

**ORDINANCE NO. 2023-9**

**AN ORDINANCE OF THE BOROUGH OF KEYPORT,  
COUNTY OF MONMOUTH, NEW JERSEY, AMENDING  
SECTIONS OF CHAPTER 14 ENTITLED “WATER AND  
SEWER” OF THE REVISED GENERAL ORDINANCES OF  
THE BOROUGH OF KEYPORT**

**WHEREAS**, the Borough of Keyport (the “Borough”) is a public body corporate and politic of the State of New Jersey; and

**WHEREAS**, Chapter 14 of the Revised General Ordinances of the Borough of Keyport (“the Borough”) regulates, among other things, sewer maintenance responsibilities and the deposits and fees associated with such maintenance in the Borough of Keyport; and,

**WHEREAS**, the Mayor and Council of the Borough of Keyport have determined that it is in the public interest of the Borough to revise Section 2 of Chapter 14 to establish a new provision entitled “Sewer Ownership and Maintenance”;

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council that Chapter 14 of the Revised General Ordinances of the Borough of Keyport be and hereby is amended as follows:

**Section 1.** The aforementioned recitals are incorporated herein as though fully set forth at length.

**Section 2.** The Council hereby amends Section 2 of Chapter 14 of the Revised General Ordinance of the Borough of Keyport to read as follows:

*(note to codifier: Existing text not appearing herein has been deleted solely for brevity and additions are underlined and deletions are denoted by strikethrough)*

**§ 14-2 SEWERS**

[. . . .]

[INSERT NEW SECTION]

**§ 14-2.20 Sewer Ownership and Maintenance.**

- a. Municipal. The Borough shall have ownership and be responsible for the maintenance of all public sanitary sewer mains and manholes within its right-of-way, within the right-of-way of governmental agencies, from or within the sewer easements dedicated to and accepted by the Borough. Any breaks, leaks or blockages in public sanitary sewer mains or manholes in the right-of-way or sewer easements shall be the responsibility of the Borough.
- b. Nonmunicipal. The private property owner shall have ownership of the entire service lateral from the building to the curb, including any connections, curb boxes, cleanouts, and other associated apparatus; the maintenance, operation, repair, and eventual replacement of any such portion of the sanitary sewer system, including any breaks, leaks or blockages, shall be the responsibility of the private property owner. The private property owner shall

also be responsible for any sanitary sewer mains and manholes located within private property unless located within a right-of-way or subject to an easement as set forth in subsection a. of this section. The private property owner shall not be responsible for the service lateral from the curb to the sanitary sewer main, which shall be owned and maintained by the Borough.

- c. Municipal Maintenance Responsibility. The Borough shall maintain its municipal sanitary sewer system, as set forth in subsection a. of this section, in good working order. In no event shall the Borough provide any labor or material to clear or remove obstructions from a blocked nonmunicipal sanitary sewer system, as set forth in subsection b. of this section, and said work shall be the sole and exclusive responsibility of the property owner. When the Borough is called upon by a private property owner or the tenant, agent, or representative of the private property owner to investigate a maintenance issue within the system, the Borough will respond. If a problem is discovered in that portion of the system that falls under the municipal maintenance responsibility, it shall be corrected. However, if it is determined that the problem is in the nonmunicipal portion of the system, the private property owner, tenant, agent, or representative shall be responsible for repairing and correcting the problem. The Borough has the discretion to charge \$170 for the call out and inspection that led to the discovery of the problem in the nonmunicipal portion of the system.
- d. Developer Obligation. Nothing contained herein shall alleviate the obligation and responsibility of the property owner or applicant for a sanitary sewer line as part of a new development during the performance bond and/or maintenance bond period.

**Section 3.** All ordinances or parts thereof inconsistent with the provisions of this ordinance are hereby repealed above.

**Section 4.** Each section, subsection, sentence, clause and phrase of this ordinance is declared to be an independent section, subsection, sentence, clause and phrase and the finding or holding of any such portion of this ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this ordinance.

**Section 5.** The Borough Clerk is hereby directed, upon adoption of the ordinance after public hearing thereon, to publish notice of the passage thereof.

**Section 6.** This ordinance shall be in full force and effect from and after its adoption and publication as required by law.

Introduced: September 5, 2023  
Public Hearing: September 19, 2023  
Adopted: September 19, 2023

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Michele Clark, RMC  
Clerk, Borough of Keyport

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Mayor Rose Araneo  
Borough of Keyport