

**BOROUGH OF WOODLAND PARK
PASSAIC COUNTY, NEW JERSEY
ORDINANCE NO. 22-22**

**AN ORDINANCE TO AMEND
CHAPTER XIII – UTILITIES**

UTILITIES*

*R.S 40:62, *et seq.*, governs municipal supply of water; and R.S. 40:63-1, *et seq.*, governs municipal sewers. These statutes will control any conflicts between State and Municipal laws and ordinances.

13-1 Sewage.

13-1.1 *Definitions.* As used in this section the following terms shall have the following meaning:

a. “Floatable oil” is oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

b. “Natural outlet” shall mean an outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake or other body of surface or groundwater including the Passaic River or any of its tributaries.

c. “Sewerage System” shall mean all facilities for collecting, pumping, treating and disposing of sewage.

d. “Sanitary Sewer”, shall mean a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of ground, storm and surface waters that are not admitted intentionally.

e. “Sanitary Waste”. Waste derived principally from dwellings, office buildings, and sanitary conveniences. When segregated from industrial wastes, may come from industrial plants or commercial enterprises.

f. “Sewage” is the spent water of a community. The preferred term is “wastewater”.

g. “Sewer” shall mean a pipe or conduit that carries wastewater or drainage water.

h. “Storm drain” (sometimes called “storm sewer”) shall mean a drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source.

i. “Strength of Waste”. A measurement of suspended solids, and/or Biochemical Oxygen Demand and/or Chemical Oxygen Demand, and/or any other parameter determined by PVSC as a fair indicator of the relative use, other than volumetric, of PVSC facilities by industrial wastes.

j. “Operator” refers to the NJDEP Licensed Sewerage Collection System Operator, who is designated by the Municipal Council as the Licensed Operator in Charge of the Municipal Sewerage Collection System. Sometimes referred to as the Licensed Operator or Licensed Sewer Operator.

k. “PVSC” refers to the Passaic Valley Sewerage Commissioners and to the wastewater collections system and treatment facility which receives the sanitary wastewater from the Borough of Woodland Park.

l. “USEPA” refers to the United States Environmental Protection Agency.

m. “NJDEP” refers to the New Jersey Department of Environmental Protection.

n. “FWPCAA” refers to the Federal Water Pollution Control Act Amendments of 1972.

13-1.2 *Permit Required.* No person shall discharge or cause to be discharged into any sewer, any industrial or commercial waste unless and until a special permit has been obtained as provided in this section.

13-1.3 *Application.* Application for a special permit for disposal of industrial or commercial waste shall be made to the borough upon the forms provided for that purpose, and shall contain full information as to the type of business to be conducted, an estimate of the quantity and content of waste and any technical information as may be required by the municipality.

13-1.4 *Fees.*

a. Upon filing the application for a special permit, the applicant shall pay a fee of \$100.00 for each commercial and industrial structure and a fee of \$1,000.00 for significant industrial users as defined by the United States Environmental Protection Agency and the State of New Jersey Department of Environmental Protection regulations plus a sum equal to all costs incurred or involved to cover examination and processing by the municipality. Such additional fees shall be billed to the applicant upon ascertainment of the amount thereof by the municipality and shall be payable by the applicant prior to any determination by the municipality as to the granting or denial of the permit.

b. *Existing Residential Sewer Connections.* The fee required for permits to make connections to any sanitary sewer in the municipality for homes existing and with a Certificate of Occupancy issued prior to **September 25, 1985** shall be \$100.00 for each family unit provided for in any dwelling, home or apartment building. This section shall only be applicable to existing residential units that are not presently connected to the sewer system.

c. *New Residential Sewer Connections.* The fee required for permits to make house connections to any sanitary sewer in the municipality shall be \$1,000.00 for each family unit provided for in any dwelling, home or apartment building, and the sum of \$50.00 for inspection service prior to the issuance of the permit. This section shall only be applicable to newly constructed residential units. All fees shall be paid prior to a Certificate of Occupancy being issued regardless as to whether or not a building or sewer permit has been issued prior to **September 25, 1985**.

d. *Commercial and Industrial Sewer Connections.* The fee required for permits for any commercial or industrial connection shall be as follows:

1. Commercial and Industrial Sewer Connections for purposes of this Ordinance are defined as to include but not limited to industries, businesses commercial establishments, offices, stores, shopping centers, private schools, churches, post offices, hospitals, service stations, theatres, restaurants, luncheonettes, diners, laundromat and car wash facilities.
2. For each square foot of floor area the fee shall be \$1.00.
3. In addition to the fee above set forth, there shall be an additional charge of \$250.00 for inspection services prior to the issuance of the permit.
4. All fees shall be paid prior to a Certificate of Occupancy of Occupancy being issued regardless of whether or not a building or sewer permit has been issued prior to **September 25, 1985**.

e. This section shall additionally be applicable to users outside the municipal boundaries of the municipal sanitary sewer system.

f. In the event any development as a condition of site plan approval shall agree to pay the Borough a sum of money greater than the fees charged hereunder, then and in that event the fees to be charged said developer shall be as agreed upon as a condition of site plan approval.

g. The Mayor and Municipal Council shall have the discretion in cases of hardship to permit payment of the fees established hereunder over a three-year period, in equal semi-annual payments of principal and interest, at an annual interest rate equivalent to the rate of interest charged on unpaid water charges established annually by the Woodland Park Municipal Council.

13-1.5 *Inspection.* The municipality shall immediately upon the filing of an application for a permit, examine the application and premises, or the plans and specifications, to determine whether there will be an excessive volume of waste discharged into the public sewer, and if so, to determine a proper charge for the excessive volume, upon an annual basis, by a uniform method of measurement which is in accord with current scientific principles. Annually, the municipality shall re-examine each of the properties receiving special permits and shall re-determine the charges.

13-1.6 *Issuance of Permit.* Upon approval of the application by the municipality the Borough of Woodland Park Department of Public Works shall issue a permit which shall state the amount of the charge so determined, and the acceptance of the permit shall constitute an agreement by the applicant, its personal representatives, successors and assigns to pay the charges quarterly to the municipality.

13-1.7 *Disposal Requirements.* Except as otherwise authorized and regulated, no person shall discharge or cause to be discharged into any sanitary sewer or storm sewer within the municipality any of the following described liquids or substances.

a. Disposal into the sewer system of any pollutant by any person is unlawful except in compliance with Federal standards promulgated pursuant to the federal Water Pollution Control Act Amendments of 1972 (FWPCAA), and any more stringent State and local standards.

b. Authorization shall be required for disposal of industrial wastes into the system.

c. As a condition for this authorization, it shall be required that industries provide information describing waste-water constituents and characteristics and type of activity involved.

13-1.8 *Discharge of Waste.* Except as otherwise authorized and regulated, no person shall discharge, or cause be discharged into any sanitary sewer or storm sewer within the municipality any of the following described liquids or substances:

a. any ashes, cinders, sand, mud, straw, wood shavings, metal, glass, rags, feathers, tar, plastic or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage system.

b. any gasoline, benzene, naptha, fuel, oil or other flammable or explosive liquid, solid or gas.

c. Any garbage, fat, oil or grease.

d. The byproducts or refuse from any mechanical garbage disposal or grinder used in the operation of any mercantile or business establishment.

e. Any waters or wastes containing toxic, corrosive or poisonous substances, or suspended solids, of a character and quantity as to injure or interfere with any sewage treatment process or which constitute a hazard to humans or animals, or to the structure or equipment of the sewage works.

f. No person shall discharge or cause to be discharged into any sewer, any storm water, surface or ground water or unpolluted industrial process waters of any kind.

g. Any water or waste exceeding 150 degrees Fahrenheit.

h. Any water or waste having a P.H. minimum 6.0 and maximum 8.5.

i. Any waste or water having a color exceeding in intensity 500 parts per million as shown by samples which shall be diluted with distilled water to bring the range with ten to 50 parts per million and judged on the basis of intensity or transmission of light (Platinum-Cobalt Standard).

j. Any water or waste containing fluorescing dyes.

k. Any water or waste containing any radio-active material.

l. Discharge of wastes as defined in 40 CFR 128.131 of the Federal Register shall be prohibited.

13-1.9 *Certain Connection Prohibited.*

a. No person shall connect or allow to be connected into any sewer, any drain or leader erected on any structure or building so as to discharge into the sanitary sewer any rainwater that may collect on the structure or building.

b. No person shall discharge or cause to be discharges into any sanitary sewer, any water from any swimming pool or any water from an air conditioning system.

c. It shall be unlawful to discharge into any natural outlet within the municipality any wastewater or other polluted waters, except where suitable treatment has been provided and where a National Pollution Discharge Elimination System permit has been obtained from the appropriate governmental authority, where required.

d. No person shall make connection of roof downspouts, foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or drain, which in turn is connected directly or indirectly to a public sanitary sewer unless approved by the municipality for purpose of disposal of polluted surface drainage.

13-1.10 *Denial of Application.* Whenever the Licensed Operator shall determine that the amount or content of industrial or commercial waste would adversely or injuriously affect the operation of the sewage system, or any part of its equipment or processes, the application may be denied. In such case, the applicant shall at its own expense, provide disposal facilities sufficient in the opinion of the municipality to adequately take care of all such waste.

13-1.11 *Grease, Oil and Sand Interceptors.* Grease, oil and sand interceptors may be required and shall be provided when in the opinion of the municipality, they are necessary for the proper handling of liquid wastes containing grease or flammable substances. All interceptors shall be of a type and capacity approved by the municipality, and be located so as to readily accessible for cleaning and inspection. They shall be of substantial construction, capable of withstanding extreme changes of temperature, and equipped with easily removable covers which shall be gastight and watertight. When required by the municipality, where installed, all grease, oil and sand interceptors shall be maintained by the owner, at his expense, in reasonable efficient operation at all times.

For additional guidance and information on this subject, please see Chapter 26-1.11, titled Grease, Oil and Sand Interceptions, in the Ordinances for the Borough of Woodland Park.

13-1.12 *Water and Wastes Subject to Approval.* The admission into the public sewers of any waters or wastes having:

- a. A 5-day Biochemical Oxygen Demand greater than 300 parts per million by weight.
- b. Containing more than 350 parts per million by weight of suspended solids,
- c. Containing any quantity of substance having the characteristics described in subsection 13-1.7, or;
- d. Having an average daily flow greater than two percent of the average daily sewage flow of the municipality shall be subject to the review and approval of the municipality. Where necessary in the opinion of the municipality, the owner shall provide at his expense, preliminary treatment as may be necessary to: reduce the Biochemical Oxygen Demand to 300 parts per million and the suspended solids to 350 parts per million by weight, reduce objectionable characteristics or constituents to within maximum limits, and control the quantities and rates of discharge of such waters or wastes.

Plans, specifications and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the municipality, and no construction of the facilities shall be commenced until the approvals are obtained in writing.

e. All users of the wastewater facilities shall comply with the requirements of the written rules and regulations of the PVSC which have been adopted and which from time to time shall have been adopted, which regulations shall become effective upon filing of certified copies in the office of the Woodland Park Municipal Clerk after the effective dates of the within ordinance.

13-1.13 *Treatment Facilities.* Whenever required by the municipality if preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in reasonably effective operation, by the owner at his expense. The municipality shall possess the authority to ensure compliance of major contributing industries (as defined in 40CFR 128.124 of the Federal Register) with Federal Pretreatment Standards and any other applicable requirements promulgated by EPA in accordance with Section .307 of FWPCAA.

13-1.14 *Manholes.* When required by the municipality, the owner of any property served by a building sewer carrying industrial wastes shall install a suitable control manhole in the building sewer to facilitate observation, sampling and measurement of the wastes. A manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the municipality. The manhole shall be installed by the owner at his expense and shall be maintained by him.

13-1.15 *Tests and Measurements.* All measurements, tests and analyses shall be taken by the municipality of the characteristics of waters and wastes and shall be determined in accordance with American Public Health Association “Standard Methods for the Examination of Water and Sewage”, shall be determined upon suitable samples taken at the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.

13-1.16 *Inspection.* The municipality and its duly authorized officers and employees and/or agents of the USEPA bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this chapter.

13-1.17 Reporting and Self-Monitoring. Major contributing industries, and other industries as deemed necessary, shall be required to file a periodic report on the constituents and characteristics of their wastewaters. Requirements for maintaining records, using and maintaining monitoring equipment and sampling, shall be established by the municipality as necessary and shall be the responsibility of the individual contributors.

13-1.18 *Construction Standards.* No public or private sanitary sewer or storm sewer shall be constructed in the municipality unless constructed in accordance with the standards of construction as shall be laid down and promulgated from time to time by the municipality.

13-1.19 *Costs of Construction.* Where permission is granted for the construction of a private sanitary sewer, the cost and expense shall be borne by the abutting property owner. No connection shall be made to the private sewer line by any other abutting property owner, within ten years after the construction, unless the other abutting property owner shall first pay to the party who constructed the sanitary sewer an amount equal to the sum that would be assessed against the premises belonging to the other abutting property owner, under the statutes assessing the same for benefits derived from sewerage improvements.

13-1.20 *Supervision Done by Engineer.* No private sanitary sewer shall be constructed in the borough unless it is constructed under the supervision and direction of the engineer, whose services shall be paid by the abutting property owner.

13-1.21 *Costs of Laterals.* The cost of construction and maintenance of sewer laterals, that is, the sewer line running from the trunk line to the curb or property line, and the sewer line running from the curb or property line to the building served, shall be the obligation of the abutting property owner.

a-1.22 Maps

- a. *Preliminary Map.* No permit shall be issued for the construction of any sanitary sewer or storm sewer to serve any subdivision, unless detailed preliminary maps showing the proposed locations for the sewer lines are filed with the superintendent of sewers.
- b. *As Built Maps.* No action shall be taken by the municipality to accept any sanitary sewer or storm sewer unless the engineer and contractor responsible for the construction of the sewers shall file with the superintendent of water pollution control department and the municipal clerk, the detailed as built maps of the installation of said sewer lines. Within 14 days of receipt of written demand for the municipality, the engineer and contractor responsible for constructing any sanitary sewer or storm sewer, shall file with the Licensed Operator and the Municipal Clerk, the detailed as built maps of the installation of the sewer lines.

13-1.23 *Over-loading Sewers.* Whenever the Licensed Operator shall determine any private sanitary sewer is over-loaded as to become injurious to the health and safety of the people served by the sewer, he shall advise the council of his determination. The municipality shall give notice to the owners of the property to show why the sewer should not be repaired to comply with the standards of construction. Upon the failure of property owners to comply with the order, the municipality shall have the right to condemn the private sanitary sewer and order that it be replaced with a public sewer, with the costs to be assessed against the real estate served in accordance with the statutes.

13-1.24 Enforcement.

- a. Civil and criminal penalties and fines for violations will be levied in accordance with judicial procedures.
- b. Violation of the ordinance may result in termination of the disposal authorization.
- c. Violations of any of the provisions of the within ordinance or any permit issued under the authority of the within ordinance may result in the termination of the permit and/or the termination of the authority to discharge into the system.
- d. Any person violating any of the provisions of the within ordinance shall, upon conviction, be subject to a fine not to exceed five hundred dollars, (\$500.00) and/or imprisonment not to exceed ninety (90) days, or both. Each and every day in which a violation of any provision of this ordinance exists shall constitute a separate violation.
- e. The Licensed Sewerage System Operator shall administer Section 13-1 of this ordinance.

13-1.25 *Amendments.* The council shall, from time to time, fix a schedule of fees and security deposits required for permits, inspections, road openings, and any work that might be undertaken in order to make connections to any sanitary sewer or storm sewer.

The council may also, from time to time, fix the procedure to be followed in making written application for sewer connections and the procedure to be followed to obtain the necessary permits and approvals for connections and installations of any sanitary or storm sewer.

In the event that the Borough of Woodland Park receives Federal Construction Grants for improvements and/or additions to the Wastewater Collection/Treatment Systems or NJDEP Revolving Loans or Construction Grants the Borough reserves the right to:

- a. Provide a classification system for determining charges to defray the cost of construction and operation and maintenance of the treatment facility. Classifications can be based on wastewater constituents and characteristics, and other parameters that would ensure an equitable distribution of costs.
- b. Provide for additional charges such as monitoring fees and disposal authorization fees as deemed appropriate.

13-1.26 *Sewer Services Charges for Tax Exempt Users and Users Outside the Municipal Boundaries.*

a. There is hereby established an annual sewer service charge for tax exempt users and users outside the municipal boundaries of the municipal sanitary sewer connections system.

b. The charges set forth in this Ordinance shall be charged as of January 1, 1986.

c. The unit charge to be collected according to the annexed "Rate Schedule" (annexed hereto and made a part hereof) shall be \$180.00 per annum or \$45.00 per quarter.

d. All charges imposed shall bear interest from the time they become due at the same rates as municipal real estate taxes. Such unpaid charges shall be a lien on the premises, and the Borough shall in addition to any other remedy it may have at law for collection of same have the right to discontinue sewage service to the subject building or buildings in accordance with paragraph A hereof.

e. The Borough may use estimated volumes where exact measurement is impractical; in such cases, the Borough reserves the right to adjust charges retroactively if additional data is obtained at a later date.

f. Application for the use of the sanitary sewer system by such users shall be made to the Borough Administrator and information shall be supplied by the applicant as required by that Office.

g. The Borough reserves the right to adjust sewerage charges or to add any volume, strength, loading, pollutant or other surcharge imposed by the Passaic Valley Sewerage Commissioners or any federal, state or local regulatory agency.

h. Where sewage flow originates from (1) a combined residential, or (2) an establishment not described in the "Sewerage Rate Schedule" annexed hereto, the Borough reserves the right to establish special equitable rate categories within the limitations of law.

i. Charges for sewerage service shall be billed quarterly by the Borough to the owner of all properties covered herein.

j. All sewerage charges shall be payable to the Borough of Woodland Park at the office of the Tax Collector, 5 Brophy Lane, Woodland Park, NJ 07424. Bills shall be paid by personal check or money order.

k. The payment of all sewerage service charges shall be the responsibility of the property owner. The failure of a tenant, lessee, customer other than the property owner, to pay any sewerage service charge or to transmit any such charge or bill to the property owner, shall not relieve the property owner of his responsibility to pay said bill or the right of the Borough to collect such charges according to the remedies prescribed by law.

l. If any sewerage service charge is not paid within 30 calendar days of post date of the bill, an interest penalty shall begin to accrue at the same rate as is charged on unpaid municipal taxes.

m. In the event of non-payment of any sewerage service charge for a period of ninety (90) days after the date when such charge becomes delinquent, the Borough may cause the service to be discontinued and the same shall not be restored until full payment has been made of all outstanding charges and penalties thereon plus the actual costs of disconnecting and reconnecting the service connection. Discontinuation of service, however, shall not abrogate the right of the Borough to use whatever remedies are permitted by law to collect outstanding charges and penalties.

n. The word “family” under Section ‘A’ of the Rate schedule shall mean permanent occupants of a dwelling unit consisting of 2 or more rooms with private kitchen or sanitary facilities. Other residential use shall fall under Section ‘C’.

RATE SCHEDULE

<i>A. <u>Residential Dwelling Type</u></i>	<i><u>Unit Assignment</u></i>
Single Family Home	1.00 Units for the entire home
Two Family Home	0.95 Units per Apt. or flat
3 and 4 Family Home	0.90 Units per Apt. or flat
5 and 9 Family Building	0.85 Units per Apt. or flat
10 and 49 Family Building	0.80 Units per Apt. or flat
50 and 299 Family Building	0.75 Units per Apt. or flat
300 Family Building and larger	Same as all other establishments
<i>B. <u>Mixed Commercial and Residential Buildings</u></i>	
Businesses in primarily residential bldgs.	0.50 Units per establishment
Residences in primarily residential bldgs.	As tabulated in “A’ above
<i>C. <u>Mixed Commercial and Residential Buildings</u></i>	

Including but not limited to industries, businesses, commercial establishments, offices, stores, shopping centers, schools, churches, public buildings, municipal buildings, libraries, post offices, hospitals, fire houses, service stations, theatres, restaurants, luncheonettes, diners, laundromats and car wash facilities.

\$1.07 per hundred cubic feet of waste discharged to a sanitary sewer up to 100,00 cubic feet per year; then \$0.86 per hundred cubic feet of waste discharged to a sanitary sewer over 100,000 cubic feet per year. (Where waste discharge is not metered the Borough will estimate the volume based upon water usage, water withdrawn from surface waters or wells and water lost to evaporation, to the product, etc.).

13-2 Water.

13-2.1 *Definitions.* As used in this section the following terms shall have the following meaning:

“Fire service line” shall mean any line which receives water supplied to a fire hydrant, standpipe, sprinkler system or any combination of the foregoing located on private property.

“Main” or “mains” shall mean all pipes, hydrants and valves, other than supply pipes and service pipes, used for conveying water to or distributing water in the municipality.

“Meter rates” shall mean rates or prices to be charged for water, based upon the quantity consumed as measured by an approved water meter.

“Owner” shall mean any person owning any property or premises which is, or prospectively can be, supplied with municipal water, or his duly authorized agent or contractor.

“Premises” shall mean a building used for either business or residential purpose, or both, together with the land appurtenant to it and any outbuildings used exclusively in connection with it or any part of a building with the land appurtenant to it when sold as a separate unit.

“Resale of water” shall mean any resale of municipal water by any person. This excludes the sale of metered water by landlords to a tenant.

“Service pipe” shall mean a pipe extending from the curb stop and valve into privately owned property for supplying water.

“Supply pipe” shall mean a pipe connected to the main and extending to the curb stop and valve at the curb line of the street.

“Municipal” shall mean the municipal department of water or any municipally authorized agents.

“Water Utility” shall mean the department of water of the municipality.

“Operator” shall mean the NJDEP Licensed Water System Operator of the water distribution system in the Department of Water of the municipality. Also sometimes referred to as the Licensed Operator or Licensed Water Operator.

13-2.1 *Water Supply System; Enforcement Powers.* The provisions of this chapter and all other rules and regulations relating to the water supply system of the borough shall be enforced by the department of water.

13-2.2 *Application for Water Service.*

a. *Application Required.* The owner of any premises desiring to use municipal water or to make a change in any existing water supply shall make an application in writing to the Department of Water for water service upon forms provided by the municipality. The application shall request the installation to be made by the owner or the municipality subject to the provisions of this chapter. All applications shall be accompanied by the consent of the applicant to be bound by all of the provisions of this chapter and the rules and regulations adopted by the municipality.

b. *Installation.* The Licensed Water Operator shall determine whether the installation shall be made by the owner or the municipality subject to the provisions of this chapter.

c. *Inspection.* Upon receipt of an application for service, the municipality may make an inspection of the premises.

d. *Payment of Fees.* No water service shall be made to any premises until all charges due to the municipality as prescribed in section 13-8 are paid.

13-2.4 *Water for Building Purposes.*

a. *Application.* Where it is desired to use municipal water service in connection with the construction or repair of a building, application shall be made to the operator by the owner of the building on forms furnished by the water utility. The character of the work contemplated and the estimated quantity of water to be used shall be specified in the application.

b. *Fees.* No permit for temporary water service during construction or repair shall be issued unless the fees prescribed in subsection 13-8.4 (d) are paid in advance.

c. *Metering.* The Water Department at its option may install a water meter during the construction or repair of a building upon payment of the fee prescribed in subsection 13-8.4 (d). It shall be the duty of the owner to take care of the meter. Meters shall be placed to the satisfaction of the operator.

13-2.5 *Inspection.* Authorized agents of the municipality, upon the presentation of credentials provided by the municipality, shall have access at any reasonable time and in the event of an emergency at any time, to any premises supplied with municipal water for the purpose of making any desired inspection, including the examination of the entire water supply and plumbing system upon the premises. They shall also have the power to reject pipes considered unsuitable for the purpose of installing a meter. Any person who refuses to admit a duly authorized agent for the purpose of inspection, or hinders or interferes with an inspection, shall be guilty of a violation of this chapter.

13-2.6 *Discontinuance of Service.*

a. *Request of Discontinue.* Where it is desired to permanently discontinue the use of municipal water at any premises, the owner shall give at least five days written notice to the Licensed Operator. Upon receipt of the request, the water shall be turned off at the curb stop and thereafter no charges shall be made for the period following the payment of required charges.

b. *Temporary Discontinuance.* In case of the temporary vacancy of any premises, the water will be turned off at the curb stop upon written request to the Licensed Operator stating the period of discontinuance and will be turned on again at the expiration of that period following the payment of required charges.

c. *Rebates Prohibited.* Where the premises are left vacant, no rebate will be allowed for water registered by the meter unless the water is turned off at the curb stop.

d. *Discontinuance by Municipality.* Service may be discontinued by the municipality after notice for any of the following causes:

1. The use of water for any property or purpose other than that described in the application.
2. For waste of water through improper or defective pipes or fixtures.
3. For failure to protect the water meter and connections from injury or damage, or failure to properly maintain the service line and fixtures owned by the person being served.
4. For molesting or tampering with any service pipe, meter, curb stop, seal or other appliance of the municipality.
5. For nonpayment of any charges or fees for water services.
6. For refusing to permit the duly authorized representatives of the municipality to have access to the property for reasonable inspections.

13-2.7 *Responsibility of the Municipality.* The municipality shall use diligence and reasonable care to provide a constant supply of water to consumers, but in the event of failure to do so owing to accident, breakage of main, supply pipe, service pipe, service cock or other fixtures, the flushing of water lines and hydrants, or the shutting off of the water because of accidents, repairs, extensions, alterations or any other necessity that may arise, or in the event of failure to notify the consumers of a failure or accident or the shutting off of the water supply, the municipality shall not be liable to any consumer for any damage which may result or for any damage resulting from the elements, or for any accident, failure or breakage of pipes or any other occurrence beyond the municipality's control.

13-2.8 *Maintenance of Pressure.* The municipality shall not be liable for the maintenance of any given pressure in the water system.

13-2.9 *Responsibility of Consumers.*

a. *In General.* All persons who may be supplied with water from any municipal water main shall be responsible for keeping their service pipes and all fixtures in good order and repair and protected from frost, at their own expense.

b. *Installations, Removals and Repairs at Expense of Property Owners.* Any installations, removals or repairs of service pipes between curb stop and the water meter shall be made without unnecessary waste of water, by and at the expense of the owner of the property served by the pipes on which they are made, and no claim shall be made against the municipality by reason of breakage of any supply or service pipe or cocks, or from damage arising from shutting off water to repair any main or making connection with any such main.

c. *Notice of Discontinuance of Water Service.* Should it become necessary to shut off the water from any section of the municipality for the purpose of making changes or repairs to the water system, the municipality shall endeavor to give timely notice to the consumer affected and shall, so far as is practicable, prevent inconvenience and damage arising from the making of such repairs, but failure to give notice shall not render the municipality responsible or liable for damages that may result therefrom, or from any other cause.

d. *Multiple Services.* Where water is supplied through one service to several houses, families or persons, the municipality may, at their discretion, either decline to furnish water until separate services are provided, or may continue the multiple supply on the condition that one person shall pay for all consumers on the same service.

e. *Piping to Curb Line.* Supply pipes between the main and curb including curb cock and box, shall be installed by the owner or municipality at the expense of the property owner.

f. *Control of Pipes.* Supply and service pipes between main and curb are under the exclusive control of the municipality and no one shall construct, repair or otherwise change or interfere with them in any way except as authorized by the municipality.

g. *Failure of Owner.* The refusal or neglect of the owner to equip the premises with connections or fixtures of a character and quality approved by the municipality shall be sufficient grounds for the refusal of the division to connect the premises with municipal water supply or to turn on the municipal water supply after such connection has been made.

13-2.10 *Control of Water System.* The water mains, supply pipes, curb stops and meters shall be under the exclusive control of the municipality.

a. *Unauthorized Person.* No person other than a duly authorized person, or agent of the municipality shall disturb, tamper with, injure, tap, change, obstruct access to or interfere with any water main, supply pipe, curb stop or meter.

b. *Separate Pipes Required.* Separate supply pipes must be laid from the main for each building. No connection by which municipal water may pass from a building located on one building lot to a separate building located on another shall be made.

c. *Control of Pipes.* Supply and service pipes between the main and the meter are under the exclusive control of the water department. The failure of the owner or refusal of the owner to equip the premises with connections of a character and quality approved by the water department shall be sufficient grounds for shutting the water off.

13-2.11 *Construction and Maintenance of Pipes.* Service pipes, supply pipes, curb stops, meters and all necessary plumbing parts used in the installation and maintenance of water supply systems shall be of material and manufacture approved by the municipality.

a. *Maintenance.* Supply pipes and mains shall be maintained by the Water Department and shall remain the property of the municipality.

b. *Installation.* Service pipes of type “K Copper Tubing” at least 1 inch in diameter shall be installed and maintained at the expense of the owner and shall be installed in accordance with specifications of the municipality and in accordance with applicable New Jersey statutes. All service pipes shall be covered to a depth of at least 3 ½ feet. Service pipes shall be maintained by the owner and any repairs shall be made under the supervision of the municipality. Upon acceptable installation of the water service lines, the owner must coordinate with the Borough to complete the tapping of the Borough Water Main.

c. *Curb Boxes.* Curb boxes shall be installed at grade level and kept uncovered and in an accessible condition by the owner. The owner shall be responsible for any damages to the curb box.

13-2.12 *Protection of Service Pipes.*

a. *Freezing.* Service pipes between the foundation wall and the meter likely to be exposed to freezing temperatures shall be effectively protected from freezing by the property owner.

b. *Meter Protection.* Service pipes shall be installed in a manner that will prevent any hot water or other destructive product from returning to the meter.

c. *Corrosion.* Service pipes shall be installed in a manner that will prevent any damage resulting from falling objects, corrosive products, paint sprayers and similar causes.

13-2.13 *Meters.*

a. *Meter Required.* All municipal water used on any premises, except for fire service lines, must pass through a meter furnished by the municipality.

b. *Duty of Consumers.* All persons using water supplied by the municipality shall have the duty of determining that the water is being supplied through a meter furnished by the municipality, except as provided in paragraph 13-2.12 (a). Failure to do so shall not relieve any person from liability for water supplied, and in such case the municipality shall determine the amount of water used and the rates to be charged. It shall be the responsibility of the property owner to see that the municipal meter reader has access to read the meter at least twice a year.

c. *Meter By-Passes Prohibited.* All meter by-passes are outlawed and if a meter by-pass is used, both the owner and the plumber shall be guilty of a violation of this chapter. The only time a jumper may be used is to test the lines and after the test is finished, the water is to be shut off at the curb and only turned on by the municipality. After the tap has been installed, the water shall be shut off at the curb and shall be turned only by the municipality after construction water has been paid for in advance.

d. *Meter Installations.* In all cases where meters are to be installed, the municipality shall determine the size, proper location and manner in which the meter shall be installed and protected. All new meters shall be installed by the municipality with outside remote reading devices so they can be read without the meter reader going inside. The owner shall install a meter yoke and all other facilities necessary to hold and house the meter.

e. *Meter Yokes.*

1. Meter yokes shall be installed in a manner that provides easy removal, replacement, inspection and reading of the meter.

2. Meter yokes shall be located as near as possible to the rear of side entrance of a building not having a basement.

3. Under no circumstances shall meter yokes be installed in kitchen or bathroom areas or crawl spaces.

4. Meter yokes shall be installed in a manner that will prevent unauthorized removal or tampering with a meter.

5. Meter yokes shall be placed in a free and clear space at least two feet by two feet.

6. The decision of the operator in regard to meter yokes shall be final.

f. *Care and Protection of Meters.*

1. The meter shall remain the property of the municipality. The owner shall be held responsible for the meter, including its care and protection from damage, freezing, hot water or similar causes. The owner shall also be responsible for preventing unauthorized person from tampering with the meter. In case of damage to the meter or its stoppage or improper working, the owner shall immediately notify the municipality and the municipality shall repair the meter.

2. Where replacements, repairs or adjustments of any meter, whether owned by the municipality or not, become necessary due to any willful or negligent act by the owner or occupant of any premises, the owner shall be responsible to the municipality for any expense which it occasions as a result thereof. And

in cases where payment is not made, the water may be shut off from the premises and shall not be turned on again until all charges are paid.

3. Meters shall be sealed by the municipality and no person, except an agent of the municipality, shall disconnect, remove, break, injure or in any way tamper with the seal.

f. *Testing of Meters.* The municipality shall test the accuracy and condition of any meter upon the written request of the owner or occupant of the premises served by the meter and the payment in advance of the fee prescribed. If the meter is found to register over two percent fast, it shall be repaired by the municipality or another meter substituted and the test fee refunded. The municipality may adjust the water bill upon whatever basis which it deems to be just and reasonable. If the meter is found to register more than two percent slow, it shall be repaired by the municipality or another meter substituted and the municipality may adjust the water bill upon what ever basis which it deems to be just and reasonable. If the meter is inoperative and fails to register, the customer will be charged on the basis of the average daily consumption shown by the meter when operative. The municipality may make periodic tests of all meters.

h. *Meter Orders.* When a meter is ordered or a replacement is requested inside a building, it is a requirement that shut-off valves be installed at each side of the meters at the following distances apart:

5/8" meter	18"
1" meter	18"
1 1/2" meter	24"
2" meter	24"

13-3 Drought and Emergency Response Regulations.

13-3.1 *Proclamation of Emergency.* Whenever an emergency conditions exists that could adversely affect the public health and safety or in the event the NJDEP implements a drought advisory or warning and the Licensed Operator of the municipal water supply certifies to the council that an emergency exists in the water supply, the mayor may, for the protection of the health, safety and general welfare of the citizens and residents of the municipality proclaim the existence of a water emergency and prescribe regulations to:

- a. Prohibit the use of water from the municipal supply, or any water supply which services the residents of the borough, for any purpose not necessary to the health, safety and welfare of the public.
- b. Allocate and prorate the available water supplies.
- c. Reduce consumption by users.
- d. Prevent waste for the period of duration of the emergency.
- e. Require alteration, repairs or installations of equipment or fixtures to prevent leakage and loss of water.

13-3.2 *Publication of Proclamation.* The proclamation of the emergency shall be conclusive thereof upon all persons and users of water upon the filing of the same in the office of the municipal clerk and the publication thereof at least once in a newspaper published in the county and circulated in the municipality.

The regulation set forth in any proclamation and published as aforesaid, upon filing in the office of the Municipal Clerk shall become a part of this chapter as if specifically incorporated.

13-3.3 *Rules and Regulations.*

a. *Compliance with Proclamation.* Every person using water from the municipal water supply or any water supply which services the residents of the municipality, and every person, firm or corporation of user, shall upon the proclamation and promulgation of the regulation defined in this chapter become bound thereby and shall conform and comply therewith in the use of water and the maintenance of the water service connections and equipment for the purpose thereof.

b. *Maintenance of Fixtures.* Every owner of buildings and premises connected with the water supply of the municipality shall maintain or cause to be maintained the water service pipes, fixtures and connections in good repair whereby there shall be no waste of water.

c. *Repairs.* Every owner of any building or premises connected with the water supply shall make or cause to be made all repairs to prevent the waste of water.

d. *Notice of Defective Fixtures.* Every lessee, tenant and occupant of any building connected with the water supply shall immediately notify the owner, or his agent of any defective water service pipes, fixtures or connections, whereby water is being wasted.

e. *Notice of Waste of Water.* Every lessee, tenant or occupant of any building shall notify the municipal water division or police department of any waste occurring by reason of defective water service pipes, fixtures or connections.

f. *Inspection.* Every owner or person in charge of any building or premises connected with the water supply shall admit any authorized agent or employee of the municipality at all reasonable hours in order that the agents may inspect the water service pipes, fixtures and connections.

13-3.4 *Right to Shut Off Water.* Whenever any owner, lessee, tenant or occupant or user of water shall refuse to permit an examination or inspection of the premises, or to make necessary repairs to prevent the waste of water, the Licensed Operator in charge of the municipal water supply of the municipality shall have the right to shut off the supply of water until the required examination is made or any alterations and repairs as may be necessary are completed.

13-4 Wastage of Water.

13-4.1 *In General.* Every owner of buildings and premises connected with the municipal water supply shall maintain the water service pipes, fixtures and connections in good order and repair in order to ensure that there shall be no waste of water, and shall immediately make necessary repairs to prevent the waste of water.

13-4.2 *Duties of Occupants and Tenants.* Every lessee, tenant and occupant of any building or premises connected with the municipal water supply shall immediately notify the owner or his agent and the municipality of any defective water service pipes, fixtures and connections causing waste of water.

13-4.3 *Duty of Owner.* Upon receiving notice of any waste of water due to defective pipes, fixtures or connections, the owner of any premises served by the municipal water supply shall immediately make all necessary repairs.

13-4.4 *Repairs by Municipality.* Whenever an owner shall fail or refuse to make repairs to prevent the waste of water, the municipality may make the repairs and charge the cost to the owner in the same manner as other water charges are made.

13-5 Hydrants.

13-5.1 *Unauthorized Use of Fire Hydrants.*

a. No person other than a duly authorized agent or employee of the municipality or a member of an authorized fire agency while engaged in the performance of his duties shall open or attempt to open any fire hydrants or valves connected with the water supply system of the municipality without obtaining written permission from the proper municipal officers.

b. No person shall obstruct or prevent free access to, tamper with, injure or damage a fire hydrant, nor shall any person place any material, debris, structure or object of any kind within a distance of ten feet from a hydrant. Any obstruction, when discovered, may be removed at once by the municipality at the expense of the person responsible. Removal of the obstruction shall be in addition to any penalty which may be imposed for a violation of this subsection.

13-5.2 *Duty of Property Owners.* The owner of any property upon which a fire hydrant is located, including the owner of any property which abuts upon a portion of a public street on which a fire hydrant is located, shall have the duty of keeping the hydrant and the area immediately surrounding it free from snow, brush, weeds, debris or any other thing which might impede access to the hydrant.

13-5.3 *Private Fire Outlets.* Where pipes are provided for fire protection on any premises or where hose connections for fire apparatus are provided on any pipe, each connection or opening on those pipes, except sprinkler heads, shall have a standard thread as specified by the municipality. No water shall be taken or used through the pipe openings for any purpose other than fire fighting or for testing fire apparatus after obtaining a special permit from the operator to make a test. Each test must be conducted under the supervision of municipal personnel.

13-5.4 *Permit to Open Hydrant.* It is hereby declared to be the policy of the Borough of Woodland Park that the primary purpose of fire hydrants is for fire protection. However, the Licensed Operator is authorized to issue a permit to any person to open a fire hydrant for a purpose other than fire protection to be determined by the municipal council. Permits shall be issued by the operator as prescribed in subsection 13-8.4 (g). Each permit shall specify the location of the hydrant to be opened, the date or dates upon which they may be opened, the length of time they may remain opened and the purpose for which such openings may be made. Permit fees shall be as prescribed in subsection 13-8.4 (f).

13-6 Sprinkler Systems.

Application for a connection to the water main for the purpose of installing a sprinkler system shall be made to the Licensed Operator. The installation shall be performed in accordance with all municipal water regulations and other applicable provisions of this revision and shall be subject to the charges specified in section 13-8.2. The connection shall be used exclusively for fire protection services.

13-7 Water Main Extensions.

13-7.1 *Submission of Plan—Approval.* Whenever an owner of land in the municipality desires to improve it by the installation of a water main extension to the existing system, he shall file a detailed and accurate plan of the proposed improvement in triplicate with the municipal council. After filing of the plan, the municipal council shall refer same to the municipal engineer for his review and recommendations. Upon receipt of the recommendations from the municipal engineer, the municipal council shall determine whether the plan for the water main extension shall be approved, modified or denied. The entire water main extension shall be constructed in accordance with specifications as determined by the municipal council at the entire expense of the owner and under the supervision of the municipal engineer and operator

13-7.2 *Deposit or Surety Bond Required.* After approval, if the municipal council desires assurance of the completion of the improvement, it may accept a cash deposit or performance bond with adequate surety approved as to form and content by the municipal attorney, from the owner conditioned upon completion of the improvement to the satisfaction of municipal council. The municipal council shall fix the amount of the deposit or surety bond based upon appraisal of the plan submitted and resulting determination of the funds required to complete the improvement and defray all incidental expenses.

13-7.3 *Construction of Water Main Extension.* After approval and submission of the deposit or surety bond, the owner may then proceed to make the improvement at his entire cost and expense. The Municipal Engineer and Licensed Operator shall maintain a check on the improvement as it progresses to determine that the work is being accomplished in a proper manner so that the municipal council may acquire the improvement for the municipality upon completion. It shall be the responsibility of the owner to notify the municipal engineer or operator of the date on which the work shall be commenced. Notwithstanding any approval of plans, the municipal council shall have the right to refuse water service if the improvement is not completed in accordance with accepted practice.

It shall be the duty of the Municipal Engineer or Licensed Operator to advise the owner promptly upon discovery of any deviation from accepted practice in the course of checking the work in progress. If the improvement is not installed as required and the owner fails to correct the defective work the municipality shall have the right to correct the defective work and deduct the costs of such completion from the cash bond and or look to the guarantor or other surety for the cost of the necessary work. Upon advice of the Municipal Engineer that the improvement has been satisfactorily completed, the municipal council shall authorize the return of the cash deposit or surety bond to the owner upon satisfactory proof being given that all expenses and costs of the improvement have been paid by the owner, the submission of as built maps of the improvement subject to the approval of the Municipal Engineer. The municipal council shall have the right, if it desires, to require the owner to file a maintenance bond for an amount and duration determined by it, prior to the release of the aforementioned cash deposit or surety bond.

13-7.4 *Acquisition of Improvements for Municipality.* Upon advice of the Municipal Engineer and Licensed Operator that the improvement has been completed in a satisfactory way and all requirements and obligation of the owner have been fulfilled, the municipal council shall acquire the improvement with all its component parts for the benefit of the inhabitants of the municipality. The owner shall give a bill of sale to the municipality, transferring title to the improvement absolutely to the municipality.

13-8 Rates and Charges

Please note that all applicable Rates and Charges are to be established on a yearly basis, and assessed by the user's consumption, which will be posted on an annual basis via the Borough's Consumption Ordinance.

13-8.3 *Bulk Wheeling Charges*: The charge for bulk wheeling of water shall be 1.35 times the Wholesale Water Rate as adopted by the bulk supplier. The rate shall be adjusted automatically and without further amendment of this ordinance when the Wholesale Water Rate is adjusted by the bulk supplier. When the Bulk Supplier is the wheeling customer the Wheeling Charges may be collected by means of a credit being applied to the bulk supplier's monthly invoice to the Borough. If this method is used then the amount of water invoiced shall be reduced by 1.35 times the amount of water wheeled. The Superintendent shall review the meter readings and certify the adjustment each month.

13-8.4 *Miscellaneous Charges and Permit Fees.*

a. *Water System Connection Fees*: The fee required for permits to construct a building connection to any water main in the municipal service area shall be \$500.00. In addition, a Water Meter Installation Fee shall be charged for each new application in conformance with paragraph b. of this Section.

Regarding construction of New Water Mains in the Borough, representing a new connection opportunity for local residents, the following permit fees will apply:

Permit to construct a building connection to any newly constructed water main in the municipal service area will be \$500.

Permit to construct a building connection to any newly constructed water main in the municipal service area greater than forty-eight (48) months after said water main becomes available for public use will be \$4,500.

The 48-month grace period shall commence upon written notice by the Municipal Clerk of the availability of the municipal water supply. Such notice shall be delivered by means of US Postal Service Certified Mail to the property owner.

b. *Water Meter Installation Fee*. The following fees shall be charged for approved meters to be furnished and installed by the water utility for new building connections:

Installed 5/8 inches meter including radio reading equipment, current cost of the meter.

Installed 1 inch meter including radio reading equipment, current cost of the meter.

Installed 1 1/2-inch meter including radio reading equipment, current cost of the meter.

Installed 2-inch meter including radio reading equipment, current cost of the meter.

In the event of a stopped meter or a meter requiring replacement, the meter must be converted to a meter with radio reading equipment, at the current cost of the meter.

In the event the Water Department is unable to gain access to the inside water meter for purpose of billing during any four consecutive billing quarters the meter must be converted to a meter with radio reading equipment, at the current cost of the meter.

Cost of conversion of meter to remote reading equipment, as a result of lack of access, is the current cost of the meter.

For meters greater than 2" inch, the charge shall be computed on the basis of the cost of the meter and installation plus 25 percent (25%) surcharge.

If the remote reading meter requires replacement within the initial five (5) years after installation, due to defect in manufacturing, no additional charges will be incurred by the customer.

The Borough Administrator may enter into an agreement with a developer, whereby the developer supplies water meters, approved as suitable for use by the Licensed Water Operator and for approved ancillary metering equipment and shipping.

If an agreement is made with a developer to supply water meters the developer may be reimbursed by means of a credit to the "Water Meter Installation Fee" charged. A credit, equal to the actual documented cost of the meter, ancillary metering equipment and shipping may be applied, reducing the net cost of the Water Meter Installation Fee. Alternately a refund may be made for the actual documented cost for the meter, ancillary equipment and shipping. Agreements must be project specific and have the approval of the Mayor and Council. Documentation calculating the calculated credit or refund shall be submitted the Mayor and Council for approval.

c. Water Supply Line Installation.

1. If the installation of the entire supply line from the main to the curb is done by the municipality the fee shall be \$5,000.00.
2. Three-quarter inch water main tap by the municipality, \$500.00.
3. One-inch water main tap by the municipality, \$600.00.
4. Taps larger than one inch will be at the discretion of the Borough and charges will be calculated according to the fees associated with a contracted company performing the tapping.

4. All materials, as directed by the Licensed Water Operator, shall be furnished by the municipality on a cost plus 25% surcharge basis.
6. Curb boxes shall be at grade level and equipped with a stem so that water can be shut off at the curb by use of a standard curb stop key. The curb box cover shall not be covered.
7. All excavation and trench work must be done by the owner.
8. Permits for road openings in the municipal roads where applicable must be made to the municipality before the issuance of a permit. The cost of this is not included in the water service permit.
9. On county roads, there shall be an added charge for inspection and repair of pavement as determined by the Passaic County Road Department. Permits shall be secured directly from Passaic County.

d. *Permit for Water Service During Construction.* The fee for a permit for temporary water service during construction of single family residential properties shall be \$100.00 per house. In all other cases, fees will be determined by the municipality based upon estimated consumption. Where a meter is used the municipality shall receive a deposit equal to the cost of said meter.

e. *Meter Tests.* The fee for the test of the accuracy or condition of any water meter made at the request of the owner shall be \$100.00, payable in advance.

f. *Turn-ons.* A fee of 100.00 shall be charged for turning on/off the water at the curb stop, outside of normal Department of Public Works work hours, or due to a shut-off request for a long term vacancy.

g. *Irrigation system turn-ons.* A fee of \$50.00 shall be charged for seasonal turn-ons for irrigation systems that fall within the Borough Water System.

h. *Temporary Bulk Use Permits.* All temporary use bulk permits must be pre-approved by the Borough, prior to installation of temporary meter. Charges for temporary bulk use shall be on the basis of the metered water usage, plus a permit fee of \$300.00. The municipality shall furnish and install a 2-inch meter on a local municipal fire hydrant, as deemed acceptable by the Woodland Park Water System. The hydrant will be operated exclusively under the supervision of the Borough. The owner, or applicant, shall be responsible for any and all damages to the meter in use under the permit.

13-9 Collection of Permit Fees and Charges.

All permit fees and charges relative to the consumption of water and radio reading equipment upgrades and replacements are to be paid to the Collector of Water Consumer Accounts of the Borough.

13-10 Billings and Collection.

13-10.1 *Payment of water Bills.* All meters shall be read every three months and billed quarterly by the Collector of Water Consumer Accounts. Bills for water consumed in any quarterly period or fraction of a quarter shall be due and payable to the collector of water consumer accounts in full within 15 days of the date rendered.

13-10.2 *Lien for Unpaid Water Charges.* In accordance with the laws of the State of New Jersey, all charges for water, and all other municipal charges provided in this chapter, including penalties, shall be a lien upon the property on account of which the charge is incurred until paid.

Attest:

Approved:

Sandra Olivola, Municipal Clerk

Keith Kazmark, Mayor

Introduced: December 7, 2022

Adopted: