

**TOWNSHIP OF MONTVILLE**

**ORDINANCE NO. 2023 - 20**

**AN ORDINANCE OF THE TOWNSHIP OF MONTVILLE, COUNTY OF MORRIS, STATE OF NEW JERSEY TO AMEND CHAPTER 300 "SEWERS", ARTICLE I "GENERAL PROVISIONS", SECTION 300-2 "DEFINITIONS", AND ARTICLE III "BUILDING SEWERS; CONNECTIONS; FEES; PUBLIC SEWER SYSTEM EXTENSION", SECTION 300-15 "APPLICATION FOR SERVICE" AND SECTION 300-17 "SEWER RATES" OF THE CODE OF THE TOWNSHIP OF MONTVILLE, NEW JERSEY**

**BE IT ORDAINED**, by the Township Committee of the Township of Montville, in the County of Morris, and State of New Jersey, as follows:

**Section 1.** Chapter 300 "Sewers", Article I "General Provisions", Section 300-2 "Definitions", of the Code of the Township of Montville is hereby amended to read as follows:

**§300-2 Definitions.**

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

**APPLICANT** - A person or persons, firm or corporation or agent authorized to act for property owner.

**BOD**

Denotes biochemical oxygen demand, and means the quantity of oxygen utilized in the biochemical oxidation of organic matters under standard laboratory procedure, in five days at 20° C., expressed in parts per million by weight.

**DEPARTMENT**

The Montville Township Department of Water and Sewer.

**DIRECTOR**

The Director of Water and Sewer Department appointed by the Township Committee.

**ENGINEER**

The licensed engineer appointed by the Township Committee, who may also be the licensed operator for the sewer utility's collection system.

**FLOOD AREA**

All land along the Passaic or Rockaway Rivers, or any tributaries thereof, which are subject to surface flooding.

**FLOW RIGHTS**

Balance of remaining capacity at Parsippany-Troy Hills Wastewater Treatment Plant for the Township of Montville.

**GARBAGE**

Includes, severally and collectively, garbage, offal and swill. It includes, but not by way of limitation, solid waste resulting from the preparation, cooking, dispensing or consumption of food or from the handling, storage and sale of vegetables and other produce.

**HEALTH OFFICER**

The Township Health Officer, or his authorized deputy, inspector, agent or representative.

**HOUSE SERVICE CONNECTION**

The piping of a drainage system that receives the discharge from soil and waste pipes inside the walls of the building and conveys it to the clean out.

**INDIVIDUAL SEWAGE DISPOSAL SYSTEM OR FACILITY**

Refers to a subsurface sewage disposal system designed and constructed to treat sewage in a manner that will retain most of the settleable solids in a watertight tank and to discharge the liquid portion to an adequate disposal area.

**INDUSTRIAL WASTES**

The liquid wastes from industrial processes distinct from sanitary sewage.

**INFILTRATION**

Water, other than wastewater that enters a sewerage system, including sewer service connections, from the ground through such means as defective pipes, pipe joints, connections or manholes. Infiltration does not include and is distinguished from inflow.

**INFLOW**

Water, other than wastewater, that enters a sewerage system, including sewer service connections, from sources such as roof leaders, cellar drains, yard drains, area drains, foundation drains, drains from springs and swampy areas, manhole covers, cross connections between storm sewers and sanitary sewers, catch basins, cooling towers, stormwaters, surface runoff, street wash waters or drainage. Inflow does not include and is distinguished from infiltration.

**NATURAL OUTLET**

Any outlet into a watercourse, pond, ditch, lake or other body or surface or ground water.

**pH**

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

**PRIVATE SEWER SYSTEM or PRIVATE SANITARY SEWER SYSTEM**

A sanitary sewer system not owned or operated by the Township.

**[1]PUBLIC SEWER SYSTEM or PUBLIC SANITARY SEWER SYSTEM**

A sanitary sewer system owned or controlled by the Township.

**SANITARY SEWER**

A sewer that carries sewage, and to which storm-, surface and ground waters are not intentionally admitted.

**SEWAGE**

A combination of water-carried wastes from residences, business buildings, institutions and industrial establishments.

**SEWAGE LATERAL**

The extension of the house service connection from the street curblin to the street sewer.

**SEWAGE PIPE**

A pipe or conduit for carrying sewage.

**SEWAGE TREATMENT PLANT**

Any arrangement of devices and structures used for treating sewage.

**SEWER SYSTEM**

All facilities for collecting, pumping, treating and disposing of sewage.

**SHREDDED GARBAGE**

The wastes from the preparation, cooking and dispensing of goods that have been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in street sewers, with no particle greater than 1/2 inch in any dimension.

**STORM SEWER or STORM DRAIN**

A sewer that carries storm- and surface waters and drainage, but excludes sewage and polluted industrial wastes.

**SUSPENDED SOLIDS**

Solids that float on the surface of or are in suspension in water, sewage or other liquids, and which are removable by laboratory filtering.

**WATERCOURSE**

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

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

**Section 2.** Chapter 300 "Sewers", Article III "Building Sewers; Connections; Fees; Public Sewer System Extension", Section 300-15 "Application for Service" shall be amended to add new subsections 15A, 15B & 15C to read as follows:

**§300-15 Application for Service.**

**§ 300-15A. Connection of Sewer service.**

- A. Where a public or private sanitary sewer system is available, see Section 300-5, connections must be made via a branch connection directly to a public sewer main adjacent to the subject parcel.
  - 1. In the event that gravity lines are not feasible, as determined by the Township Engineer, pump systems or pressurized main connections to public sewer shall be required to enter a privately owned manhole then connect to the Township sewer via a branch connection.

2. Direct connection to force mains are prohibited.
- B. Provided that the public or private sewer is within 100 feet of the property line the applicant shall extend the sewer throughout the entirety of the property to meet the requirement in Section 300-15A-A at the applicant's expense.
- C. Provided that the public or private sewer is outside of 100 feet of the property line the applicant can design an extension and submit it to the Township for review, at the applicant's expense.

**§ 300-15B. Sewer Capacity.**

- A. The applicant shall be responsible for all review costs in the case of any sanitary sewer application for which the Department requires professional assistance in making findings. If not previously established, the applicant will deposit in an escrow account with the Township the fees that the Township requires to review and advise on the application. The initial escrow deposit shall be \$2,500 to provide review and approval of any sanitary sewer related items.
- B. Any sanitary sewer collection system shall be adequate to handle all present and probable future development. Alignments outside streets shall require easements subject to the review and approval by the Planning Board Attorney and Engineer and, thereafter, Municipal Attorney and Engineer if such alignment involves municipal lands or interests.
- C. Any changes in use of any existing property or facility or proposed new construction shall be subject to review and reevaluation of the sewer service and the amount of flow rights assigned by the Township. Any increase shall subject the applicant to additional fees. Flow rights are granted to the Township of Montville and other member communities by the Parsippany-Troy Hills Sanitary Sewer Utility. By agreement, the Township has been granted sewer flow rights for the municipality. Flow rights available for purchase are finite and limited and assigned upon purchase at time of sanitary sewer application. Flow rights are not guaranteed. Therefore, all completed applications for sewer permits shall be approved on a first-come-first-served basis. The obligation of the Township to approve applications for sewer permits is contingent upon the availability of capacity of both the Parsippany-Troy Hills Sanitary Sewer Utility and the collection system infrastructure that is owned and maintained by Parsippany and the Township of Montville. If sufficient flow rights are not available from the Township of Montville, it shall be the sole responsibility of the developer to acquire sufficient flow rights to accommodate its development as follows: "If Montville does not already possess adequate flow rights in order for the developer to proceed with the development, Montville may, in its sole discretion, choose to negotiate for the purchase of additional flow rights. The developer must reimburse the Township of Montville for the cost of such rights." Construction permits shall not be issued unless and until the developer provides adequate evidence of its acquisition of flow rights sufficient to serve the proposed development. The existing sanitary sewer system for the development of two or more single family dwellings, multifamily residential, industrial and commercial users, including the overall capacity of the any pump stations that will serve the projects location, shall be adequate to handle the existing flow and the projected flow, based on complete development of the approved project. This shall be determined at the cost of the applicant.
- D. When plans for future development in the service area necessitate increased capacity, the Township may enter into an agreement with the developer to address the fair share of the costs of improvements required for the proposed development in accordance with the Municipal Land Use Law (MLUL), specifically N.J.S.A. 40:55D-42.

1. The applicant's proportionate share of sewerage facilities, including the installation, relocation or replacement of collector, trunk and interceptor sewers, and appurtenances associated therewith, shall be computed as follows:
  - a. The capacity and the design of the sanitary sewer system shall be based on the standards specified in Chapter 300 and in the NJDEP 7:14a.23.
  - b. If the existing system does not have adequate capacity to accommodate the applicant's flow given existing and reasonably anticipated peak hour flows, the pro rata share shall be computed as follows:

$$\frac{\text{Developer's Cost}}{\text{Total Cost of enlargement or improvement}} = \frac{\text{Development generated gallons per day (gpd)}}{\text{Capacity (gpd) of enlargement or improvement}}$$

- E. If a public sanitary sewer system will be provided to the area within a six-year period as indicated in the municipal sewer master plan, or other official document, the Township may require installation of a capped system within the road right-of-way or existing municipal easements to service the approved lots; or, alternatively, the Township may require a performance guaranty in lieu of the improvement. Capped sanitary sewers shall be allowed only in areas indicated for sewer service in the State of New Jersey Statewide Water Quality Management (WQM) Plans and where permitted by NJDEP through sewer connection approval.
- F. The applicant shall submit to the Township for review for compliance with this article details of the planned pipes, joints, mains, laterals and appurtenances. All materials used for sanitary sewer systems shall be manufactured in the United States, wherever available, as governed by P.L. 1982, c. 107, effective date October 3, 1982. The details shall comply with all standards and specifications listed in this chapter.

**§ 300-15C. Use of Public Sewer & Infiltration/Inflow Reduction.**

No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters to any sanitary sewer. Any proposed project greater than one EDU shall be subject to the following:

- A. The proposed discharger or applicant will be required to identify and eliminate two gallons per minute of infiltration/inflow to the sewerage system for each gallon per minute of sewage proposed to be discharged [two to one (2:1) offset].
  1. The location(s) of the remedial work to be performed by the applicant shall be identified by the applicant and agreed to by the municipality.
    - a. The applicant shall collect data on a minimum 1" rain event and utilize the 1" rain event for computing infiltration/inflow values.
    - b. The Applicant shall compare the wet weather flow rate in gallons per minute to the dry weather flow rate in gallons per minute.
      - (i) Wet weather flow rate shall average all 1" or greater rainfall events within the 24-hour time period immediately following each rainfall event.

- (ii) Dry weather flow rate shall average each 24-hour period and consist of a minimum of a 10-day period with no greater than a 1" rainfall event.
- c. A minimum monitoring period of 30-days shall be required for flow analysis completed.
- B. The remedial work to be performed by the applicant to satisfy the two to one (2:1) offset policy shall be completed prior to obtaining Township approval for connection to the public sanitary sewer main.
- C. After the scope of the remedial program has been approved by the municipality, but prior to the initiation of the remedial work, the applicant will be required to furnish a performance bond in the amount of 100% of the value of the remedial work to ensure that such work is completely performed.
- D. At intervals to be mutually agreed upon by the municipality/applicant, the applicant shall be required to demonstrate, in written progress reports, to the satisfaction of the Township, that the applicant is making definable progress in performing the remedial work so as to be able to complete the work within the time frame established between the applicant and the municipality.
- E. The engineer of the applicant will be required to submit to the Township a certification from a licensed professional engineer stating that the remedial work has been completed and a 2:1 offset has been achieved, and such certification must be submitted within thirty (30) days of the date of the completion of the work.
  - 1. The applicant shall repeat the study upon completion of the remedial work and compare infiltration/inflow values to prove a 2:1 offset has been obtained.
  - 2. A minimum monitoring period of 30-days and a 1" rain event shall be required for any flow analysis completed.

**Section 3.** Chapter 300 "Sewers", Article III "Building Sewers; Connections; Fees; Public Sewer System Extension", Section 300-17 "Sewer Rates" shall be amended to add new subsections D.9 & D.10 to read as follows:

**§300-17 Sewer rates.**

**D. Sewer connection fee.**

- 9. Sewer connection fees shall be assessed for all new connections, additional connections, increase in the size of existing connections, or new construction of additional service units connected to the sewerage system in accordance with N.J.S.A 40A:26A-11.1.
- 10. Credit towards a connection fee for reconnection of a disconnected property that was previously connected to the sewerage system shall be applied provided that the property has been connected to the sewerage system for at least 20 years and the service charges have been paid for the property in at least one of the last five years in accordance with N.J.S.A. 40A:26A-11.2.

All other portions of this Section not addressed herein shall remain unchanged.

**Section 4.** 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.

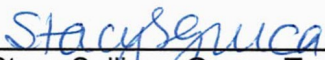
**Section 5.** In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Township of Montville, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Revised General Ordinances of the Township of Montville are hereby ratified and confirmed, except where inconsistent with the terms hereof.

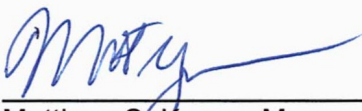
**Section 6.** If any section, subsection, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect the remaining portion of this ordinance.

**SECTION 7.** This Ordinance may be renumbered for purposes of codification.

**TOWNSHIP OF MONTVILLE  
COUNTY OF MORRIS  
STATE OF NEW JERSEY**

**ATTEST:**

  
\_\_\_\_\_  
Stacy Sullivan-Gruca, Township Clerk

  
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Matthew S. Kayne, Mayor

Introduction: 7/18/2023  
Public Hearing: 8/22/2023  
Adoption: 8/22/2023