

**TOWNSHIP OF DOWNE
COUNTY OF CUMBERLAND**

ORDINANCE NO. 2020-12

**AN ORDINANCE REQUIRING MANDATORY SEWER CONNECTIONS
FOR THE DOWNE TOWNSHIP SEWER PROJECT**

WHEREAS, the Township Committee of the Township of Downe has worked with its Engineers and Consultants for purposes of seeking to bring about a solution oriented proposal for purposes of provision of sewer service to the Township of Downe to be located in the Village for Fortescue, Gandy's Beach and the Garrison Trailer Park; and

WHEREAS, it shall be necessary for the owners of properties in the areas to be serviced by the Downe Township Sewer Project as identified herein to provide for a sewer connection to their property which shall include the necessary electrical services ; and

WHEREAS, it is determined by the Township of Downe that this project is for the benefit of the communities which will be included in the project and will improve the health, safety and welfare of the residents as well as protect the environment of the impacted areas

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Downe, County of Cumberland and State of New Jersey that the following Ordinance is hereby adopted:

**AN ORDINANCE FOR DOWNE TOWNSHIP SEWER PROJECT IN THE VILLAGE OF
FORTESCUE, GANDY'S BEACH & GARRISON TRAILER PARK**

1. AUTHORITY

The Township of Downe is hereby establishing certain sewer use rules and regulations and methods for user charges within the in the Village of Fortescue, Gandy's Beach & Garrison Trailer Park, Township of Downe, County of Cumberland, State of New Jersey as provided and authorized by N.J.S.A. 40:63-1 et seq. to be known as the Downe Township Sewer Project.

2. PURPOSE

The purpose of this ordinance is to establish sewer connection and provision for electrical service rules and regulations for those to be serviced by the construction of the Downe Township Sewer Project. This Downe Township Sewer Project shall include the Village of Fortescue, Gandy's Beach and Garrison Trailer Park. Said rules and regulations shall only govern who shall connect and under what circumstances they shall connect to the sewerage system but also shall provide a system of rules and regulations in accordance with County, State and Federal regulations and requirements. Additionally, the sewer connection provisions shall include

a mandatory provision for electric service as specified in the project plans for each connection at the property owners' expense.

3. MANDATORY CONNECTION TO SANITARY SEWERS IN SEWER SERVICE AREAS

Any owner of property along the line of any sanitary sewer known as the Downe Township Sewer Project shall connect any house or other building on such lands with the sanitary sewer line known as the Downe Township Sewer System as identified herein, in the manner herein provided or as amended. Such connection shall include the necessary electrical supply to be identified. Any real property in the area to be serviced by the Downe Township Sewer System which has access from any public street to the property by way of a private easement shall be considered to be along the line of the sanitary sewer, if such sanitary sewer line is in the public street at which site such easement shall terminate.

4. NOTICE TO CONNECT - EXECUTION OF DEED OF EASEMENT

Property owners along the line of the sanitary sewer which is part of the Downe Township Sewer Project shall permit the connection of their property to the Downe Township Sewer Project wastewater treatment facilities by the execution of a right of way and deed of easement permitting and authorizing the connection of such privately owned buildings to the sanitary sewer line within ninety (90) days of the effective date of the ordinance. Notice shall be serviced immediately upon all property owners who have not executed a deed of easement on the effective date of the ordinance codified in this chapter, by serving the homeowner personally or by leaving such notice at his or her usual place of abode with a member of his or her family (above the age of eighteen (18) years). Additionally, personal service may be accomplished by mailing a copy of the notice to the owner at his or her address shown on the official tax records of the township, such mailing to be by certified mail, return receipt requested, with appropriate instructions to the postal department and authorities to deliver only to the addressee.

5. PUMPING AND FILLING OF SEPTIC TANK

Upon Connection to the Downe Township Sewer Project wastewater treatment facility, the property owner shall cause the individual septic system on the property to be pumped and all its contents removed by a licensed septic cleaner. The lid of the septic tank and/or cesspool shall then be broken or removed, and the tank and/or cesspool backfilled with clean fill.

6. FINE AND PENALTY

Any person who shall not comply with the sewer connection order specified hereinabove within thirty (30) days after the receipt of service of such notice, shall be fined by the municipal court of the township. The fine to be imposed shall be five hundred dollars (\$500.00) for the initial failure to connect pursuant to such order and an additional fine of one hundred dollars (\$100.00) per day for each day of delay after the expiration of the thirty (30) day period provided for in the notice hereinabove described. Further, the Township may take any legal action as necessary to ensure compliance and all township incurred attorney fees shall be assessed against the non-complying property owner.

7. REMEDIES

Remedies herein contained to compel the connection to sewer lines for the Downe Township Sewer Project are and shall be considered cumulative and in addition to any other remedies to compel sewer connection found either in statutes in the state of New Jersey or in the ordinances of the township.

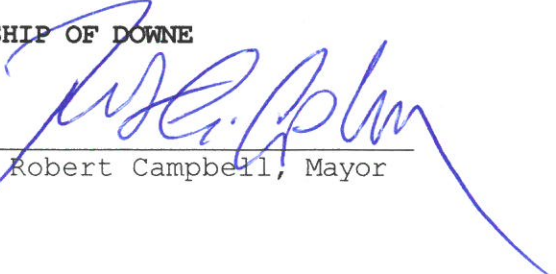
8. ENFORCEMENT

This section and Sections 1 through 7, inclusive, are enacted by the Township Committee of the Township of Downe and specifically are passed pursuant to the power and authority found in the statutes of New Jersey.

NOW, THEREFORE, BE IT FURTHER ORDAINED, that this Ordinance shall take effect after final approval and publication as required by law.

TOWNSHIP OF DOWNE

BY:



Robert Campbell, Mayor


Nadine E. Lockley, Municipal Clerk

STATE OF NEW JERSEY :
: ss
COUNTY OF CUMBERLAND :

Please take notice that the above Ordinance was adopted after a Public Hearing at a meeting of the Downe Township Committee on the 12th day of October 2020 at the Downe Township Municipal Building in Newport, New Jersey.

ATTEST


Nadine E. Lockley, Municipal Clerk



TOWNSHIP OF DOWNE
CUMBERLAND COUNTY, NEW JERSEY

RECORD FOR ORDINANCE # 2020-12

Introduce Ordinance on First Reading

Motion: BART

Second: ROTHMAN

Introduce Ordinance / First Reading Date: SEPTEMBER 14, 2020

Ordinance Published: SEPTEMBER 18, 2020

Ordinance Posted: SEPTEMBER 14, 2020

Public Hearing / Second Reading Date: OCTOBER 12, 2020

ROLL CALL	YES	NO	ABSTAIN	ABSENT
Burt, S.	X			
Byrne, S.	X			
Rothman, M.	X			
Bart, E.	X			
Campbell, R.	X			

Adoption of Ordinance

Motion: BART

Second: ROTHMAN

ROLL CALL	YES	NO	ABSTAIN	ABSENT
Burt, S.				X
Byrne, S.	X			
Rothman, M.	X			
Bart, E.	X			
Campbell, R.	X			

Final Adoption Date: OCTOBER 12, 2020

Notice of Final Passage Published: OCTOBER 16, 2020

Notice of Final Passage Posted: OCTOBER 12, 2020

October 12, 2020

Date

Nadine E. Lockley

Nadine E. Lockley, Municipal Clerk