection shall have been made, the expense of the first resetting shall be borne by the Borough. (Ord. No. 538)

20-2.8 Setting and Removing Meters. Only employees of the Water Department shall make repairs on meters. Plumbers shall set and remove meters at the property owner's expense after first obtaining written permission from the Superintendent of the Water Department. (Ord. No. 538)

20-2.9 Notice of Vacation or Occupancy of Property. When any property shall be vacated between November 1 of any year and March 1 of the following year, the owner thereof shall give at least twenty-four (24) hours' notice of the vacating of such premises to the Superintendent of the Water Department in order that the water may be turned off at the street curb, and upon the re-occupancy of such premises, the owner shall give at least twenty-four (24) hours' notice thereof to the Superintendent in order that the water may be turned on; and for this service, when done by the Water Department, the owner of the premises shall pay twenty five (\$25.00) dollars to be collected in the same manner as the water rent. (Ord. No. 538)

20-2.10 Regulations on Water Sprinkling. The Superintendent of the Water Department may from time to time make reasonable regulations with respect to water sprinkling when the supply of water is or may become insufficient for domestic household use and, to enforce such regulations, may shut off water on the property when the occupant may refuse or neglect to comply therewith. (Ord. No. 538)

20-2.11 Authority for Turning Water On and Off; Maintenance of Fixtures. No person other than the Superintendent of the Water Department, or some person duly authorized by him or the Borough Council, shall be allowed to shut off or turn on the water in the public mains or to open the stopcocks which are under control of the Water Department, and all plumbers or persons engaged in making attachments thereto must leave the stopcocks closed until permission shall be granted by the Superintendent of the Water Department. The ferrule in the public main, the pipe, curb boxes, stopcock and the box attached thereto, and all like fixtures between the public main and the private pipes and fixtures, either on public or private property, shall be under the charge and subject to the directions of the Superintendent of the Water Department and shall be kept in good repair and condition at the expense of the owner or owners of the premises supplied, the expense to be collected in the same manner as the water rent. (Ord. No. 538)

20-2.12 Opening Stopcocks and Valves. No person except the Superintendent of the Water Department or other person authorized by him or the Borough Council shall open or close the stopcocks or valves in any public or private street main. (Ord. No. 538)

20-2.13 Access to Premises for Inspection. The Superintendent of the Water Department or other persons authorized by him or by the Borough Council shall, at all reasonable hours, have free and clear access to all parts of the premises to which water may be supplied for the purpose of inspection, examination of fixtures and for any other lawful purpose, and no person shall resist or refuse such free access to the Superintendent of the Water Department or other persons authorized by him or by the Borough Council. (Ord. No. 538)

20-2.14 Non-liability of Borough for Damages Due to Lack of Water Supply. All permits shall be granted upon the express condition that, if from any cause the supply of water shall fail, the Borough shall not be held liable for any damage that may arise in consequence thereof. (Ord. No. 538)

20-2.15 Responsibility for Maintenance of Apparatus. All persons who may be supplied with water from any of the Borough mains shall keep their own service pipes, curb boxes, stopcocks and apparatus in good condition and repair and shall protect them from frost at their own expense and shall prevent all unnecessary waste of water. (Ord. No. 538)

20-2.16 Non-liability of Borough for Damages Due to Shutoff of Water. The Borough shall in no way be liable for damage resulting by reason of the breakage of any service pipe, stopcock or other fixtures or for damages arising from shutting off water to repair mains and make private connection with the same; provided, however, that reasonable notice shall be given to persons using water for steam purposes. (Ord. No. 538)

20-2.17 Water Turnoff for Nonpayment or Violation. In all cases where water shall be turned off for nonpayment of rent or for the violation of any provisions of this section or any of the rules and regulations relating to the use of water, it shall not be turned on again until all expenses incident to the turning off and turning on of the water, together with rent and interest thereon, or the fine which may be imposed shall be paid, and should the water be unlawfully turned on again without payment as herein provided, it shall be lawful for the Superintendent of the Water Department, the Borough Administrator or the Borough Council to cause the ferrule to be drawn, and it shall not be inserted again until all the arrears of rent or fines and penalties and all expenses in connection with the nonpayment or violation shall be paid. (Ord. No. 538)

20-2.18 Fee for Water Turn On. In every case where the water shall be turned off for nonpayment of water rent or for violation of any of the provisions of this section or rules or regulations of the Water Department, the sum of twenty-five (25.00) dollars shall become due and payable as an expense in addition to other expenses herein provided for and shall be paid before the water shall be turned on again. (Ord. No. 538)

20-2.19 Authorization Required to Operate Stopcocks or Valves. It shall be unlawful for any person to open or close any of the stopcocks or valves under the charge of the Water Department without being duly authorized by the Superintendent of the Water Department or his designee. (Ord. No. 538)

20-2.20 Wasting Water Prohibited. It shall be unlawful for any person to permit the water to flow unnecessarily from the part of the private pipe or fixtures thereof,

or permit any waste of water on his or her premises or on the premises occupied by him or her, either within the building or enclosures, or any street or alley. (Ord. No. 538)

20-2.21 Right of Entry. In the event that the Superintendent of the Water Department, the Borough Administrator, or the Borough Council shall have reason to believe that there is actual or probable violation, evasion or disregard of the provisions of this section or of any of the rules and regulations relating to the distribution of water to any building or premises into or through which pipes for conducting a supply of water may be laid, it shall and may be lawful for the Superintendent of the Water Department or other persons duly authorized by him or the Borough Council to enter at all reasonable times such building or premises for the purpose of examination of the pipes of conduit or other fixtures to ascertain whether the same are in proper condition and repair or for cutting off pipes of communication or for shutting off the stopcocks or attaching ferrules when water rent remains unpaid as aforesaid. It shall be unlawful for any person to resist or oppose the making of such examinations as hereinabove set forth or the doing of such work as hereinabove set forth. (Ord. No. 538)

20-2.22 Service Limited to Single Premises; Exception.

a. Where a service pipe has been laid on a premises, water shall not be taken there from to supply any other premises, notwithstanding that the ownership of both may be in one and the same person.

b. The Borough Council may, if it deems advisable, upon application, make appropriate provisions for supplying water to property in front of which no main exists. (Ord. No. 538)

20-2.23 Permit Required for Alterations. No person shall be allowed to attach to, alter or extend any service pipe or make any alterations in any corporation cock or curb box, or do any other work for the purpose of increasing the facilities for obtaining water, except upon first securing a permit therefore from the Superintendent of the Water Department the Borough Administrator, or from the Borough Council. (Ord. No. 538)

20-2.24 Opening Fire Hydrants. No person, except firemen in the discharge of their duties or other person lawfully authorized to do so shall open or in any other manner interfere with any fire hydrant. (Ord. No. 538)

20-2.25 Water Tapping Fee. Water taps will be made by authorized persons of the Water Department or, at the discretion of the Water Department, by a licensed plumber authorized in writing to make the tap. The fee for all water taps will be two hundred fifty (\$250.00) dollars, for up to a one inch (1") water tap. In addition an administrative fee of fifty (\$ 50.00) will be charged for inspection purposes, if the tap is not made by the Water Dept. In all cases, the property owner shall provide all necessary street work. (Ord. No. 538; Ord. No. 920 § 2)

20-2.26 Violations and Penalty: Any person(s) who is found to be in violation of any provision of this ordinance shall be subject to a fine not to exceed one thousand five hundred [\$1,500.00] dollars.

20-3 SEWER DEPARTMENT.

20-3.1 Connection Requirements. It shall be unlawful to make any connection with the sewer system of the Borough without having first secured a permit therefore and upon payment of the required fee. Applications shall be made to the Supervisor of the water and sewer system and shall be accompanied by a statement as to the purpose of the connection, the premises to be served and the specifications of the pipe to be connected and the specifications of the drain from the building to the sewer pipes. (Ord. No. 538)

20-3.2 Sewer Tapping Fee. Sewer taps will be made by a licensed plumber authorized in writing to make the tap. A supervision fee of fifty (50.00) dollars will be charged. The property owner shall provide all labor and material necessary for the sewer tap, including all necessary street work. (Ord. No. 538; Ord. No. 920 § 3)

20-3.3 Compliance with Certain Regulations. The provisions of all applicable ordinances relating to excavations in streets shall be complied with in making excavations in streets or other public places relative to making sewer connections. (Ord. No. 538)

20-3.4 Sewer Rates. Subject to the following exceptions, each unit with sewer service including any unit connected directly to the Township of Middletown Sewer Authority, shall be charged in accordance with the following schedule:

<i>Quarterly Consumption of Sewer in Gallons</i>	<i>Sewer Rate Per Quarter Per Unit</i>
From 0 to 3,740	\$\$89.00
Over 3,740 to 7,481	107.00
Over 7,481 to 14,961	125.00
Over 14,961 to 26,182	143.00
Over 26,182	142% of Water Charge

A "unit" shall mean a single family residence, an apartment, a rented room with private bath facilities, a school, a separate building connected to the sanitary sewer system or a business with separate toilet facilities.

Quarterly consumption of water in gallons shall be measured per unit in the same manner as subsection 20-2.1, Water Rates.

Exceptions:

Any unit with sewer service which receives all or part of its water supply from a source other than the Borough, such as a private well, shall install at the owner's expense a water meter as directed by the Borough. The annual sewer rate shall be one hundred fifty-seven (142%) percent of the water rate applicable as if the Borough were supplying the water.

(Ord. No. 538; Ord. No. 788; Ord. No. 871 § 1; Ord. No. 874 § 1; Ord. No. 936-89 § 1; Ord. No. 963-90 § 1; Ord. No. 977-90 § 3; Ord. No. 33-93 § 1; Ord. No. 8-95; Ord. No. 2-97 § 2; Ord. No. 6-98 § 3; Ord. No. 03-2001).

20-3.5 Quarterly Billing. Bills for all users will be rendered quarterly. Users will be notified of the rate and that portion of the wastewater charge which is attributable to wastewater treatment services. (Ord. No. 871 § 2)

20-3.6 Violation of Rules and Regulations. Any person violating any of the provisions of these rules and regulations shall become liable to the Borough for any expense, loss or damage occasioned by the Borough by reason of such violation. (Ord. No. 871 § 3) All violations will be subjected to review by the Water and Sewer Supervisor, Borough Administrator and /or Borough Council.

20-3.7 Replacement Account. The amount of revenue required to fund the replacement account for the sanitary sewer system shall be determined as set forth in Appendix I, attached hereto and made a part hereof. (Ord. No. 871 § 4)

Appendix I

This appendix sets forth the format for a replacement schedule to determine the amount of revenue needed to fund the replacement account. The replacement schedule shall include the following items: equipment in the sanitary sewer system; estimated dates when the equipment will have to be replaced; the estimated cost of replacement (including an allowance for inflation) over the useful life of the sanitary sewer system; and the estimated cash flow that will occur in the replacement account. The replacement schedule shall also include estimated replacement dates and costs, which could be significantly different from the actual replacement dates and costs. If the actual replacement expenses differ significantly from the estimated replacement expenses, the funding of the replacement account shall be adjusted accordingly. (Ord. No. 871 § 4)

20-3.8 Definitions. As used in this section, the following terms shall have the meanings indicated:

Apartment shall mean a room or suite of rooms occupied as a home for one (1) or more persons.

Dwelling shall mean any house or building, not a lodging house, rooming house or inn, all or part of which is occupied as the home or residence of a family or of two (2) or more families living independently of each other and having no common right or use of any hall, stairway, cellar and water closet; and whether such house is singly or as a part of a double house, or in conjunction with others in an attached or semi attached row, it shall be deemed a separate "dwelling" and thus a separate unit.

Rooming house shall include any house or building or portion thereof, not a hotel, and in which persons or single individuals, or as families, are harbored, or received, housed or lodged, for hire or otherwise, for a single day or night or for a longer period of time, provided that this shall not include a dwelling where less than five (5) persons are so received and lodged.

(Ord. No. 538)

20-3.9 Liability for Payment of Fees, Rents and Service Charges. The owner of any house, tenement, building or lot shall be liable for the payment of the fee, rent or service charge as heretofore or hereafter fixed by ordinance or ordinances of the Borough for the use of sewer facilities by such owner or by the occupant, and the fee or rent so fixed and the other costs, expenses, interest and penalties shall be a lien upon the house, tenement, building or lot until paid and satisfied. (Ord. No. 538)

20-3.10 Remedies for Nonpayment. The Borough shall have the right of shutting off the use of any user of the sewer or drain system of the Borough who is in arrears as to any such charges or rental for more than thirty (30) days. The Borough shall also have the same relief, remedies and liens for the collection of such charges or rentals, with interest thereon and costs and penalties as may from time to time be provided by law, for the collection of taxes on real estate. (Ord. No. 538)

20-3.11 Conditions for Discharge of Waste.

a. No person, firm or corporation shall discharge any waste or effluent into the sanitary sewerage system of the Borough unless the same shall meet the following conditions, including but not limited to below items, subject to State regulations:

1. Strong mineral acidity shall be absent; pH shall not be less than five point zero (5.0).
2. Caustic alkalinity shall be absent; pH shall not exceed nine point four (9.4).
3. Explosive substances shall be absent.
4. Flammable substances shall be absent.

5. Temperature at the point of discharge shall not exceed one hundred fifty (150°F.) degrees Fahrenheit.
 6. Grease, oil and/or wax solidifying and/or becoming viscous at temperatures between thirty-two degrees and one hundred fifty degrees (32° and 150°F.) shall be absent.
 7. Grease, oil and/or wax in solution and/or emulsion shall be absent.
 8. Insoluble substances shall not exceed a daily average of five hundred (500) parts per million.
 9. Dissolved substances shall not exceed a daily average of five hundred (500) parts per million.
 10. Gases and/or vapors, either free or occluded, shall be absent in concentrations toxic to humans, animals and aquatic life in streams.
 11. Soluble substances shall be absent in concentrations toxic to humans.
 12. Insoluble substances shall be absent in concentrations toxic to humans, animals and aquatic life in streams.
 13. Chlorine demand average shall not exceed twenty (20) parts per million.
 14. Biochemical oxygen demand [five-day, twenty degrees centigrade (20°C.)] average shall not exceed five hundred (500) parts per million.
 15. Total sulfides shall not exceed two (2) parts per million.
 16. Antiseptic substances shall not exceed two (2) parts per million. 17. Phenols shall not exceed five-thousandths (0.005) part per million.
 18. Oxygen-consuming substances shall not exceed five hundred (500) parts per million.
 19. Toxic and/or irritating substances creating hazardous health and safety conditions shall be absent.
 20. Grease and/or oil shall not exceed daily average of twenty-five (25) parts per million.
 21. No substances shall be present in sufficient quantity to cause hazardous conditions.
 22. No substance shall be present in sufficient quantity to interfere with biological processes.
 23. Substances must be absent which the Borough, now or hereafter, finds to be harmful.
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b. The discharge of any waste or effluent not meeting the foregoing conditions is hereby prohibited. (Ord. No. 538)

20-3.12 Prohibited Substances. No person, firm or corporation shall discharge any waste or effluent into the sanitary sewerage system of the Borough containing any or consisting of the following substances, such discharge being and the same is hereby prohibited:

a. Gasoline, naphtha, petroleum products or any substances which may create an explosion hazard in the system.

b. Oils, fats or grease except as may result from household use. The owners of any installation, except private dwellings, from which oils, fat and grease are liable to be discharged into the sanitary sewers shall, at their own expense, install and properly maintain a grease trap of a type approved by the Borough Engineer.

c. Stormwater, surface water, groundwater, roof runoff, subsurface drainage, cooling water or unpolluted industrial process waters to any sanitary sewer.

d. Rubbish, ashes, cinders or garbage except such kitchen wastes as shall have been ground or chopped by mechanical devices or appliances.

e. Brewery or distillery waste in any form.

f. In addition to the foregoing, any waste or substance which shall cause or result in:

1. Chemical reaction, either directly or indirectly, with the materials of construction so as to impair the strength or durability of any sewer structure.
2. Mechanical action that will destroy or damage the sewer system structure.
3. Restriction of the hydraulic capacity of sewer structures.
4. Restriction of normal inspection or maintenance of the sewer structure.
5. Placing unusual demands on the sewage treatment equipment or process.
6. Limitation of effectiveness of the sewage treatment process.
7. Danger to public health and safety.
8. Obnoxious conditions inimical to the public interest. (Ord. No. 538)

20-3.13 Commercial and Industrial Waste.

a. No industrial waste shall be discharged into the sanitary sewerage system of the Borough unless approval shall have first been obtained from the proper authority, as hereinafter set forth. In no event shall waste so discharged be other than that which meets the conditions set forth in subsections 20-3.11 and 20-3.12.

b. In the event that any industry contemplates operation within the area served by the Borough, the industry must seek preliminary approval from the Borough. They shall state the nature and the quantity of wastes and submit a bacteriological and chemical analysis for study by a consulting sanitary engineer employed or to be employed by the Borough. If, in the opinion of the consulting engineer, pretreatment is necessary, the following procedure shall be followed:

1. Plans, specifications and other pertinent information relating to the proposed preliminary treatment facilities shall be submitted to the Borough for examination by the consulting engineer representing the Borough. Such plans shall show the proposed method of treatment, the result to be obtained, the type of recording gauge to be provided, the type of weir and appurtenances, information as to whether the recording will be done by ink or pencil and the period of time each chart will record the flow. Storage facilities shall be provided for peak flows with provisions for controlled discharge to the sewer system. Where preliminary facilities are provided for any wastes or waters, they shall be maintained by the owner at his expense.

2. The owner of any property or any industry served by a building sewer, producing and carrying industrial waste, shall install a suitable control manhole in the building sewer to facilitate observation, sampling and measuring of the waste. Such manhole, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the consulting engineer employed by the Borough. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times. All measurements, tests and analysis of the characteristics of waters and waste to which reference is made in this section shall be determined in accordance with the Standard Methods for the Examination of Water and Sewage and shall be determined at the control manhole provided or upon suitable samples taken at the manhole.

3. The consulting engineer and other duly authorized employees of the Borough bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation and measurement, sampling and testing in accordance with the provisions of this section.

4. If, in the opinion of the consulting engineer, the effluent is not in accordance with the approval granted under the plans and specifications covering the

pretreatment plant, the Borough reserves the right to immediately stop the discharge by the serving of a written notice stating the nature of the violation.

c. Definitions. For the purpose of this section, *commercial and industrial waste* shall mean liquid or other wastes resulting from any processes of industry, manufacture, trade or business, including from the commercial preparation of food from any restaurant or catering facility, or from the development of any natural resources.

d. Grease, oil and sand interceptors shall be provided when in the opinion of the appropriate Borough official they are necessary for the proper handling of commercial or industrial liquid wastes containing grease and/or dough in excessive amounts, or any flammable wastes, sand and other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Borough and shall be located as to be readily and easily accessible for cleaning and inspection.

Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight, and equipped with easily removable covers which when bolted in place shall be gastight and watertight.

Where installed, all grease, oil and sand interceptors shall be cleaned and maintained by the owner and/or tenant at his expense as often as necessary to insure continuous efficient operation at all times.

e. All waste material from interceptors must be disposed of in a proper manner by properly licensed contractors. The owner/tenant must obtain, and retain available for inspection for at least three (3) years, adequate documentation demonstrating the proper removal and disposal of the waste material by a qualified contractor, and provide this documentation upon request of the Borough inspectors.

The Borough shall have the right to inspect the interceptor system and disposal documentation at any reasonable time for purpose of determining compliance. (Ord. No. 538; Ord. No. 2-97)

20-4 ADMINISTRATION AND ENFORCEMENT.

20-4.1 Limit of Borough Responsibility. The Borough of Atlantic Highlands shall not be responsible for the construction or maintenance of the water distribution system or the sewerage collection lines beyond the main. (Ord. No. 538)

20-4.2 Interest Charge for Nonpayment of Bills. Any person who has not paid the bill rendered by the Borough for any of the provisions of this chapter within thirty (30) days after the billing date shall be responsible for paying interest thereon.

Interest charges shall be at the rate of eight (8%) percent per annum and shall start accruing thirty (30) days after the billing date. (Ord. No. 538)

20-5 WATER AND SEWER CONNECTION FEES.

20-5.1 Residential Unit. For each new residential unit that uses the water and/or sewer system of the Borough, there is established the following connection fees for the right to use the existing water and/or sewer facilities:

Water connection and Inspection fee: \$ 972.00 +\$100.00 = \$1,072.00

Sewer connection and Inspection fee:\$1,400.00 +\$50.00 = \$ 1,450.00

For purposes of this section, *a new residential unit* shall mean any new residential area, including but not limited to an apartment, co-operative apartment, condominium, mobile home, rented room with separate bath facilities, and single family house, which unit is created either by new construction, or by conversion from an existing use. Included within the definition of *new residential unit* is a condominium or cooperative apartment created by conversion from an existing rental building, and an apartment created within an existing single family house. (Ord. No. 898; Ord. No. 920 § 4)

20-5.2 Nonresidential Unit. For each new nonresidential unit that uses the water and/or sewer system of the Borough, there is established the following connection fees for the right to use the existing water and/or sewer facilities:

Water connection fee: An amount (not less than nine hundred seventy-two (\$972.00) dollars) equal to the projected daily water flow divided by the average daily water flow per residential unit, rounded up to the nearest whole number, times nine hundred seventy-two (\$972.00) dollars.

Sewer connection fee: An amount (not less than one thousand four hundred (\$1,400.00) dollars equal to the projected daily sewerage flow divided by the average daily sewerage flow per residential unit, rounded up to the nearest whole number, times one thousand four hundred (\$1,400.00) dollars.

Projected water and/or sewer flows will be calculated by the applicant, and will be subject to review and approval by the Borough Engineer.

For purposes of this section, a new nonresidential unit will be any new nonresidential area, including any new office or business with separate toilet facilities, created by new construction or by conversion from an existing use.

No sewer connection fee is due for a new unit that is not connected to the Borough Sewer facility. No water connection fee is due for a new unit that is not connected to the

Borough Water facility. A connection fee is due if such a new unit thereafter does connect. (Ord. No. 898; Ord. No. 920 § 4)

20-6 USE OF PUBLIC SEWERS AND CONNECTION THERETO.

20-6.1 Prohibited Discharge. It shall be unlawful to discharge to any natural outlet within the Borough or in any area within the Borough any sewage or other polluted waters, except where suitable treatment approved by the Borough has been provided. (Ord. No. 7-97 § 1)

20-6.2 Required Connections.

a. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage on any improved lot within the Borough when the lot property line is within a two hundred (200) foot radius of a public sanitary sewer line.

b. The owner of each house, building, or lot actually or customarily used for human occupancy, employment, recreation or other purposes, located within the Borough and having a lot property line within a two hundred (200) foot radius of a public sanitary sewer line which currently exists or in the future may exist, is required at his expense to install and connect suitable sewage discharge facilities directly with the public sanitary sewer line in accordance with the provisions of this section within one hundred twenty (120) days of notice being sent to the owner by the Borough.

c. In the event it would be a hardship for the property owner to connect to a public sanitary sewer line, application may be made to the Borough by the property owner to continue the use of the private septic facility existing on the premises at the time of adoption of this section.

d. No person unauthorized by the Borough shall uncover, make any connection with or opening into, use, alter or disturb any public sanitary sewer line or appurtenance without first obtaining a written permit from the Borough.

e. The owner of property seeking to connect to the public sanitary sewer line or his agent shall make application on a form furnished by the Borough for a permit to install and connect suitable sewage discharge facilities directly with the public sanitary sewer line. The application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Borough. The Permit and Connection Fees are as set forth in this chapter. In the alternative, the owner may elect to have the sewer connection fee billed quarterly in four (4) equal quarterly installments within the first year. If so elected each quarterly installment will have added a fifty (\$50.00) dollar service fee.

The initial quarterly water/sewer bill will be pro-rated as of the connection date.

f. All costs and expenses incident to the installation and connection of a suitable sewage discharge facilities directly with the public sanitary sewer line shall be borne by the owner of the property. The owner shall indemnify the Borough from any loss or damage that may directly or indirectly be occasioned by the installation and connection of the suitable sewage discharge facility.

g. Separate and independent suitable sewage discharge facilities shall be installed for every independent structure on any lot, except where one structure stands at the rear of another on an interior lot and it is in the judgment of the Borough impractical to install or no other private suitable sewage discharge facility is available or can be installed or connected to a public sanitary sewer line. In such case the suitable sewage discharge facility from the structure most practically located, in the judgment of the Borough shall serve both or whichever structures the Borough deems necessary on the lot or lots.

h. Existing suitable sewage discharge facilities may be connected to the public sanitary sewer line upon application, examination, testing and approval by the Borough.

i. The size, slope, alignment, materials of construction, placing of pipe, joining, testing, excavation and backfilling of a trench, of a suitable sewage discharge facility shall conform to the requirement of the building and plumbing code of the State and the Borough. All such installations and connections to the public sanitary sewer line of a suitable sewage discharge facility shall be made by a plumber licensed by the State.

j. Whenever possible, the installation of a suitable sewage discharge facility shall connect to any structure, from which sewage is to be discharged, at an elevation below the first floor of the structure. In any structure in which sewage is to be discharged from an area which is too low to permit gravity flow of the sewage to the public sanitary sewer line, such sewage shall be lifted by an approved means to the connection made by the suitable sewage discharge facility with the structure.

k. No suitable sewage discharge facility which is connected either directly or indirectly to a public sanitary sewer line shall be connected either directly or indirectly to any roof downspout, foundation drain, areaway drains or other sources of surface runoff or groundwater.

l. The final approval of a suitable sewage discharge facility shall not become effective until the installation and connection to the public sanitary sewer line is completed to the satisfaction of the Borough. The owner or the applicant for the permit shall notify the Borough when the suitable sewage discharge facility is ready for connection to the public sanitary sewer line which connection shall be made under the supervision of the Borough or its representative.

(Ord. No. 7-97 §§ 2-13)

20-6.3 Penalty. Any owner who has been notified in accordance with the provisions of this section and fails to comply with these provisions by failing to install

and connect suitable sewage discharge facilities directly with the public sanitary sewer line or by constructing or *maintaining* any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage on any improved lot within the Borough, when the lot property line is within a two hundred (200) foot radius of a public sanitary sewer line, shall be subject to a fine of one hundred (\$100.00) dollars for each day of noncompliance. Compliance shall be deemed to have been achieved upon inspection and approval by the Borough. Any owner or applicant for a permit who fails to comply with these provisions shall be subject to a fine of one hundred (\$100.00) dollars for each day of non-compliance. Compliance shall be deemed to have been achieved upon inspection and approval by the Borough. (Ord. No. 7-97 § 14)

Council member Ladiana introduced this Ordinance and, after First Reading, moved for approval. It was seconded by Council member Nolan and approved by the following vote.

AYES: Council members Archibald, Doyle, Fligor, Ladiana, Nolan and Spatola
NAYS: Council members

The Second Reading, Public Hearing and possible adoption is scheduled for June 28, 2006.

I, Dwayne M. Harris, Municipal Clerk of the Borough of Atlantic Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body at its meeting held June 14, 2006.

WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 15th day of June 2006.

Dwayne M. Harris, RMC

SECOND READING AND FINAL ADOPTION: PASSED June 28, 2006

After a Public Hearing and Second Reading, Councilmember Archibald moved for Final Adoption of this Ordinance. It was seconded by Councilmember Ladiana and adopted by the following vote.

AYES: Council members Archibald, Doyle, Fligor, Ladiana, Nolan and Spatola
NAYS:

I, Dwayne M. Harris, Municipal Clerk of the Borough of Atlantic Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body at its meeting held June 28, 2006.

WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 29th day of June 2006.

Dwayne M. Harris, RMC

DATE OF MAYORS APPROVAL: June 30, 2006

Peter E. Donoghue, Mayor