

ORDINANCE NO. 3553

**INTRODUCED BY: COMMISSIONER JOSEPH P. SCARPELLI AND
COMMISSIONER THOMAS J. EVANS**

INTRODUCED ON: MAY 21, 2024

PUBLISHED: MAY 30, 2024

PUBLIC HEARING: JUNE 18, 2024

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AN ORDINANCE TO AMEND CHAPTER 585 OF THE CODE OF THE TOWNSHIP OF NUTLEY, ENTITLED “SEWER” AND, MORE SPECIFICALLY, AMENDING ARTICLE I AND III AND ADDING ARTICLE VII, “RATES.”

BE IT ENACTED by the Board of Commissioners of the Township of Nutley that Section 585, Article I entitled “Use Regulations” and Article III entitled “Videocamera Inspections” be AMENDED and Article VII, entitled “RATES”, is hereby ADDED as follows:

AMEND

SECTION 585-11 RESPONSIBILITY FOR COST OF SEWER CONNECTION AND INSTALLATION

- A. All Costs and expenses incidental to the installation and connection of the building sewer shall be borne by the applicant, and the applicant shall indemnify the municipality or PVSC for any loss or damage that may be occasioned by the installation of the building sewer. All sewer connections shall be in accordance with the requirements of the municipality as otherwise provided by ordinance. In the case of the connection into PVSC sewer, the connection shall be in accordance with the conditions contained in the approval of the PVSC.
- B. Each property owner shall maintain and be responsible for the proper upkeep, repair and/or replacement of the sewer lateral from the municipal sewer main to the building. All work to the sewer lateral within the Township ROW shall be approved by the Township of Nutley Department of Public Works. All work to the sewer line located within the property borders shall be performed by a master plumber in accordance with all applicable rules and regulations set forth by the Nutley Code Enforcement Department and Plumbing Code.
- C. In the event of a blockage within the sewer lateral, the property owner shall either immediately perform the cleaning or retain a private contractor, at its sole cost and expense, to clean the sewer lateral.
- D. The property owner shall maintain clear access to all cleanouts which shall be free of any obstructions such as trees, shrubs, landscaping or other objects
- E. No road shall be opened for a sewer, gas, water or any underground utility connection until after the expiration of five (5) years from the last date the Township paved the roadway. In addition to the charges referenced in Article VII, the owner/contractor performing a new and or renewal sewer service shall be charged a fee of five hundred dollars (\$500.00) to open the road.

The contractor performing the roadway opening is responsible for closing the road and applying appropriate asphalt or concrete upon completion of the work. The contractor shall pave the roadway from the centerline thence five (5) feet in either direction of the trench to the curb line. All backfill shall be completed with quarry process or crushed stone compacted every two foot in depth with appropriate compacting equipment. The contractor shall post with the Township a performance and maintenance bond totaling five thousand dollars (\$5,000.00) which shall be refunded to the contractor one year after completion of the work provide that no maintenance and/or repairs were required to the site.

The owner, contractor, or plumber performing work within the Township roadway shall be responsible for all costs including but not limited to: traffic control, safety precautions,

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barricades, warning lights, steel plates and other necessary means to prevent accidents and maintain safe roadway condition and travel.

AMEND

SECTION 585-39 APPLICATION FOR INSPECTION; FEE; LIABILITY

- A. Video camera inspections of sewer laterals will be provided by the Township of Nutley Department of Public Works, upon submission of an application of payment of an inspection in the amount of one hundred-fifty (\$150.00), payable to the Township of Nutley Department of Public Works.
- B. Said application shall contain language whereby the party requesting said inspection shall hold the municipality harmless with request to any claims or damage that may result from said inspection or sewer lateral cleanout.
- C. All video camera inspections are subject to the scheduling demands of the Nutley Sewer Department and their ability to have unobstructed and clear access to the sewer lateral via a cleanout or point of entry.

ADD

ARTICLE VII – RATES

SECTION 585-57 SANITARY SEWER INSTALLATION FEES

- A. The Sewer Department shall charge and will construct all residential new and/or upgrade/renewal sewer lateral from the sewer main to the curb, at depths no greater than five feet for the following fees payable by the property owner:

Sewer Lateral Line (Main to Curb)	Installation Fee	NEW Connection Fee
4" PVC	\$7,500.00	\$1,000.00

- B. The Nutley Sewer Department at its sole discretion may allow the property owner to perform this work using a master plumber only after securing all required permits for said work, payment of all applicable connection and inspection fees and necessary road opening permits as outlined in this article.
- C. The Nutley Sewer Department shall have exclusive right to determine whether any previously installed sewer lateral connection is adequate for the new or renewal sewer service. If not, the Nutley Sewer Department may determine that a new sewer lateral must be installed, and a fee paid at the rate set forth in this article.
- D. The Nutley Sewer Department and/or Nutley Code Enforcement Department may require all new construction or substantially improved properties to upgrade the sewer service based on applicable Local, State and Federal building code requirements and standards.
- E. Only one sewer lateral connection to the municipal sewer main will be allowed for each property.

SECTION 585-58 SANITARY SEWER USER FEES

- A. All owners of property, including, but not limited to, residential, commercial, industrial, institutional, including nonprofit and religious, including their tenants shall be required to use the sanitary sewer system. Such owners shall be charged a sanitary sewer charge

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consisting of a distribution system improvement charge, base sewer charge and usage sewer charge for the use of the sanitary system of the Township of Nutley as per the below table, determined by the amount of water supplied by the Township of Nutley or by such other system supplying water to the user, as reflected in the water meter readings for said property.

The rates to be charged to consumers for sewer usage are established by the Township of Nutley Board of Commissioners and are as follows:

	Distribution System Improvement Charge	Base Sewer Charge (First 1,000 Cu. ft)	Usage Sewer Charge (Each additional 500 Cu. ft.)
Residential	\$5.76	\$53.00	\$26.50
Commercial	\$10.00	\$105.00	\$52.50

- B. All water consumption readings relative to each owner (including owner's tenants) shall be those obtained by the Township of Nutley.
- C. Sewer charges shall be paid quarterly by the owner of the real property for the use of the Township's Sanitary Sewer System.
- D. Adjustment of Bills

The Nutley Sewer Department shall be authorized to adjust the sanitary sewer user charge bills which are irregular due to their being extraordinarily high, based on a temporary situation in the following circumstances:

1. Where the property owner can demonstrate that the meter reading was a reflection of a leak or other condition which was repaired, and the water leakage did not go into the sanitary sewer system, then the Director of the Department of Public Works or their designee shall have the authority to adjust the sewer bill to account for the irregularity.
2. Where the property owner can demonstrate that the meter reading was a reflection of a leak or other condition that has been repaired, and the water has gone into the sanitary sewer system, then the Director of the Department of Public Works or their designee shall have the authority to adjust the sewer bill up to a maximum of one billing cycle.

No user shall be entitled to more than one adjustment pursuant to Subsection D in any five-year period, unless the user can demonstrate extraordinary circumstances justifying an additional adjustment.

E. Credits

1. Where a user has a permitted swimming pool with a documented minimum capacity of 3,000 gallons and can document that the pool water does not drain into the sanitary sewer system, then the owner may obtain a credit of 5% of the sewer usage fee for one quarter billing period.
2. Where a user has an irrigation system with a minimum of three sprinkler or watering heads and can document that the water utilized does not drain into the sanitary sewer system, then the owner may obtain a credit of 10% of the sewer usage fee for two quarter billing periods.

F. All bill and/or credit adjustment requests shall be made to the Township of Nutley Department of Public Works on forms available from the Township of Nutley Department of Public Works.

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- G. In all cases in which users of the Nutley Sewer System are not supplied with water from the Township of Nutley, the charges for the use of the sewer system shall be based upon the actual discharge as measured by a meter to be installed by the consumer; provided, however, that when in the judgment of the Municipal Engineer such charges may be reasonably and accurately estimated, the initial charges may be based upon Municipal Engineer's estimate of actual discharge volume.
- H. In any other case when the charges for sewer services cannot be reasonably measured based upon water consumption during the measuring period, the initial and any subsequent charges shall be based upon an estimate prepared by the Municipal Engineer, which may be revised from period to period.
- I. Conveyance Fee – All owners of property's outside of the Township of Nutley that do receive water from the Township of Nutley but discharge their sewage through the Nutley Sewer System shall be subject to the same system improvement charge, base and usage charges consistent with this ordinance.
- J. Any sanitary sewer user charges not paid by the due date shall be charged interest at the same rate and in the same manner as unpaid delinquent taxes. All charges, interest or penalties, as established herein, shall be and remain a lien upon the property served by the sanitary sewer system, in the same manner as all other taxes and municipal charges upon real estate under the laws of the State of New Jersey. The Township of Nutley shall have the same remedy for the collection thereof as fixed by the Township, as the Township now has or may hereafter have under the laws of the State of New Jersey, for the collection of taxes and other municipal liens upon real estate.

SECTION 585-59 ONE-TIME SEWER DISCHARGE PERMIT

- A. No person shall discharge sewage into the Township's sanitary sewer system in connection with discharges resulting from dewatering or pump and treat operations that do not require a permanent sewer hookup without first obtaining a one-time sewer discharge permit from the Department of Public Works.
- B. Fees shall be charged to each applicant as follows:

GALLONS	FEE
Up to 5,000	\$500.00
5,001 to 10,000	\$1,000.00
10,001 to 25,000	\$1,500.00
25,001 to 50,000	\$2,000.00
50,001 to 75,000	\$2,500.00
75,001 to 100,000	\$3,000.00
Over 100,000	\$3,000 plus the cost increment listed above

SECTION 585-60 CERTIFICATION OF TREATMENT WORKS APPROVAL FEE

There shall be a fee of five hundred dollars \$500 due to the Township of Nutley Sewer Department for each request for Certification of Treatment Works Approval (TWA) applications.

SECTION 585-61 TERMINATION OF PERMIT

A violation of any of the provisions of this Article or any permit issued under the authority of this Article may result in the termination of this permit and/or the termination of the authority to discharge into the system.

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SECTION 585-62 ENFORCEMENT

This Article shall be enforced by the Township of Nutley Department of Public Works, Nutley Sewer Department and/or the Municipal Engineer.

SECTION 585-63 VIOLATIONS AND PENALTIES

Any person, firm or corporation who violates any of the provisions of this Article shall, upon conviction thereof, pay a fine not exceeding \$500 and/or imprisonment for a term not to exceed 90 days, or both in the discretion of the municipal Court Judge. Each day on which a violation of any provision of this Article exists shall constitute a separate and distinct violation and shall be subject to imposition of a separate penalty for each day of the violation as the Municipal Judge may determine.

SECTION 585-64 CONFLICTING PROVISIONS

No ordinance heretofore adopted by the municipality shall be affected by this Article except that, if any provision of the prior ordinances is in conflict with the provisions of this Article, the provisions of this Article shall control.

BE IT FURTHER ENACTED that all other terms and conditions in Chapter 585 shall remain as heretofore set forth in the Code of the Township of Nutley, except where such a reading would not give meaning to and further the application of this amendment. In such case and in such event, the terms and conditions shall have a meaning consistent with the intent of this amendment; and

BE IT FURTHER ENACTED that the within ordinance shall become effective July 1, 2024, pursuant to law.

Record of Vote	Commissioner Thomas J. Evans	Commissioner Mauro G. Tucci	Commissioner Joseph P. Scarpelli	Commissioner Alphonse Petracco	Mayor John V. Kelly, III
<i>Yes</i>	X		X	X	X
<i>No</i>					
<i>Not Voting</i>					
<i>Absent/Excused</i>		X			