

ORDINANCE 17-20

AN ORDINANCE OF THE TOWN OF BOONTON, COUNTY OF MORRIS AND STATE OF NEW JERSEY, LIMITING AND REDUCING THE INFLOW OF ADDITIONAL WATER INTO THE TOWN'S SANITARY SEWER SYSTEMS

WHEREAS, the Town seeks to reduce taxpayer costs by prohibiting the discharge of water from any roof, surface, ground, sump pump, swimming pool, other natural precipitation, and other sources of inflow into the Town's sanitary sewer system, as those costs are ultimately passed on to the taxpayer; and

WHEREAS, the Town seeks to preserve and maintain its sanitary sewer system, and prevent overloading and flooding which creates the potential to cause significant damage and threat to individual properties, as well as the system as a whole; and

WHEREAS, all water that enters the system must be treated at a sewerage treatment plant, and by reducing and eliminating this inflow of "clean water" into the sanitary sewer system and that subsequent unnecessary treatment, the expenses to the Town and the citizens will be reduced and will also assist in protecting the health, safety and welfare of the residents of the Town; and

WHEREAS, the Mayor and Board of Aldermen have determined that it is unnecessary to take these steps to limit and reduce the inflow of additional water into the Town's sanitary sewer systems.

NOW THEREFORE, BE IT ORDAINED by the Mayor and Board of Aldermen of the Town of Boonton, County of Morris, State of New Jersey, as follows:

SECTION 1. Chapter §229-78. Title.

This article shall be known as Article IX. "Procedures to Prohibit Sump Pump or Other Connections to Sanitary Sewer."

§229-79. Intent and Purpose.

The implementation of this section will aid the Town by limiting and reducing the inflow of additional water into the sanitary sewer systems. By prohibiting the discharge of water from any roof, surface ground, sump pump, swimming pool, other natural precipitation, and other sources of inflow into the Town's sanitary sewer system, the Town is seeking to reduce costs, as well as protect against other damaging effects. The Town's sanitary sewer system has on occasion in the past been overloaded and flooded, thereby creating the potential to cause significant damage and threat to individual property, as well as the sewer system. Furthermore, all water that enters the system must be treated at a sewerage treatment plant. Therefore, by reducing and eliminating this inflow of "clean water" into the sanitary sewer system, and its subsequent unnecessary treatment, the expense to the Town and its residents will similarly be

reduced, and at the same time will assist in protecting the health, safety and welfare of the Town's residents.

§229-80. Violation.

A. Prohibited Discharges. No person or entity shall discharge or cause to be discharged any stormwater, groundwater, roof runoff, yard drainage, yard founding, swimming pool, pond, overflow, or any other substance other than sanitary sewerage into the sanitary sewer collection system. No person, business or other entity shall discharge or cause to be discharged any hazardous substances into any public sewers.

B. Amnesty Period for Disconnection

1. On or before December 31, 2020, any person, business, or other entity who shall have a connection described above and who shall voluntarily report said connection to the Town, so that said illicit connection shall be remedied, shall have any and all permit, connection, and inspection fees waived by the Town. This waiver of fees applies only to Town fees, and does not include the actual cost of remediation.

2. After December 31, 2020, any person, business, or other entity who shall have a connection described above, and shall fail to voluntarily report such connection by December 1, 2020, shall be liable for all permit fees, inspection fees, and connection fees as required by the Town to remedy the illicit Connection.

C. Manner of Disconnection.

1. Any property owner, tenant, landlord, or other person with a property interest who shall have a connection in violation of this Ordinance, or not obtained a waiver pursuant to Section 229-85, shall immediately remove such connection and correct such situation. If not removed or corrected within one hundred and twenty (120) calendar days after receiving a Notice of Violation which has been personally delivered or delivered via certified mail, the Town shall impose a Surcharge in the amount provided for in Section 229-82.

2. All disconnections of said illicit connections shall be accomplished by a complete and permanent method and performed in a competent manner and approved and inspection by the Town Building Inspector, any Town sub-code inspector, the Town Fire Code Official and/or Town Engineer. Any disconnection, plugging, capping, re-routing, altering, or modifying must be done in accordance with all applicable state and municipal building codes.

3. Upon issuance of the Surcharge pursuant to Section 229-82, if the property owner, tenant, landlord, or other person with a property interest remedies the illicit connection, said property owner, tenant, landlord, or other person with a property interest shall contact the Town's Building Department for an inspection of the connection by the Town's Building Inspector, a Ton sub-code inspector, the Town Fire Code official or Town Engineer, and upon certification that the illicit connection has been remedied, the Surcharge shall be lifted, beginning the month following the

inspection and certification. If, however, on a subsequent and periodic inspection for which a property was subject to the Surcharge, the illicit connection exists, the Surcharge amount as provided for in Section 229-82 shall be calculated from the previous inspection date.

§229-81 Inspections.

The Building Inspector, Town Engineer, Town Fire Code official and/or a Town sub-code inspector, as long as they display the proper credentials and identification, shall be permitted to request entrance to any property for the purpose of inspecting, observing, testing and sampling to confirm that there is no sump pump or other prohibited discharge into the sanitary sewer system in accordance with this Chapter. Any owner, tenant, landlord, or other person with a property interest who shall refuse entrance to the Building Inspector, Town Engineer, Town Fire Code official or Town subcode inspector, shall immediately become subject to the monthly Surcharge noted in Section 229-82 of this ordinance. Said property shall remain subject to the monthly Surcharge until such time as an inspection is permitted to ensure compliance by the Town of all terms of this Chapter.

§229-82 Surcharge.

A. A surcharge of fifty dollars (\$50) per month is hereby imposed upon every sewer utility bill to property owners, tenants, landlords, or other persons with a property interest for the following conditions:

- 1.** Not in compliance with this ordinance.
- 2.** Refuse of property inspection

B. If the Surcharge is not paid and received by the Town of Boonton, a lien shall be imposed upon the property as per N.J.S.A. 40:14B-42.

C. Said Surcharge shall remain on the property and sewer utility bill until such time as the Town Building Inspector or Town Engineer certifies that the property owner, tenant, landlord, or other person with a property interest is in full compliance with this ordinance.

§229-83 Appeal of surcharge.

Any property owner who shall be assessed a Surcharge pursuant to this ordinance shall have a right to appeal to the Municipal Court for the purposes of providing compliance with this ordinance.

§229-84 Municipal assistance.

The Town of Boonton shall assist and provide guidance to any property owner, tenant, landlord, or other person with a property interest in remedying the situation, as it involves a matter of public concern and the health, safety and welfare of the community in remedying the illicit connection. Except as specifically set forth in this ordinance, all costs associated to comply with

this ordinance shall be borne by the property owner, tenant, landlord, or other person with a property interest.

§229-85 Waiver.

Any person, business, or other entity, who shall by inspection or voluntary reporting is determined to be in violation of any section of this ordinance, shall be permitted to file for a waiver of the Surcharge requirements of Section 229-82, if they can provide that they have exhausted all possible remedial measures. Remedial measures include but are not limited to, the installation of a dry-well, the connection to a storm sewer, and/or use of one's own property for discharge of the water, so long as such discharge does not adversely affect any neighboring property owner. Upon certification of the Building Inspector and/or town Engineer, the person, business, or other entity shall be granted such waiver, but only for such time as to when a remedy becomes available. If such remedy is made available by the Town, it shall notify the person, business, or other entity that they shall comply with this ordinance within one hundred twenty (120) days of receiving said notice. Failure to comply will result in the imposition of a Surcharge as per Section 229-82.

SECTION 2. All ordinances of the Town of Boonton that are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 3. This Ordinance may be renumbered for codification purposes.

SECTION 4. If any section, subsection, section, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

SECTION 5. This ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

The foregoing ordinance having been introduced and passed on first reading by the Mayor and Board of Aldermen of the Town of Boonton, County of Morris, State of New Jersey on July 20, 2020 and then ordered to be published according to the law, will be further considered for final passage and adoption at a public hearing to be held at a meeting beginning at 7:30 p.m. on August 17, 2020, at the Town Hall, 100 Washington Street, Boonton, NJ 07005, when and where, or at such time and place to which said meeting may be adjourned. All persons interested will be given an opportunity to be heard concerning said ordinance.