

**ORDINANCE 2014-2**

**AN ORDINANCE OF THE BOROUGH OF CHESTER, MORRIS COUNTY, STATE OF NEW JERSEY, AMENDING CHAPTER 192, SEWERS AND WATER**

**WHEREAS**, municipalities are empowered to make, amend, repeal, and enforce its ordinances pursuant to Statute (N.J.S.A. 40:48-1, et seq.); and

**WHEREAS**, the Borough's Water and Sewer Committee has recommended to the Mayor and Borough Council the need to more stringently control and eliminate prohibited discharges to the municipal sanitary sewer system; and

**WHEREAS**, the Mayor and Council wish to amend the ordinance to incorporate the Borough's Water and Sewer Committee recommendations; and

**NOW, THEREFORE, BE IT ORDAINED**, by the Mayor and Council of the Borough of Chester, in the County of Morris and State of New Jersey, as follows:

**SECTION 1.** Chapter 192, Article III, Section 192-27, Subsection A, shall be amended as follows:

**Prohibit water discharges.** No person shall discharge or cause to be discharged any unpolluted waters, such as storm water, surface water, groundwater, roof runoff, subsurface drainage, swimming pool or pond water, cooling water, foundation or basement sump pump water, or unpolluted industrial process water into any sanitary sewer. Unpolluted waters shall be discharged to such sewers as are specifically designated as storm drains or to a natural outlet approved by the Borough, the administrative authority, or the regulatory board or agency having jurisdiction thereof. The prohibited conduct under this paragraph is more fully addressed in Section 192-35, below, which supplements this paragraph.

**SECTION 2.** Chapter 192, Article III, shall be amended to include a new Section 192-35, as follows:

**§192-35                    SUMP PUMPS OR OTHER DISCHARGE OF WATER INTO SEWER SYSTEM PROHIBITED.**

**A. Legislative Intent.** The Mayor and Council of the Borough of Chester hereby declare their intent to prevent any ground waters, surface waters, and any other non-sanitary sewerage water from entering the Chester Sanitary Sewer System by means of sump pumps, storm drains, gutters, downspouts, or any other devices and to provide specific penalties for the violation of same.

**B. Duties of Construction Official.** Whenever it is necessary for a property owner to obtain any building permit, zoning permit, certificate of occupancy or a continued certificate of occupancy and/or there is a transfer of any ownership of any residence or commercial building or structure, the construction official shall within ten (10) days, excluding weekends or holidays, of receipt of any permit or certificate application, inspect or caused to be inspected by a sub-code official the subject premises in order to determine whether any sump pumps, storm drains, gutters, downspouts, or other mechanical devices are discharging any waters into the sanitary sewer system. In the event that the Construction Official or the designed sub-code official determines that there is such discharge, no permit or certificate shall be issued to the owner or possessor of said property until said condition is removed. Upon the inspection of such building or structure, the Construction Official or the designed sub-code official shall file an appropriate affidavit indicating that said inspection has been made and shall file same with the Borough Clerk.

**C. Connections Prohibited.**

1. No person shall connect a sump pump, storm drain, gutter, downspout, or any other mechanical or non-mechanical device which shall discharge non-sanitary sewage waters into the sanitary sewer system of the Borough of Chester.
2. No commercial building shall be constructed unless all roof leaders are connected directly to a storm drain system or a dry well and in no event shall they be connected to the sanitary sewer system of the Borough of Chester.
3. In the event any owner of property applies for a building permit to enlarge an existing building or to construct an additional building on his property, then in that event, prior to a certificate of occupancy being issued, all roof drains on the property that are presently connected to the sanitary sewer system must be disconnected and connected to either a dry well and/or the storm drain system of the municipality.
4. The Construction Official shall issue a permit for said repair or reconstruction upon the applicant satisfying the provisions of this Section.
5. Upon completion of the work the Construction Official, or his designee, shall re-inspect the work in order to determine whether or not the conditions of this section have been fulfilled.

**D. Violations.** In the event that the owner of real property in the Borough of Chester violates any subsection of this section, the Construction Official shall be empowered to give notice to the property owner of the violation of same and the same shall be corrected within 30 days of receipt thereof. In the event that the property owner fails to comply with the order of the Construction Official, the property owner shall be determined to be in violation of this Section.

**E. Right to Enter Upon Lands.** For the purpose of administering and enforcing this section, the Borough Construction Official, or its designee, shall have the right to enter into and upon any lands for which an application has been filed and may examine and inspect such lands, buildings and structures located thereon.

**F. Enforcement Officer.** The Construction Official or its designee is hereby designated as the enforcement officer.

**G. Penalties.** Any person violating any of the provisions of this section shall, upon conviction thereof, be subject to those penalties set forth in Chapter One, Article III (General Penalty) of the Chester Borough Code.

**SECTION 4.** If any Chapter, Article, Section or Subsection, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by any court of competent jurisdiction such decisions shall not affect the remaining portions of this Ordinance.

**SECTION 5:** All ordinances or rules or regulations of the Borough of Chester, which are inconsistent with the provisions of this ordinance, are hereby repealed to the extent of such inconsistency.

**SECTION 6:** This ordinance shall take effect upon passage and publication according to law.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Robert L. Davis, Mayor

Attest:

\_\_\_\_\_  
Valerie A. Egan, Borough Administrator/Clerk

NOTICE is hereby given that the above Ordinance was introduced and passed on first reading at a meeting of the Borough Council of the Borough of Chester, in the County of Morris, State of New Jersey, held in the municipal building on the 4<sup>th</sup> day of February 2014, and the same came up for final passage at a meeting of the said Borough Council on the 18<sup>th</sup> day of March, 2014 at which time, after persons interested were given an opportunity to be heard concerning said ordinance, the same was passed and will be in full force in the Borough according to law. By order of the Borough Council of the Borough of Chester, County of Morris and State of New Jersey.

---

Valerie A. Egan, Borough Administrator/Clerk