

**TOWNSHIP OF DOWNE
COUNTY OF CUMBERLAND, STATE OF NEW JERSEY**

ORDINANCE NO. 2024-04

ORDINANCE REGULATING USE OF SEWERS

ARTICLE I

1. Definitions and word usage.

A. Unless the context specifically indicates otherwise, the meaning of terms used in this article shall be as follows:

CUMBERLAND COUNTY BOARD OF HEALTH - The county authority responsible for the issuance of permits to construct private sewage disposal systems.

LANDIS SEWERAGE AUTHORITY (sometimes termed "LSA") - The authority contracted to Downe Township to be responsible for the treatment of wastewater collected by participating communities, including Fortescue and Gandy's Beach in the Township of Downe.

BOD (denoting "biochemical oxygen demand") - The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20⁰ C., expressed in milligrams per liter.

BUILDING DRAIN - That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet (1.5 meters) outside the inner face of the building wall.

BUILDING SEWER - The extension from the building drain to the service lateral or other place of disposal.

CITY - The Township of Downe.

DOWNE TOWNSHIP TREATMENT PLANT - The treatment plant in DOWNE TWP, owned, operated, and maintained by Downe Township, which is used to treat sewage collected from Fortescue and Gandy's Beach.

CLEANOUT - A piece of pipe extending vertically to or above the ground surface from the building sewer and/or service lateral for cleaning access.

COMBINED SEWER - A sewer receiving both surface runoff and sewage.

COOLING WATER - The water discharged from any system of condensation, air conditioning, cooling, refrigeration or other, but which shall be free from odor and oil. It shall contain no polluting substances which would produce BOD or suspended solids each in excess of 10 parts per million by weight.

COUNTY SYSTEM - The gravity lines, force mains, pumping stations and treatment facilities owned, operated, and maintained by the Landis Sewerage Authority within the Township of Downe for purposes of conveying sewage to the Township of Downe treatment plant for subsequent treatment of sewage.

CUSTOMER - The applicant for sewerage service at one household, industry, or business, whether owner or tenant, who enters into an agreement for such service.

EASEMENT - An acquired legal right for the specific use of land owned by others.

ENGINEER - The duly appointed Consulting Engineer employed by the Township.

FORCE MAIN - A sewer line through which sewage is forced or pumped by the use of a pumping station. Force mains are closed systems without lateral access.

GARBAGE - The animal and vegetable waste resulting from the handling, preparation, cooking, servicing, and dispensing of food and the sale of produce.

GREASE TRAP - Pipe fixtures installed in building sewer pipes to remove grease or oil from sewage before it enters the public sewer.

INDUSTRIAL WASTES - The wastewater from industrial processes, trades, or businesses, as distinct from domestic or sanitary sewage.

INFILTRATION - The unwanted intrusion of groundwater, surface water or stormwater into the sanitary sewerage system.

NATURAL OUTLET - Any outlet, including storm sewers, into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

NJDEP - The New Jersey Department of Environmental Protection

OWNER - The person holding title of record to the property.

PERSON - Any individual, firm, company, association, society, corporation, or group holding title to the property.

pH - The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

PRIVATE SEWAGE DISPOSAL SYSTEM - A system of pipes, septic tanks, cesspools and other disposal areas whose function is to separate the solids from the sewage and dispose the liquid portion of the sewage underground. All components of this system function independently of the public sewerage system.

PROPERLY SHREDDED GARBAGE - The wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch (1.27 centimeters) in any dimension.

PUBLIC SEWER - A sewer in which all owners of abutting properties have equal rights and is controlled by public authority.

SANITARY SEWER - A sewer which carries sewage and to which stormwater, surface water and groundwater are not intentionally admitted.

SERVICE LATERAL - That part of the sewerage system from the main to one foot inside the curblin, easement line or abutting property line.

SEWAGE - A combination of the water-carried wastes from any building or structure, including, but not limited to, residences, business buildings, institutions, and industrial establishments.

SEWAGE TREATMENT PLANT - Any arrangement of devices and structures used for treating sewage.

SEWER - A pipe or conduit for carrying sewage.

SEWERAGE SYSTEM - All facilities of the Township utilized for collecting, pumping, and disposing of sewage.

SLUDGE - Any discharge of water, sewage, or industrial waste, which in concentration of any given constituent or in quantity of flow exceeds, for any period of duration longer than 15 minutes, more than five times the average twenty-four-hour concentration of flows during normal operation.

STORM DRAIN (sometimes termed "STORM SEWER") - A sewer which carries stormwater and surface water and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

STREET - Any public right-of-way, including but not limited to any street, road, lane, court, alley, or public square.

SUPERINTENDENT - The Superintendent of the Sewer Department and/or of Water Pollution Control of the Township of Downe or his authorized deputy, agent or representative.

SUSPENDED SOLIDS (sometimes termed "SS") - The total suspended matter that either floats on the surface of or is in suspension in water, sewage or other liquids and which is removable by laboratory filtering.

WATERCOURSE - A channel in which a flow of water occurs, either continuously or intermittently.

B. "Shall" is mandatory; "may" is permissive.

2. Deposit of waste in an unsanitary manner prohibited.

It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the Township of Downe or in any area under the jurisdiction of said Township any human or animal excrement, garbage or other objectionable waste or waters.

3. Discharge into natural outlets prohibited.

It shall be unlawful to discharge to any natural outlet within the Township of Downe or in any area under the jurisdiction of said Township any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this article, and in accordance with NJDEP regulations and the Code of the Township of Downe.

4. Construction of private facilities restricted.

Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic land, cesspool, or other facility intended or used for the disposal of sewage.

5. Connection with public sewer required.

The owners of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes situated within the Township and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the Township are hereby required, at the owners' expense, to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer in accordance with the provisions of this article within 120 days after the date of official notice to do so, provided that said public sewer is within 200 feet of the property line and is situated so that the sewage can flow by gravity from the customer through the building sewer and service lateral into the public sewer.

6. Discharge of cooling water.

The discharge of cooling water to the sewerage system is not permitted except by specific written approval by the Engineer.

7. Use of private disposal system.

Where a public sanitary sewer is not available under the provisions of this Ordinance, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this article.

8. Permit required for construction of private system.

No new private sewage disposal system is permitted within the Township of Downe in the Fortescue or Grandys Beach areas. For areas not served by the municipal sewer system, before commencement of reconstruction of a private sewage disposal system, the owner shall first obtain a written permit from the Cumberland County Board of Health. Upon receipt of said permit, an application for a Uniform Construction Code permit shall be made on a form furnished by the Township, which the applicant shall supplement with any plans, specifications and other information deemed necessary by the Superintendent. A permit and inspection fee

of \$65 shall be paid to the Township at the time the application is filed.

9. Inspection of private system.

A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Cumberland County Board of Health. The required plumbing inspection shall be made within 72 hours or three working days, whichever is greater, of the receipt of notice by the Construction Official.

10. Construction requirements for private system.

Construction of private sewage disposal systems shall be in accordance with any and all regulations imposed by the Cumberland County Department of Health and the New Jersey Department of Environmental Protection.

11. Abandonment of private system.

At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in this ordinance, a direct connection shall be made to the public sewer within 60 days in compliance with this article, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material as determined by the Superintendent and accomplished within one year of abandonment.

12. Operation and maintenance standards for private system.

The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the Township.

13. Additional requirements for private systems.

No statement contained in this ordinance shall be construed to interfere with any additional requirements that may be imposed by any agency having jurisdiction over this type of facility.

14. Permit required for connections.

No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent and the Building Department.

15. Classes of building sewer permits; application; fees.

There shall be three classes of building sewer permits issued by the Plumbing Inspector: for residential service; commercial service; and for service to establishments producing industrial waste. In any

case, the owner or his agent shall make application on a special form furnished by the Township. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Superintendent and the Building Department. A Uniform Construction Code plumbing permit(s) will be charged for residential, commercial, and industrial sewer connections. Permits shall be paid to the Construction Office (sewer pumps \$80, interceptor separators \$80, grease traps \$80, sewer connection \$100) at the time the application is filed. These permits will be issued only after the Superintendent has advised the Construction Office that the public sewer has been tested and accepted.

16. Owner to pay costs and expenses.

All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Township from any loss or damage that may, directly or indirectly, be occasioned by the installation of the building sewer.

17. Separate sewers to be provided for each building; exceptions.

A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer, but the Township does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection as aforementioned. No portion of this section shall provide relief or deviation from any regulation of the New Jersey Department of Environmental Protection for such facilities.

18. Use of old sewers.

Old building sewers may be used in connection with new buildings only when they are found, on examination by the Superintendent, to meet all requirements approved by this article.

19. Connections; fees.

A. The Township will make connections to its mains and, where said mains are located in streets, will furnish and install all service laterals from the main to a joint one foot inside the curbline, all of which service laterals shall remain the sole property of the Township. Services shall not be trespassed on or interfered with in any respect. Where the Township's sewer is located in a right-of-way, the Township will make the connection between the service laterals and the public sewer and extend the service

lateral to the abutting easement line or property lines. The applicant shall pay a connection charge for each such service lateral or connection made by the Township in an amount provided in the official rate schedule of the Township. After installation, the Township is only responsible for the structural integrity of the service lateral.

B. The applicant shall pay a connection charge for each such sewer lateral, or connection made by the Township in the amount of \$1,850.

C. If in fact a property was previously connected to sewer and, as a result of fire or other casualty becomes disconnected, if said property is reconnected within two years of the disconnection, the connection fee shall only be \$300. If reconnection occurs after a two-year time of disconnection, the connection fee shall be \$1,850.

20. Construction standards for building sewer.

The size, slope, alignment, materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall conform to the requirements of the materials and procedures set forth in appropriate specifications of the American Society for Testing and Materials, the Plumbing Code of New Jersey and Water Pollution Control Federation Manual of Practice No. 9, if not specifically outlined in this article.

21. Minimum diameter of building sewer.

The minimum diameter of a building sewer shall be four inches unless a larger size is required for an industrial or commercial connection as determined by the Superintendent. A one-fourth inch per foot slope shall be maintained for the building sewer unless the Superintendent allows a lesser slope based on unusual site conditions.

22. Pipe standards.

All soil and waste lines from the building or buildings shall be of PVC (Polyvinyl chloride) ASTM Specification D3033, D3034 or D1785, copper tubing or ductile iron pipe:

23. Laying of pipe.

All pipe utilized in the building sewer and service lateral shall be installed as follows:

A. Lower pipe into trench using handling equipment designed for the purpose to assure safety of personnel and to avoid damage to the pipe.

- B. Lay pipe to a true uniform line with the barrel of the pipe resting solidly in pipe bedding material throughout its length. Excavate recesses in pipe bedding material to accommodate joints, fittings and appurtenances. Do not subject pipe to a blow or shock to achieve solid bearing or grade.
- C. Lay each section of pipe in such a manner as to form a close concentric joint with the adjoining section and to avoid offsets in the flow line.
- D. Clean and inspect each section of the pipe before joining. Assemble to provide tight, flexible joints that permit movement caused by expansion, contraction, and ground movement. Use lubricant recommended by the pipe or fitting manufacturer for making joints. If unusual joining resistance is encountered or if the pipe cannot be fully inserted into the bell, disassemble joint, inspect for damage, reclean joint components and reassemble joint.
- E. Assemble joints in accordance with the recommendations of the manufacturer.
 - (1) Push-on joints:
 - (a) Clean the inside of the bell and the outside of the spigot. Insert rubber gasket into the bell recess.
 - (b) Apply a thin film of gasket lubricant to either the inside of the gasket or the spigot end of the pipe, or both.
 - (c) Insert the spigot end of the pipe into the socket using care to keep the joint from contacting the ground. Complete the joint by forcing the plain end to the bottom of the socket. Mark pipe that is not furnished with a depth mark before assembly to assure that the spigot is fully inserted.
 - (2) Mechanical joints:
 - (a) Wash the socket and plain end. Apply a thin film of soapy water. Slip the gland and gasket over the plain end of the pipe. Apply soapy water to gasket.
 - (b) Insert the plain end of the pipe into the socket and seat the gasket evenly in the socket.
 - (c) Slide the gland into position, insert bolts and finger-tighten nuts.
 - (d) Bring bolts to uniform tightness. Tighten bolts 180 degrees; apart alternately.
 - (3) Solvent cemented joints:
 - (a) Chamfer and deburr pipe. Clean socket and plain end. Measure and mark the socket depth on the outside of the pipe.

(b) Apply primer to inside socket surface using a scrubbing motion to ensure penetration. Repeated applications may be necessary. Soften surface of the male end of pipe to the depth of the fitting socket by applying a liberal brush coat of primer. Do not pour on primer. Assure entire surface is well softened.

(c) Repeat application of primer to inside socket surface, then apply cement to the pipe while surfaces are still wet with primer. Apply cement uniformly, taking care to keep excess cement out of socket.

(d) Immediately after applying the last coat of cement to the pipe, and while both the inside socket surface and outside pipe surfaces are soft and wet, forcefully seat the pipe into the socket. Turn the pipe 1/4 turn during assembly to distribute cement evenly. Assembly should be completed within 20 seconds after the last application of cement. Insert pipe with a steady, even motion. Do not use hammer blows.

(e) Hold joint in place until cement has set. Wipe excess cement from the pipe.

(4) Coupled joints: Assemble in accordance with manufacturer's recommendations.

F. Disassemble and remake improperly assembled joints using a new gasket.

G. Check each pipe installed as to line and grade in place. Correct deviation from grade immediately. A deviation from the designed grade as shown on the drawings, or deflection of pipe joints, will be cause for rejection.

24. Inspection of building sewers.

The applicant for a sewer connection shall notify the City when the building sewer is ready for inspection, testing and connection to the public sewer. No trench shall be filled or any part of pipe or fittings covered until such inspection is made and the work is approved. The inspection shall be made within 72 hours or three working days, whichever is greater, after the receipt of notice by the Township's Construction Office, who shall have the power to apply proper tests to the pipe or fittings. The owner or contractor doing the work shall furnish the tools and labor necessary for the tests and shall remove defective materials and repair work improperly done as the Township's inspector directs.

25. Laying of connections under sidewalks.

Whenever it is necessary to carry a trench containing a sewer connection under any stone, asphalt or cement sidewalk, the

sidewalk shall be removed and replaced in accordance with the requirements of the Code of the Township of Downe.

26. Notification required prior to commencement of work.

The Township's Construction Office shall be notified at least 24 hours before the commencement of any work upon sewer connections. Inspection of work will be provided between the hours of 9:00 a.m. and 4:00 p.m. on regular working days.

27. Standards for connection.

The connection of the building sewer into the public sewer shall conform to the requirements of the Building and Plumbing Codes or other applicable rules and regulations of the Township or the procedures set forth in appropriate specifications of the American Society for Testing and Materials and any applicable NJDEP regulations. All such connections shall be made airtight and watertight.

28. Guarding of excavations; restoration.

All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Township in accordance with the Code of Township of Downe.

29. Lifting of sewage to sewers.

In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain may be lifted by an approved means and discharged to the building sewer.

30. Connection with sources of runoff or groundwater.

No person shall make connection of roof downspouts, exterior foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected, directly or indirectly, to a public sanitary sewer.

31. Responsibility for maintenance.

The Township shall be in no way responsible for maintaining any portion of the building sewer owned by the customer or for damage done by sewage escaping therefrom or for lines or fixtures on the customer's property.

32. Abandonment of building sewer.

- A. When a structure is demolished and a demolition permit has been obtained by the Construction Office, or when a structure has been destroyed by fire or other casualty, and when the building sewer has been capped and sealed in the manner specified by the Superintendent, if the disconnection takes place within the current billing period, the current charges are still due and owing and there shall not be any proration from the time of disconnect until the end of the current billing period. The Township will not assess sewer service charges in the future billing cycles until a new certificate of occupancy has been obtained.
- B. If a structure is assessed with a sewer charge, and if that structure becomes vacant, the charge will remain in place, even though the structure is vacant.

33. Discharge of stormwater.

Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or to a natural outlet approved by the Engineer and the New Jersey Department of Environmental Protection.

34. Prohibited discharges.

No person shall discharge or cause to be discharged any of the following objectionable waters or wastes to any public sewers:

- A. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
- B. Any water or waste containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two milligrams per liter as CN in the wastes as discharged to the public sewer.
- C. Any water or waste having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage work.
- D. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works, such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unshredded garbage, whole blood, manure, hair and fleshings, entrails and paper

dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

- E. Any discharge that will produce an oxygen demand greater than could be expected from domestic sewage.

35. Restricted discharges.

No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely, in the opinion of the Superintendent, that such wastes can harm either the sewers, sewage treatment process or equipment; have an adverse effect on the receiving stream; or can otherwise endanger life, limb, public property or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant and other pertinent factors. A waste now that may be initially acceptable to the Township may in the future, without any change in the character of the waste or volume, become unacceptable by virtue of the enactment of stricter and more extensive prohibitions of deleterious substances, materials, water, or wastes. In such case, the Township shall take action as provided in § 221-36 of this article. The substances prohibited are:

- A. Any liquid or vapor having a temperature higher than 150°F. (65° C.).
- B. Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of 100 milligrams per liter or containing substances which may solidify or become viscous at temperatures between 32° F. and 150° F. (0° C. and 65° C.).
- C. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of 3/4 horsepower (0.76 horsepower metric) or greater shall be subject to the review and approval of the Superintendent.
- D. Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Superintendent for such materials.
- E. Any waters or wastes containing phenols or other taste- or odor-producing substances in such concentrations exceeding limits which may be established by the Superintendent as necessary,

after treatment of the composite sewage, to meet the requirements of the state, federal or other public agencies of jurisdiction for such discharge to the receiving waters.

F. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable state or federal regulations.

G. Any water or waste having a pH in excess of 9.0.

H. Materials which exert or cause:

(1) Unusual concentrations of inert suspended solids (such as, but not limited to, fuller's earth, lime slurries and lime residue) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).

(2) Excessive discoloration, such as, but not limited to, dye wastes and vegetable tanning solutions.

(3) Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.

(4) Unusual volume of flow or concentration of waste constituting slugs, as defined herein.

I. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

36. Discharge of hazardous wastes.

A. If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in § 221-35 and which, in the judgment of the Superintendent, may have a deleterious effect upon the sewage works, processes, equipment or receiving waters or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

(1) Reject the wastes;

(2) Require pretreatment to an acceptable condition for discharge to the public sewers;

(3) Require control over the quantities and rates of discharge; and/or

(4) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of § 221-41.

B. If the Superintendent permits the pretreatment of equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent and subject to the requirements of all applicable codes, ordinances and laws.

37. Grease, sand and oil interceptors.

Grease, oil and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand or other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent and shall be located as to be readily and easily accessible for cleaning and inspection and shall be maintained by the owner in continuous, efficient operation at all times.

38. Maintenance of pretreatment facilities.

Where pretreatment or flow-equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

39. Monitoring facilities required.

When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole, together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

40. Sampling and testing methods.

All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this article shall be determined in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, and shall be determined at the control manhole provided or upon suitable samples taken at said control manhole. In the event that no special manhole has

been required, 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. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage work and to determine the existence of hazards to life, limb and property.

41. Special agreements for acceptance of waste.

No statement contained in this article shall be construed as preventing any special agreement or arrangement between the Township and any industrial concern, whereby an industrial waste of unusual strength or character may be accepted by the Township for treatment, subject to payment therefor, by the industrial concern.

42. Compliance required.

Any developer, subdivider of land or other person, firm or corporation requiring the approval of the Township as a condition precedent to approval of a subdivision by the Township of Downe Planning Board; or any other person seeking approval of sewers, laterals or other sewage collection and/ or treatment facilities that it is intended will be incorporated into the Township's sewerage system; or any other person requiring sewerage service for dwellings or other buildings not located and fronting on a presently existing and accepted municipal street or fronting on a street so accepted but not presently serviced to the location of the property by the system of the Township shall be required to comply with this article herein set forth and all other rules and regulations of the Township as a condition precedent to the approval of the Township of Downe.

43. Construction of new facilities.

This section shall pertain to all new construction as required by any owner, applicant, developer or subdivider of land:

- A. When a sewer lateral connection is required as part of any new construction, reconstruction, or land use activity on an existing street on which there is an existing sanitary sewer, the installation of said lateral(s) will be completed by the Township's contractor in accordance with § 221-19 and Article III of this chapter. The Superintendent may, at his sole discretion, allow the applicant's qualified utility contractor to complete the installation of sewer laterals. This does not relieve the applicant of the responsibility of any fees as noted herein.
- B. When new sewers, manholes, pump stations, treatment facilities or other appurtenances are required to be constructed in a new or existing street within the Township, said facilities shall be

constructed in conformity with this article and the applicable regulation promulgated by the New Jersey Department of Environmental Protection and the Landis Sewerage Authority. Plans and specifications shall be submitted to the Township for review by the Engineer and Superintendent prior to issuance of any permit to construct improvements. All costs associated with said review and any subsequent construction shall be the responsibility of the applicant in accordance with this article.

- C. When an extension of a sewer is required to service a proposed project, the applicant shall be responsible for preparation of any and all plans, specifications, applications and reports as necessary for the obtaining of any required Treatment Works Approvals as required by the New Jersey Department of Environmental Protection and the Landis Sewerage Authority. This shall also apply to any development project that meets any of the other requirements for obtaining a Treatment Works Approval from said agencies. The applicant shall be responsible for the preparation of any and all additional documents deemed necessary by the Engineer and Superintendent during their respective review of the project.
- D. The applicant shall be responsible for all application fees associated with treatment works applications. The applicant shall submit a review escrow in the amount \$2,000 for the review of documents by the Engineer. Funds not expended during this review will be refunded to the applicant.
- E. Construction of all new facilities shall be inspected by the Engineer and/or Superintendent as determined by the same. If the Engineer and Superintendent deem that the Engineer or his authorized representative will conduct inspections, the applicant shall post an inspection escrow to the Township in an amount determined in advance by the Engineer. Funds not expended during inspection will be refunded to the applicant. Included in any inspection shall be construction observation, witnessing an air test conducted in accordance with current testing standards and witnessing of a sewer video. Arrangement and coordination of the air test and sewer video shall be completed by the applicant and the applicant shall be responsible for all costs associated with same:
- F. No certificate of occupancy shall be issued for any building until such time as the following documents have been received, reviewed and deemed acceptable by the Engineer. The Engineer will notify the Construction Office when these documents have been deemed acceptable and the sewer system has been accepted by the Engineer and Superintendent. The applicant shall submit the following to the Engineer.

(1) As-built survey prepared by a professional land surveyor licensed in the State of New Jersey. The survey shall be

provided in a digital format and on a datum acceptable to the Engineer.

(2) A sewer video of all sewer pipes shall be completed, demonstrating that the system has been constructed in accordance with plans and specifications. The video shall note the locations of sewer laterals measured from the preceding manhole.

- G. No item in this section shall relieve the applicant from the payment of any other fee required in this chapter.
- H. The applicant shall post a performance bond in an amount equal to 120% of the construction costs estimated by or approved by the Engineer. Said bond shall be in a form suitable to the Township Solicitor.
- I. Upon completion of a sewer construction project but prior to final approval of new construction and release of any performance bond, the applicant shall post a maintenance bond equal to 15% of the construction costs estimated by or approved by the Engineer. Said bond shall be in a form suitable to the Township Solicitor.

44. Expenses of additions to system.

The Township shall not construct, at its expense, any downstream improvements, including but not limited to additional manholes, sewer extensions, reconstructed or enlarged sewers or pump stations, solely to accommodate an upstream land development project. Prior to any project's construction, the Superintendent and/or Engineer, as determined by same, shall review all land development projects regardless of the extent to which the project may or may not require new laterals, manholes, pump stations or the extension of a sewer.

- A. When, in their review of a new development project, the Engineer and/or Superintendent determine that existing sewer facilities, including but not limited to the sewer pipes and pump stations, do not have the capacity to accommodate a land development project, the applicant shall be responsible for all necessary improvements to provide sufficient capacity.
- B. When, in their review of a new development project, the Engineer and/or Superintendent determine that existing facilities have the capacity to accommodate a land development project, but the existing sewer facilities, including but not limited to the sewer pipes and pump stations, are past or near the end of their useful lifespan, the applicant shall be responsible for its fair share contribution towards the necessary upgrades and repairs as determined by the Engineer and/or Superintendent. Fair share contribution shall be calculated by the engineer based on the

estimated sewer flows for the existing land uses and the proposed land uses. In such instances the applicant shall make payment for its share and the Township shall pursue construction of necessary improvement in a timely manner. No new building associated with the proposed land development project shall be permitted to connect to the public system until the necessary improvements have been constructed. Alternatively, the applicant may, upon approval of the Engineer and Superintendent, pursue construction of the improvements at its sole expense.

- C. When, through review of a proposed project that requires treatment works approval from the New Jersey Department of Transportation and the Township of Downe and its contracted Sewerage Authority, it is determined by then that improvements to its system are required to do a proposed land development project, the applicant shall obtain Landis Sewerage Authority. Township approval of any project shall always be conditioned on approval by the Landis Sewerage Authority when said approval is required.

45. Protection from damage.

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewage works. A person violating this provision shall be subject to immediate arrest under the appropriate statutes of the State of New Jersey.

46. Entrance onto property for inspections; requests for information for calculating sewer charges.

- A. The Superintendent and other duly authorized employees of the Township bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this article. The Superintendent or his representatives shall have no authority to inquire into any processes, including metallurgical, chemical, oil, refining, ceramic, paper or other industries, beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.
- B. Nonresidential properties, upon request, will be required to provide the sewer billing department with information needed to calculate sewer charges. Compliance with such request will be expected within a reasonable time frame.

47. Observance of safety rules; liability for injury.

While performing the necessary work on private properties referred to in § 221-46 above, the Superintendent or duly authorized employees of the Township shall observe all safety rules applicable to the

premises established by the owner. The owner shall be responsible and liable for all damages and injuries as may be caused by its negligence or failure to maintain safe conditions as required in § 221-39.

48. Entrance of inspectors on easements.

The Superintendent and other duly authorized employees of the Township bearing proper credentials and identification shall be permitted to enter all private properties through which the Township holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

49. Violations and penalties.

- A. Any person found to be violating any provision of this article, except § 221-45, shall be served by the Township with written notice stating the nature of the violation and providing a reasonable time, as determined by the Engineer, for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- B. Any person who shall continue any violation beyond the time limit provided for in Subsection A shall be subject to surcharges and penalties as provided by the statutes of the State of New Jersey relating to sewer use violation.
- C. Any person violating any of the provisions of this article shall become liable to the Township for any expense, loss or damage occasioned the Township by reason of such violation.

ARTICLE II
Sewer Use and Rates

50. Definitions.

As used in this Article, the following terms shall have the meanings indicated:

CITY - The Township of Downe.

EMPLOYEE - An individual employed on a full-time or part-time basis, including proprietors and owners.

PATIENT - An individual who has been committed to a nursing home, hospital or other institution and who has remained there for care and treatment.

PERSON - The sum total of all employees, plus all part-time and full-time students, plus any individual utilizing a building who would reasonably be expected to use the sewerage facilities on a given day.

51. Sewer use charges; unit basis.

Sewer charges shall be made by the Township and billed to the owners of real property upon which buildings, stand in the Township at the sanitary sewer rental charge recited in appendix "A" attached hereto and which appendix will be amended from time to time to reflect the annual operating cost of the sewer facility. Such sewer service charges shall be based upon estimated annual operating and capital costs due and owing by the Township of Downe and may be changed from time to time as such costs may require.

A. The number of sewer rental units shall be determined in different instances as follows:

SEWER RENTAL PROPERTIES	UNITS
Single-family dwelling	1
Apartment Unit	1
Commercial or professional office attached	1 to dwelling
Automobile service station	
No car washing	1
Car washing	3
Beauty Shop	2
Church	1
Church with annex	3
Country Club (18 holes)	7
Health Club	4
Nursing Home	1/12 per employee plus 5/12 per patient
Restaurant	
With dishwasher	1/20 per seat
Without dishwasher	1/40 per seat
School	
No showers and no cafeteria	1/30 per person
With cafeteria	1/20 per person
With cafeteria and showers	1/15 per person
With cafeteria, showers and labs	1/12 per person
Commercial or professional establishment	The greater of 1 per 2,400 square feet of building space or 1/12 per person for each establishment, but not less than 1 per establishment and not more for vacated space, that had been previously occupied, than the amount that was being charged immediately prior to the space being vacated.
Swimming Club	1/20 per person
Veterinary hospital	1
Assisted living facility	5/12 per living unit, plus 1/12 per employee

- B. If the above schedule results in fractional units, the number of units shall be increased to the next whole unit.
- C. All Township-owned properties shall be exempt from any and all sewer charges effective January 1, 2025.
- D. Property or business owners who feel that their sewer use charge may be incorrect must contact the Township Sewer office for a review of charges. No adjustments will be allowed outside the current year.
- E. In addition to the specified sewer rental unit rates declared in this chapter, commercial customers with usage in excess of 40,000 gallons of water per half year billing cycle will be billed an additional sum per 1,000 gallons of water in excess of 40,000 gallons as calculated to cover Township cost of providing such service and as recited in Appendix "A".

52. Billing.

All charges for service on or after January 1, 2025, shall be billed semiannually in advance.

53. Delinquency charges.

The aforesaid sewer use charges shall accrue a late charge of \$5 per sewer rental unit on any delinquency of \$55 or over per sewer rental unit following 10 days' grace period. Said late charge will be charged quarterly on January 11, April 11, July 11, and October 11.

54. Combination occupancies.

Where a premises or a building is occupied by more than one commercial or industrial establishment or by a combination of both types of establishments, the charge will be determined by applying the aforesaid rates to each commercial and industrial establishment located therein. Where a premises or a building contains a dwelling unit or units in combination with, or in addition to, commercial or industrial establishments, the charge will be determined by applying the aforesaid rates to each dwelling unit and commercial or industrial establishment located therein.

55. New connections.

With respect to charges for properties which shall be connected for the first time with said sewage system, from and after January 1, 2025, the charge for the first semiannual billing period shall be a percentage of the semiannual charge hereinabove set forth, equal to the percentage of the semiannual billing period remaining after such connection.

56. Connection charges; permit.

There shall be no charge collected by the Township for the initial connection with the sanitary sewer system by those properties which already have a connection lateral adjacent to its premises. There will be a charge equivalent to the cost of installing the connection lateral for those persons who tie in and connect to the sewer system at a later date where it is necessary to install a connection lateral. No person, firm or municipality shall install or make connection to the sanitary sewage system without first obtaining a permit to do so from the Township.

57. Right of inspection; samples.

The officers and agents of the Township shall have unrestricted access at reasonable hours to all premises served by the Township to inspect the collection system and to see that the requirements of the Township regarding the use of the customer's sewer connection are being observed. Additionally, any owner of property which discharges industrial waste into the sanitary sewage system shall, at the owner's expense, provide suitable facilities to enable samples of such waste to be collected for analysis and further permit authorized representatives of the Township to collect such samples from users within the Township.

58. Damages.

Any damage to pipes, manholes or any other property of the Township caused by carelessness or neglect of a customer must be paid for by the customer, upon presentation of a bill therefor.

59. (Reserved)

60. Meters.

The Township reserves the right, if in its opinion it is deemed desirable, to require the installation of meters on any premises or building in the Township for measuring or determining the volume of sewage discharged into the sewers.

61. Minimum charge for commercial or industrial users.

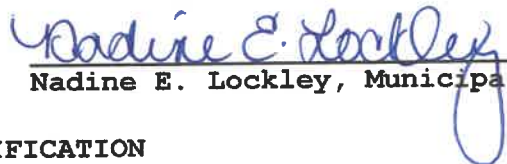
The owner of each commercial or industrial establishment which shall discharge sanitary sewage or industrial waste into the sewer system shall pay, in each semiannual period as billed, a minimum charge equal to a flat-rate semiannual sanitary sewer rental as indicated above. Additionally, sewage or other wastes containing unduly high concentrations or other substances which add to the operating costs of the sewage treatment works will be subject to a surcharge to be determined by the Township.

62. Violations and penalties.

- A. Any person, firm or corporation who shall violate any provision of this article or fail to comply therewith shall severally, for each and every such violation and noncompliance, forfeit and pay a penalty not to exceed the sum of \$500 or be imprisoned in the Cumberland County Jail for a period of not more than 90 days, at the discretion of the court or jurisdictional officer before whom a conviction may be found. This imposition of the foregoing penalty shall not bar the right of the governing body to specifically enforce the provisions of this article.
- B. Any violation under this article shall be considered a distinct and separate violation for each and every day that the violation continues.

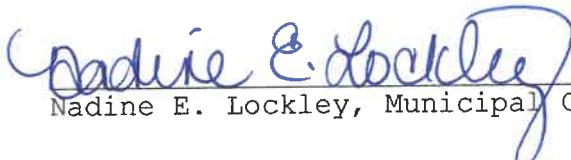
TOWNSHIP OF DOWNE

BY: 
Michael L. Rothman, Mayor


Nadine E. Lockley, Municipal Clerk

CERTIFICATION

I, Nadine Lockley, Municipal Clerk, do hereby certify that the foregoing is a correct and true copy of an Ordinance adopted by the Township Committee of the Township of Downe at a special business meeting held on the 22nd day of April, 2024.


Nadine E. Lockley, Municipal Clerk

[SEAL]

Appendix "A"
Downe Township Sewer User
Ordinance No. 2024-4

Pursuant to Article I, Section 51 Sewer use charges: unit basis and Section 19 Connection fees, the following fees shall apply as the initial free structure for the Downe Twp Sewer System:

Section 19B Connection charge for each sewer later or connection made by the Township is set at \$1,850.

Section 19C If in fact a property was previously connected to sewer and, as a result of fire or other casualty becomes disconnected, if said property is reconnected within two years of the disconnection, the connection fee shall only be \$300. If reconnection occurs after a two-year time of disconnection, the connection fee shall be \$1,850.

Section 51 Sewer us charge shall be set at \$966.50 per half year. This figure is reflective of multiple unsettled financing terms for the sewer project and represents a maximum estimated charge at 75% participation. The final charge structure shall be set following the securing of financing, grants, and identification of terms necessary to determine capital costs of the project. Thereafter, the rate shall reflect annual operating costs and capital costs as identified by the Township. Greater participation rates and the identification of funding by grants are anticipated to allow a lowering of the initial rate listed above. The annual establishment of the Sewer rate shall be calculated to reflect such cost allocations and participation rates.



**TOWNSHIP OF DOWNE
CUMBERLAND COUNTY, NEW JERSEY
RECORD FOR ORDINANCE # 2024-04**

Introduce Ordinance on First Reading

Motion: BART

Second: JORDAN

Introduce Ordinance / First Reading Date: APRIL 8, 2024

Ordinance Published: APRIL 15, 2024

Ordinance Posted: APRIL 8, 2024

Public Hearing / Second Reading Date: APRIL 22, 2024

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

Adoption of Ordinance

Motion: CAMPBELL

Second: BYRNE

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

Final Adoption Date: APRIL 22, 2024

Notice of Final Passage Published: APRIL 25, 2024

Notice of Final Passage Posted: APRIL 22, 2024

April 22, 2024
Date

Nadine E. Lockley
Nadine E. Lockley, Municipal Clerk