

BOROUGH OF HOPATCONG

ORDINANCE #23- 2016

**AN ORDINANCE OF THE BOROUGH OF HOPATCONG,
COUNTY OF SUSSEX, AND STATE OF NEW JERSEY
AMENDING CHAPTER 186 OF THE BOROUGH CODE
ENTITLED “SEWERS, PUBLIC”**

BE IT ORDAINED by the Borough of Hopatcong, in the County of Sussex, and State of New Jersey that Chapter 186 entitled “Sewers, Public” of the Code of the Borough of Hopatcong is hereby amended as follows:

SECTION I. Chapter 186 entitled “Sewers, Public” is hereby amended, supplemented, and revised by deleting the definition of “GRINDER PUMPS” in §186-2 entitled “Definitions; word usage” in its entirety and replacing same as follows:

§186-2 Definitions; word usage.

GRINDER PUMPS

A part of a building sewer that shreds and conditions sewerage and discharges under pressure into either a low head pressure system or into a gravity system at a higher elevation than the discharge point. The grinder pump shall be the point of connection of the property to the municipal sewer system.

SECTION II. Chapter 186 entitled “Sewers, Public” is hereby amended, supplemented, and revised by replacing the words “*municipal sanitary sewer system*” with “*municipal sanitary sewer supervisor*” where said words appear twice in §186-4(M)(5)(a), once in §186-4(M)(5)(a)[1], once in §186-4(M)(5)(a)[2], once in §186-4(M)(5)(a)[3], once in §186-4(M)(5)(a)[4], once in §186-4(M)(5)(a)[5] and twice in §186-4(M)(5)(b).

SECTION III. Chapter 186 entitled “Sewers, Public” is hereby amended, supplemented, and revised by adding §186-9(J)-(M) as follows:

§186-9. Rates.

- J. Repair of clean-out and lateral within the right-of-way: The user is responsible to maintain and repair the building sewer lateral and cleanouts. If the user fails to make repairs within a specified timeframe as determined by the sewer supervisor, the Borough will initiate repairs and the cost incurred will be billed to the user.
- K. Grinder pump inspection fee: Prior to transfer of title, all grinder pumps being maintained by the Borough shall be inspected. The property owner shall pay a fee of \$50 for inspection and \$1,000 for any required cleaning. If inspection shows the pump is compromised, an additional \$2,000 will be charged for replacement of the pump.
- L. All inquiries related to grinder pump maintenance shall be made by appointment. Cancellation of an appointment less than two (2) hour notice will be subject to a \$50 fee.
- M. Inspection of existing connections: Prior to transfer of the title, an inspection shall be made per 186-31. The inspection fee shall be \$25.

SECTION IV. Chapter 186 entitled “Sewers, Public” is hereby amended, supplemented, and revised by deleting §186-11(B) in its entirety and replacing same as follows:

§186-11. Connection fee.

- (B) The connection fee of \$6,083 per EDU provided hereinabove shall be due and payable prior to the issuance of a Certificate of Occupancy. Cases where a Certificate of Occupancy is not required, payment shall be made prior to activation of service. Nothing in this section shall be construed to grant the property owner an automatic extension of a sewerage allocation permit pursuant to § 186-29 of this chapter. Any property owner paying a connection fee is required to comply with all provisions of § 186-29 of this chapter regarding the extension of any sewerage allocation permit beyond a one-year period for which the permit is granted.

SECTION V. Chapter 186 entitled “Sewers, Public” is hereby amended, supplemented, and revised by adding §186-11(C) as follows:

§186-11. Connection fee.

- (C) Properties undergoing redevelopment shall receive a credit for existing EDU’s provided the annual sewer user fees remain current. Failure to pay the sewer user fees shall be a discontinuance of sewer service.

SECTION VI. Chapter 186 entitled “Sewers, Public” is hereby amended, supplemented, and revised by deleting §186-14 entitled “Grinder pumps; ownership and maintenance; sewer system connection procedure” in its entirety and replacing same as follows:

§186-14. Grinder pumps; ownership and maintenance; sewer system connection procedure.

- A. Except as specified below, the Borough of Hopatcong shall own and maintain any grinder pump installed by it which is utilized to connect any property in the Borough to a low head pressure sewer line. Maintenance shall not include the cost of electricity to operate said grinder pump, which shall be the responsibility of the property owner.
- B. In the event of any malfunction of the grinder pump, the property owner shall promptly notify the Borough thereof so that the Borough may repair the grinder pump. If the Borough's inspection of the grinder pump should reveal that the malfunction of the grinder pump was caused by any misuse of the grinder pump by the property owner, or the discharge of any prohibited waste, the Borough shall repair or replace the grinder pump and, after which, ownership and future maintenance of the grinder pump shall immediately be responsibility of the property owner.
- C. Any property granted permission to connect to the municipal sewer system pursuant to §186-25 hereof requiring a household sewage grinder pump shall comply with the following:
- (1) Full maintenance and ownership of a new sewage grinder pump shall immediately be the responsibility of the property owner.
 - (2) The owner of the property to be connected to the municipal sewer system shall be required to purchase the grinder pump and necessary appurtenances for the connection of the property to the municipal sewer system.

- (3) The property owner shall be solely responsible for obtaining all necessary permits to connect said property to the municipal sewer system.
 - (4) Grinder pump installation, inspection and payment.
 - (a) The owner of the property being connected to the municipal sewer system shall be solely responsible for all costs and expenses for the installation and testing of said household sewage grinder pump and the restoration of the property.
 - (b) The grinder pump shall be installed in accordance with standard specifications prepared by the Borough Engineer.
 - (c) The Borough Engineer or his designee shall inspect and approve the installation of said household sewage grinder pump in accordance with the Borough's standard specification.
 - (d) The property owner shall pay an escrow to the Borough of \$1,500 to pay for the Borough's expenses in reviewing and approving the plans and construction. In the event that the escrow is depleted and the balance is not paid within 30 days of billing by the Borough, the escrow balance shall be added to the next sewer installment bill and shall be billed to the property owner as part of the sewer bill.
- D. Transfer of property ownership shall immediately transfer all future maintenance and ownership of grinder pump(s) to the new property owner.
- E. The Borough will be responsible to maintain existing grinder pumps up to the service life of the initial pumps installed prior to June 30, 2019. Upon failure of a grinder pump after June 30, 2019, the Borough will replace the failed pump at which time the ownership and future maintenance of the grinder pump will be the responsibility of the property owner. The Borough extends no warranty on the pump extended to the property owner. The Borough will continue to own and maintain the sewer distribution systems within existing easements.

SECTION VII. Chapter 186 entitled "Sewers, Public" is hereby amended, supplemented, and revised by renumbering and renaming §186-32 entitled "Violations and penalties" as follows:

§186-33. Violation and penalties.

SECTION VIII. Chapter 186 entitled "Sewers, Public" is hereby amended, supplemented, and revised by renumbering and renaming §186-31 entitled "Relaxation; waiver of requirements" as follows:

§186-32. Relaxation; waiver of requirements.

SECTION IX. Chapter 186 entitled "Sewers, Public" is hereby amended, supplemented, and revised by adding a new section entitled "§186-31. Inspections of existing connections; Orders to terminate improper connections" as follows:

§186-31. Inspections of existing connections; Orders to terminate improper connections.

- A. For purposes of enforcing the provisions of subsection 186-4 of this chapter which prohibits certain discharges into a sanitary sewer system through a building sewer, Borough representatives may at reasonable times inspect any building sewer and connections therewith. At a minimum, an inspection shall be made at the transfer of title. In the event that access to any part of a building sewer is refused by the owner or occupant of any buildings, the Borough representative who is refused access shall immediately report the refusal and any reason given therefore to the Borough Council for appropriate action, including compulsory process if necessary.
- B. Whenever a violation of subsection 186-4 of this chapter is found, the owner of the property shall be notified in writing thereof and shall be ordered to disconnect any improper pipes or other facilities within thirty (30) days after the receipt of such notice.
- C. Should an inspection made subsequent to the expiration of the thirty (30) day period indicate non-compliance with the order, a report shall be filed with the Borough Council, which may institute a proceeding for violation of this section.

SECTION X. If any article, section, subsection, sentence, 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 and they shall remain in full force and effect.

SECTION XI. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough, the provisions hereof shall be determined to govern. All other ordinances of the Borough are hereby ratified and confirmed, except where inconsistent with the terms hereof.

SECTION XII. This Ordinance shall take effect immediately upon final passage and publication according to law.

NOTICE

NOTICE is hereby given that the foregoing Ordinance was introduced to pass on first reading at a regular meeting of the Council of the Borough of Hopatcong held on the 7th day of September, 2016, at 7:30 p.m. and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a regular meeting of the Council of the Borough of Hopatcong to be held on the 21st day of September, 2016, at 7:30 p.m., or as soon thereafter as the Borough may hear this Ordinance at the Municipal Building, 111 River Styx Road, Hopatcong, New Jersey 07843, at which time all persons interested may appear for or against the passage of said Ordinance.

Catherine Schultz
Borough Clerk

CERTIFICATION

I, Catherine Schultz, Clerk of the Borough of Hopatcong, do hereby certify that the Council of the Borough of Hopatcong duly adopted the foregoing Ordinance on the 21st day of September, 2016, at 7:30 p.m.

Catherine Schultz, Clerk
Borough of Hopatcong

Sylvia Petillo, Mayor