

CITY OF SEA ISLE CITY
NEW JERSEY

ORDINANCE NO. 992 (1990)

AN ORDINANCE ESTABLISHING AND FIXING RATES TO BE CHARGED FOR SEWER SERVICE BY THE CITY OF SEA ISLE CITY, NEW JERSEY, ESTABLISHING RULES AND REGULATIONS CONCERNING THE USE OF SAID SERVICE, REQUIRING CONNECTIONS TO SUCH SERVICE, AND PROVIDING THE PENALTIES FOR THE VIOLATION OF SAME AND AN ORDINANCE ESTABLISHING RATES TO BE CHARGED FOR WATER SERVICE AND CONSUMPTION IN THE CITY OF SEA ISLE CITY, NEW JERSEY, AND ESTABLISHING RULES AND REGULATIONS FOR THE USE, SERVICE AND CONSUMPTION THEREFORE AND REPEALING ORDINANCE NO. 884 (1987)

WHEREAS, N.J.S.A. 40:63-1, et seq., permits the governing body of every municipality to fix and prescribe charges, rents, rules, regulations, conditions and restrictions as to the connection with and use of sewers and drains in the municipality; and

WHEREAS, N.J.S.A. 40:62-47 authorizes the governing body of every municipality to propound such ordinances as it may deem necessary and proper for the distribution, supply, use and protection of water and for the installation and protection of meters for fixing and collecting the water rents or prices for water and for the imposition of penalties; and

WHEREAS, the previous water and sewer ordinances duly enacted by the City of Sea Isle City are in need of revision and consolidation.

NOW, THEREFORE, the Board of Commissioners of the City of Sea Isle City, County of Cape May, New Jersey, DO HEREBY ORDAIN as follows:

SECTION 1. DEFINITIONS. The following definitions will govern this Ordinance:

(a) "Act" shall mean the Federal Clean Water Act, as amended.

(b) "BOD" (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen used in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees C. expressed in milligrams per liter.

(c) "Building Drain" (Sanitary) is that part of the lowest piping of a drainage system which receives the discharge from sewage pipes inside the walls of the building and conveys it to the building sewer beginning three (3) feet outside the building wall.

(d) "Building Sewer" is that part of the drainage system which extends from the end of the building drain and conveys its discharge to the service line of the public sewer.

(e) "City" shall mean the City of Sea Isle City.

(f) "CMCMUA" shall mean the Cape May County Municipal Utilities Authority.

(g) "Combined Sewer" shall mean a sewer intended to receive both wastewater and storm or surface water.

(h) "Commercial User" (Class II) shall include any property occupied by a nonresidential establishment not within the definition of an "Industry User" (Class III), and which is connected to the wastewater facilities.

(i) "Customer, Consumer or User" as used in this chapter shall mean the owner of the property or his duly authorized agent as exemplified by the following ownership examples:

(1) A building owned by one party having one or more uses.

(2) An association formed under the "Horizontal Property Act" of the "Condominium Act".

(3) "Motel" under this ordinance must have at least ten (10) furnished units for rent and supply sleeping accommodations and parking to primarily transient as opposed to permanent guests.

(j) "Day" shall mean the 24 hour period beginning at 12:01 a.m.

(k) "Department" as used in this chapter shall mean the Department of Utilities.

(l) "EPA" shall mean the United States Environmental Protection Agency.

(m) "Extraordinary Expense" shall mean those costs which are over and above normal operating and maintenance costs incurred as a result of actions of a person or persons.

(n) "Garbage" shall mean the solid animal and vegetable wastes resulting from the domestic or commercial handling, storage, dispensing, preparation, cooking, and serving of foods.

(o) "Industrial User" (Class III) shall mean any nonresidential user whose waste does not meet the Restricted Discharge requirements set forth in Article VI Section 2 of these Requirements.

(p) "Interference" shall mean inhibition or disruption of any sewer system, wastewater treatment process, sludge disposal system or their operation, which substantially contributes to a violation of applicable discharge permits.

(q) "Motel" under this ordinance must have at least ten (10) furnished units for rent and supply sleeping accommodations and parking to primarily transient as opposed to permanent guests.

(r) "Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake, or any other body or surface of groundwater.

(s) "NJDEP" shall mean National Pollutant Discharge Elimination System permit program, whether administered by the EPA or by the State of New Jersey.

(t) "NJDES" shall mean National Pollutant Discharge Elimination System permit program, whether administered by the EPA or by the State of New Jersey.

(u) "Owner" shall mean the person or persons who legally own, lease, or occupy private property with wastewater facilities which discharge, or will discharge to the wastewater facilities.

(v) "Person" shall mean any individual, firm, company, association, society, partnership, corporation, municipality, or other similar organization, agency or group.

(w) "PH" shall mean the logarithm of the reciprocal of the hydrogen ion concentration expressed in grams per liter of solution as determined by Standard Methods.

(x) "Pretreatment" shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutants in wastewater prior to discharge to the wastewater facilities.

(y) "Properly Shredded Garbage" shall mean garbage that has been shredded to such a degree that all particles will be carried freely under flow conditions normally prevailing in the wastewater sewers, with no particles greater than 1/2 inch in any dimension.

(z) "Public Sewer or Sanitary Collection System" shall mean a community sewer directly controlled by the City of Sea Isle City.

- (aa) "Residential User" (Class I) shall mean premises used only for human residency and which is connected to the wastewater facilities.
- (bb) "Sanitary Wastewater" shall mean wastewater discharged from the sanitary conveniences of dwellings, office buildings, industrial plants, or institutions.
- (cc) "Service Line" shall mean a water pipe line which extends from a water main to the premises of the user and shall include, but not be limited to a corporation stop, one or more curb stops, yokes, meters and meter boxes.
- (dd) "Shall" is mandatory. "May" is permissible.
- (ee) "Standard Methods" shall mean the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, Water Pollution Control Federation and American Water Works Association.
- (ff) "State" shall mean the State of New Jersey.
- (gg) "Storm Sewer" shall mean a sewer for conveying storm, surface and other waters, which is not intended to be transported to a treatment facility.
- (hh) "Surface Water" shall mean water which occurs when the rate of precipitation exceeds the rate at which water may infiltrate into the soil.
- (ii) "Suspended Solids" shall mean the total suspended matter that either floats on the surface of, or is in suspension in water of wastewater as determined by Standard Methods.
- (jj) "Tampering" shall mean any person or persons entering or gaining access to the City of Sea Isle City's water meter box.
- (kk) "Toxics" shall mean any of the pollutants designated by Federal regulations pursuant to Section 307(a)(1) of the Act.
- (ll) "Vent System" is a pipe or pipes installed to provide a flow of air to or from a drainage system or to provide a circulation of air within such system to protect trap seals from siphonage and back pressure.
- (mm) "Wastewater" shall mean a combination of liquid and water-carried wastes from residences, commercial buildings, industries, and institutions, together with any groundwater, surface water, or storm water or other infiltration that may be present.
- (nn) "Wastewater Facility" shall mean the combination of the wastewater sewers, pumping stations, appurtenances and treatment facilities.
- (oo) Wastewater Sewer" shall mean the structures, processes, equipment and arrangements necessary to collect and transport wastewaters to the treatment facility.

(pp) "Wastewater Treatment Facility" shall mean the structures, processes, equipment and arrangements necessary to treat and discharge wastewater.

(qq) "Water Main" shall mean a water pipe line in a public street or highway or within an easement area from which individual premises are served through service line connections.

(rr) "WPCF" shall mean the Water Pollution Control Federation.

SECTION 2. STATEMENT OF POLICY

The rules, regulations and rates contained in this Ordinance are hereby established for the supply of water from the municipal water system and for the disposal of sewage through the Sanitary Collection System from all legally connected properties in the City of Sea Isle City. Septic systems are specifically prohibited and no other means of sewage disposal are permitted without prior written approval of the Plumbing Inspector, County Board of Health and Water and Sewer Superintendent.

The operation of the water and sanitary collection systems shall be and remain vested in the City Commissioners who shall employ and appoint such personnel as may be necessary to properly operate the systems. No work or service of any kind, except an emergency, will be performed by City employees on privately owned property without express written prior approval by the user and superintendent.

The City of Sea Isle City or its authorized agents shall have the right of access to users' premises at reasonable times for any purpose in connection with the Water and/or the Sanitary Collection Systems.

SECTION 3. APPLICATION FOR SERVICES

(a) Written application for a new or replacement water service line and/or building sewer shall be made to the Sea Isle City Water and Sewer Department in the manner hereinafter provided before any connection shall be made.

(b) Except in the case of an emergency, a complete application shall be made at least thirty (30) working days before the completion of the connection(s) is desired.

(c) The application(s) shall be signed by the customer or his authorized agent. After processing the Tax Collector will notify applicant of availability and related changes. Permit will be issued after payment has been received.

(d) When a new installation or replacement of a water service line and building sewer is contemplated at the same time, a street opening charge will apply if both lines are laid in the same trench. If either or both lines requiring replacement are laid in separate trenches, the street opening charge will apply to each line in addition to cost of services (See Rate Schedule).

(e) In the case of new construction or modification to existing drainage lines within the structure, an application shall be made at the time that the building permit is obtained.

(f) Application may be made to the Water and Sewer Superintendent for exclusion from the Sanitary Collection System charges when water used will not be returned to the Sanitary Collection System, (i.e., lawn sprinklers, garden irrigation, marinas, etc.). Such consumption must be metered separately and will be subject to the schedule of water rates and fees set forth in Rate Schedules "A" and "B".

(g) Permits will be valid for a period of one (1) year from the date of issuance.

SECTION 3. RULES AND REGULATIONS

(a) All users shall abide by all rules and regulations governing the water and Sanitary Collection System as provided herein or otherwise regularly adopted. The Plumbing Inspector may refuse to authorize connection to the system when the user's system is not in accordance with the National Standard Plumbing Code as adopted by the State of New Jersey.

(b) No person shall connect a sump pump, roof, foundation, areaway, parking lot, roadway, or other surface runoff or groundwater drains to any sewer which is connected to a wastewater treatment facility. All roof, foundation, areaway, parking lot, roadway, or other surfaces runoff or groundwater drains shall discharge to natural outlets or storm sewers. No new or replacement building sewer shall be laid in the ground closer than one foot to an existing water service line or water meter or vice versa.

(c) No cross-connection or inter-connections with facilities supplying water from other sources shall be permitted.

(d) Temporary discontinuance of service is not permitted and each owner shall pay the minimum rate per quarter unless permanent discontinuance is effected.

SECTION 4. WATER SERVICES LINES

(a) Water main taps and the installation or repair of the service lines from the water main to the curb area shall be made by the Utilities Department or its authorized agent in every case.

(b) The service line shall extend to a location approximately one (1) foot inside the curb line.

(c) Charges for larger service lines will be determined by the Utilities Department based upon current costs of material and labor.

(d) All applications shall be understood to embody all the rules and regulations of the Utilities Department as provided herein or otherwise regularly adopted, whether set forth in the application or not.

(e) In the event where one meter services two or more condominium units, individual water and sewer bills shall be issued at a flat rate charge to each owner. A bill for excess charges shall be forwarded to the Home Owners Association, Condominium Association, etc., for apportionment of the excess charges amongst owners. The City will assume no responsibility for aforesaid apportionment.

(f) Supply of Multiple Users. Water shall be supplied through one service line and one meter under the minimum charge at the option of the customer to each separate and distinct building. Where a building is erected in the rear of one fronting on the street or avenue, that building may be served through the service line of the front building. Where houses are erected in pairs under one roof and belonging to the owner, the entire building may be served at the option of the customer, through one service line and one meter under one minimum charge. In one story stores built in blocks, when all of the stores in the block are owned by one owner the entire block may be supplied with water through one service line and one meter under one minimum charge at the option of the customer, where the customer receives services through one service line to more than one unit, he shall in the case of a sale of any part of the premises thus supplied, except for the sale of the unit in a condominium, immediately disconnect the portion of the premises sold from the water service. When stores are part of a hotel, motel, house, apartment building or other building supplied with water, the stores shall be considered as one room or two rooms as the case may be and shall be supplied through the same service line and meter which supplies the building of which the stores are a part.

(g) The service line shall be under the exclusive control of the Utilities Department and under no circumstances shall any person not authorized by the Utilities Department tamper with any part of the service line.

SECTION 5. WATER METERS

(a) All water shall be supplied and billed through meters which will be furnished and owned by the City.

(b) When a change in meter size is requested, the installation charge shall be determined by the Utilities Department based upon current cost of labor and material.

(c) Additions or alterations to property improvements shall in no way restrict the Utilities Department from free access to the water for routine reading, maintenance or replacement. Violation of this requirement shall result in discontinuance of service.

SECTION 6. TAMPERING WITH METERS

(a) It is the responsibility of the consumer to properly protect the meter from damage, and the consumer shall be liable for damage to or for the loss of meter due to negligence.

(b) It is hereby declared unlawful for any person to change, alter or interfere with the meter or the dials thereof or to otherwise tamper therewith.

(c) All structures, dwellings, pools, sprinkler systems, dock lines or any other metered service shall be required to install a groundstop to each metered service on the consumer's side of the water service. These groundstops will be installed with drain valves so that the consumer may turn off and/or drain his service without tampering with the City's line or meter. The cost of this installation is to be borne by the homeowner.

(d) It shall be a violation of this ordinance to enter the water meter box in any manner or for any reason.

SECTION 6. TESTING METERS

(a) In case a meter fails to register or operate properly, the consumer will be charged at the average rate based on the records for the same corresponding calendar period in the prior three (3) years, or any part thereof where there are not at least three prior years of record. If there are no records for the corresponding calendar period, then the consumer shall pay the minimum charge for the quarter or quarters involved. All water that passes through the meter shall be charged for, whether the water is used or wasted.

(b) The Utilities Department reserves the right to remove and test any meter at any time and to substitute another meter, either permanently or temporarily.

(c) Upon the written request of a consumer, the Utilities Department will test the accuracy of the consumer's meter. Each request for test shall be accompanied by a fee (see Rate Schedules). If the test proves the meter to have been faulty, the fee will be refunded. Test will be limited to twice a year.

SECTION 7. OWNER'S RESPONSIBILITY FOR WATER SERVICES.

(a) The entire water service system from the meter outlet connection to all outlets in the premises is the sole responsibility of the owner of the premises and shall be kept in repair or replaced at the owner's expense.

(b) The Utilities Department shall not be held accountable for any damage which may result from leaks, burst pipes, or from any other cause in occupied or unoccupied houses, buildings or places of business.

SECTION 8. TEMPORARY DISRUPTION OF WATER SUPPLY

(a) The Utilities Department will use reasonable care and diligence to provide a constant supply of water through the pipes to consumers, but reserves the right any time without notice, to shut off the water in its mains for the purpose of making repairs or extensions or for other emergency purposes. Neither the Utilities Department nor the City shall be liable for a deficiency or failure in the supply of water or for damage caused by the bursting of any main or pipe, or any other attachment of the department, or for any other cause whatsoever. All consumers having boilers or any other type of equipment such as air conditioners, ice machines and hot water heaters, upon their premises, depending upon the water and the pressure to keep them supplied, are hereby cautioned against danger of collapse and all damage must be borne exclusively by the consumer.

SECTION 9. DISCONTINUANCE OF WATER SERVICE BY THE DEPARTMENT

A fee as set forth in Rate Schedule (A) will be charged by the Utilities Department for initiation of permanent discontinuance of service procedure. Service rendered under any application or agreement may be discontinued for any of the following reasons:

(a) Use of water for any other property or purposes except as described in the original or amended application.

(b) Failure to protect water meter and service line from damage.

(c) Tampering with any service pipe, meter, corporation stop or seal or any other appliance of the Utilities Department.

(d) Non-payment, after due and timely notice of any charges or rental fees for water services accruing under the application.

(e) Refusal of reasonable access to any home, building or place of business by the Utilities Department Superintendent or any other person designated by him or the Utilities Department, at all reasonable hours of the day, for the examination of the water service line.

(f) Willful waste of water through improper or imperfect pipes, fixtures or otherwise.

(g) Interference with access to the water meter (see sub-section 5-6.c).

SECTION 10. DISCONTINUANCE OF WATER SERVICE BY CONSUMER

(a) Permanent discontinuance of service to any premises will be effected by the Utilities Department upon receipt of a written request from the owner. (See Fee Schedules).

SECTION 11. TURN-ON CHARGE

A turn-on charge as per attached Rate Schedule will be made if the Utilities Department has effected an interim turn-off prior to having permanently discontinued the services for reasons as stated in sub-section 9, 10 and 16. Application for turn-on and satisfactory eliminating of any and all violations shall be made prior to the date of the intended permanent discontinuance.

AND SEWER

SECTION 12. WATER/SERVICE BILLS

(a) Water meters shall be read semi-annually each year, and bills for the minimum, in advance, together with the excess water charges for the prior period, if any, will be rendered semi-annually. All bills presented will contain the then current meter reading, showing the amount furnished, and said bills shall be due on their due date. If not paid when due, the Utilities Department reserves the right to discontinue service after due notice and remove the meter, but no such discontinuance shall deprive the Utilities Department of the right to be paid for the water furnished. A penalty of one percent (1%) per month will be attached to all bills for minimum or excess charges not paid within one (1) month from the date due. All bills shall be payable to the City of Sea Isle City. When in the judgment of the Utilities Department the advance payment of the minimum charge is not sufficient to properly protect the Utilities Department against loss, the right is reserved to require a reasonable deposit in addition to the advance minimum charge payable as set forth in the Rate Schedule attached.

(b) Whenever consumer shall consider any charge for excess water consumption incorrect and desires for that reason to contest the accuracy thereof, protest by letter must be filed with the Utility Clerk within thirty (30) days after receipt of any bill. Upon receipt of any such protest, the Utility Clerk shall review the records and cause the appropriate authorities to make a thorough recheck and then promptly correct or verify the bill as the case may be, and notify the consumer of the result. Unless a protest is made within the aforesaid time, the bill rendered shall be considered final and not subject to protest.

SECTION 13. SCHEDULE OF WATER & SEWER RATES AND FEES

The schedule of water rates and sewer rates are attached hereto as Schedules "A" and "B" and incorporated in this ordinance.

SECTION 14. RATE FOR EXCESS WATER

The rate for all water furnished in excess of the semi-annual allotment of 45,000 gallons per unit set forth above shall be \$1.53 per each additional 1,000 gallons or any part thereof.

SECTION 15. FIRE HYDRANT RENTAL

As rental for each fire hydrant of the City, the Utilities Department will receive the sum of \$25.00 annually.

SECTION 16. SPECIAL USE SERVICE CHARGE

Water for jetting in pilings or other special uses may be obtained from water hydrants upon application to the Utilities Department. A service charge as per the Rate Schedule attached shall be made for use of a hydrant meter and the quantity of water supplied as registered on the meter shall be paid for at the rates recited in the Rate Schedule attached the same to be paid when bill submitted.

SECTION 17. SERVICE TO PRIVATE FIRE PROTECTION FACILITIES

Each customer requiring private fire protection facilities shall pay in advance a charge determined by the Utilities Department for material and installation cost of each connection intended to be used exclusively for the extinguishment of fires. This line is used only for fire suppression. Domestic water users are from separate metered lines.

SECTION 18. SANITARY COLLECTIONS SYSTEM INSTALLATION

(a) A 4" building sewer shall be installed unless a larger size is applied for and/or deemed necessary by the Water and Sewer Department. Cost of a new or replacement 4" building sewer shall be set forth in Rate Schedule "B" attached, plus a street opening charge as set forth in Rate Schedules "A" and "B". Special charges for larger sizes of building sewers will be determined by the City of Sea Isle City based upon current costs of material and labor.

(b) A building sewer will be used to service a single user only and no user shall be serviced by more than one building sewer unless agreed upon between the user and the Water and Sewer Department.

(c) Supply of Multiple Buildings. Service may be supplied through one building sewer connected to several buildings discharge lines at the option of the user and concurrence of the Water and Sewer Department. Where a building is erected in the rear of one fronting on the street or avenue and both buildings are owned by the same owner, that building may be served through the building sewer of the front building. Where houses are erected in pairs under one roof and belonging to one owner, the entire building may be serviced, at the option of the user, through one building sewer. In one story stores built in blocks, when all of the stores in the block are owned by one owner, the entire block may be supplied with service through one building sewer at the option of the customer and with the concurrence of the Plumbing Inspector. Where the user received service through one building sewer from more than one unit, he shall in the case of a sale on any part of the premises thus serviced, except for the sale of a unit in a condominium, immediately disconnect the service from that part of the premises sold. When stores are a part of a hotel, motel, house, apartment building or other building supplied with service, the store shall be considered as one room or two rooms as the case may be and shall be serviced through the same building sewer which services the building of which the stores are a part.

(d) The building sewer from within approximately one foot of the curb line to the public sewer shall be under the exclusive control of the City of Sea Isle City and under no circumstances shall any person not authorized by the City of Sea Isle City tamper with any part of the line. The installation or repair of this section of the building sewer shall be made by the City of Sea Isle City or its authorized agent in every case.

(e) The responsibility of the Water and Sewer Department of the City of Sea Isle City and the City of Sea Isle City for maintenance of the sewer system shall extend only from the curb to the sewer main within the public right-of-way. If it is determined by the Plumbing Inspector that the cause of any stoppage is the adjoining residence, a service charge will be paid in accord with the Rate Schedules "A" and "B" attached.

(f) Notwithstanding any provisions contained herein to the contrary, no permit for sewer service connections will be issued and no fee for a permit will be collected by the Tax Collector until such permit application is paid for and approved by the Water and Sewer Superintendent.

(g) When a structure with existing sewer service is to be moved, raised or demolished, it is required that the structure's sewer lateral be disconnected and properly capped at the curb line. Said work is to be performed at the customer's expense and inspected by the Plumbing Inspector.

(h) All sewer lines, house drains, washing machine discharges, grease traps, etc., shall be connected into the sewer system and shall not be discharged into surface or subsurface. Interceptors for grease traps must have routine maintenance and be available for inspection by the representatives of the Water and Sewer Department.

(i) Interceptors (including grease, oil, sand) shall be provided by all food handling establishments and restaurants.

(j) All structures with two units shall have separate sewer lines.

(k) Any extension made to the height of an existing curb vent in order to comply with this ordinance shall not exceed a total height of six (6) inches above the surrounding area. No tripping hazards are to be created in the hard surface portion of the pedestrian right-of-way. All piping should be crack and infiltration free and extensions and connections shall be water tight using approved fittings.

SECTION 19. USE OF WASTEWATER FACILITIES

(a) Waste Disposal 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 City of Sea Isle City or in any area under the jurisdiction of said City any human or animal excrement, garbage, or other objectionable waste.

(b) Wastewater Discharges It shall be unlawful to discharge without a permit to any natural outlet within the City of Sea Isle City or in any area under its jurisdiction. Wastewater discharges to the wastewater facilities are not authorized unless in accordance with provisions of these Regulations.

(c) Wastewater Disposal Except as provided in these Regulations, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater

(d) Connection in Wastewater Sewer Any person requesting connection to the wastewater facilities may only do so through the wastewater sewers owned by the City. No person may be permitted to directly discharge into the wastewater facilities owned by the Cape May County Municipal Utilities Authority (C.M.C.M.U.A.) unless prior written consent is received from the C.M.C.M.U.A.

(e) Protection of Capacity for existing sewers The City shall not issue a permit for any class of connection to the wastewater sewers or wastewater treatment facilities unless there is sufficient capacity, not legally committed to other users, in the wastewater sewers and treatment facilities to convey and adequately treat the quantity of wastewater which the requested connection will add to the system.

SECTION 20. OWNER'S RESPONSIBILITY FOR SANITARY COLLECTION SYSTEM

It shall be the sole responsibility of the owner to maintain the entire building sewer in proper operating condition. Restrictions in the building sewer causing limited flow, blockage or discharge of sewage onto any property, into the street, highway or within an easement area, shall be eliminated through arrangements between the property owner and a registered plumber. It is illegal for any vent system to discharge sewage onto any property, whether public or private. If such discharges do occur, the cause must be promptly eliminated. Tardy elimination or frequently repeated occasions of such incidences or failure to clean up after such instances shall be a violation of this ordinance and shall be reason for the City of Sea Isle City Board of Health or the Sea Isle City Plumbing Inspector to cause discontinuance of water service and to proceed with necessary arrangements for clean up, etc., and assess the user accordingly.

SECTION 21. DISCONTINUANCE OF SERVICE

The operation of the Sanitary Collection System is directly related to the use of water. Therefore, the City of Sea Isle City reserves the right to also discontinue water service for any of the following reasons and to impose a turn-on charge in accordance with Section 11:

(a) Non-payment of any charges or fees for sanitary collection service.

(b) Failure to maintain the sanitary system, piping and appurtenances in satisfactory working order including sewer to the public sewer.

(c) The discharge of sewage onto property, public or private.

(d) Failure to comply with regulations pertaining to openings in Sanitary Collection Systems.

(e) Discharge into the Sanitary Collection System in violation of this ordinance.

(f) Tampering with the City meters.

(g) Any other violation of this ordinance.

SECTION 22. RESTRICTED CONNECTIONS AND DISCHARGES TO SANITARY SEWERAGE COLLECTION SYSTEM

(a) Restricted connections. Any connection, drain, or arrangement which will permit any such waters to enter any wastewater sewer shall be deemed to be a violation of this ordinance and subject the responsible person to the penalties set forth herein.

(b) Restricted discharges. No person shall discharge or cause to be discharged to any of the wastewater facilities any substances, materials, waters or wastes in such quantities or concentrations which will:

(1) Create a fire or explosion hazard including, but not limited to, gasoline, benzene, naptha, fuel oil, or other flammable or explosive liquid, solid, or gas; including but not limited to any liquid having a flash point lower than 235 degrees Fahrenheit as determined by the Tagliabue closed cup method.

(2) Cause corrosive damage or hazard to structures, equipment, or personnel of the wastewater facilities, but in no case discharges having a Ph lower than 5.5 or greater than 9.0.

(3) Cause obstruction to the flow in sewers, or other interference with the operation of wastewater facilities due to accumulation of solid or viscous materials.

(4) Contain fats, wax or grease, or oils, whether emulsified or not, in excess of 100 mg/1 or containing substances which may solidify or become viscous at temperatures between 32 degrees Fahrenheit and 150 degrees Fahrenheit.

(5) Have a temperature higher than 150 degrees Fahrenheit or 65 degrees Centigrade.

(6) Contain henolic compounds over 1.0 part per million, expressed as phenol.

(7) Contain any radioactive substances.

(8) Have a biochemical oxygen demand (5-day BOD) in excess of 250 milligrams per liter (mg/1).

(9) Have a suspended solids content in excess of 250 mg/1, or containing suspended solids of such character of specific gravity that unusual attention or expense is required to handle or treat such materials.

(10) Contain corrosive, toxic, deleterious, or poisonous substances in sufficient quantity to cause injury, damage or hazard to personnel, structure or equipment, or interfere with the wastewater facilities including but not limited to any portion of the liquid or solids treatment or handling processes, or that which will pass through the treatment facilities in such condition that they will not achieve State, Federal, or other existing, pending, or future requirements for the effluent discharge, including but not limited to the permit requirements imposed upon the Cape May County Municipal Utilities Authority.

(11) Cause unusual volume or concentration of wastes being delivered in a "slug" manner by which it is meant that the normal (i.e. 24 hour average) concentration of loadings shall not be exceeded by more than a factor of 4.0 for any sixty (60) minute period.

(12) Have an objectionable color which is not removable in the wastewater treatment facility.

(13) Be discharged by tank trucks into manholes or appurtenances of the wastewater sewer system. Including, but not limited to, septic tank wastes. These septic tank wastes will, however, be accepted directly at designated C.M.C.M.U.A. Wastewater Treatment Facilities.

(14) Contain noxious, malodorous gas or substances which are present in quantities that create a public nuisance or a hazard to public health.

(15) Contain any garbage that has not been properly shredded.

(16) Contain substances interfering with sludge management; any substance which may cause the wastewater treatment facilities sludge to be unsuitable for reclamation and reuse or to interfere with the reclamation process where the C.M.C.M.U.A. is pursuing a reuse and reclamation program. In no case shall a wastewater discharged to the wastewater facilities cause the wastewater treatment facilities to be in noncompliance with sludge use and disposal criteria, guidelines or regulations developed by the NJDEP, the USEPA, or any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or the "New Jersey Guidelines for the Utilization and Disposal of Municipal and Industrial Sludges and Septage".

If any wastewaters are discharged or are proposed to be discharged to the wastewater facilities which consist of the substances or possess the characteristics enumerated above, or which may be set forth by regulatory agencies now or in the future, and which, in the judgment of the City and/or the Cape May County Municipal Utilities Authority, have a deleterious effect upon the wastewater facilities or constitute a public nuisance, the City may:

(a) Reject the wastes;

(b) Require pretreatment to an acceptable condition prior to discharge into the wastewater sewer system;

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

(d) Take such other action as it may deem appropriate.

(c) Water conservation. No discharge shall be permitted to dilute their waste to avoid violation of this ordinance.

SECTION 23. MONITORING THE WASTEWATER

(a) Information and Noncompliance. If the City and/or the C.M.C.M.U.A. has reason to believe that any discharger is in violation of Section 22, one or both of the following actions may be taken:

(1) Request additional information in an effort to evaluate the quality and quantity of the materials discharged.

(2) Monitor the wastewater at the expense of the user. If the discharger is found to be in violation of pretreatment facilities within a specified time to be determined by the City and/or the C.M.C.M.U.A. If such facilities are not constructed in delivering a waste in compliance with the provisions of these Regulations within the specified time, the City may disconnect the discharge from the wastewater facilities according to provisions as set forth in this ordinance.

The requirements of this section shall be applicable to all discharges in existence prior to and following the adoption of these Regulations.

(b) Determination of Wastewater Characteristics.

(1) Measurements, tests, and analysis of the characteristics of wastewater to which reference is made in these Regulations 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 or such alternate methods approved by the City in compliance with State and Federal Law. Sampling methods, locations, times, durations and frequencies are to be determined on an individual basis subject to approval by the City and the C.M.C.M.U.A. The discharger shall have the option to use, at his own expense, more complete sampling methods, locations, times and frequencies than specified by the City and the C.M.C.M.U.A.

(2) Measurements, tests and analysis of the characteristics of wastewater required by these Regulations shall be performed by a New Jersey State certified laboratory.

(3) When required by the City the user 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 wastewater. Such manhole or other appurtenances, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the City. The manhole shall be installed by the user at his expense, and shall be maintained by him so as to be safe and accessible at all times.

(c) Special Agreements. Nothing in this section shall be construed as preventing any special agreement or arrangement between the City and any user of the wastewater facilities whereby wastewater of unusual BOD or suspended solids strength is accepted into the system subject to any surcharge payments or user charges as may be applicable; provided, however, that such acceptance does not cause a violation of the discharge permit requirements for the wastewater treatment facility. The surcharge rates shall be in conformance with the then prevailing rates developed by the C.M.C.M.U.A.

(d) Costs of Damage. If the drainage or discharge from any person/owner causes a deposit, obstruction, or damage to any of the wastewater facilities located within the City, the City or the C.M.C.M.U.A. depending upon which of those entities has operating responsibility for the obstructed section of the wastewater facility, shall cause the deposit or obstruction to be promptly removed or cause the damage to be promptly repaired. The cost for such work, including materials, labor, supervision, permits and engineering fees shall be borne by the person/owner causing such deposit, obstruction, or damage.

SECTION 24. SANITARY SEWERAGE COLLECTION SYSTEM RATES.

(a) The annual sewerage system charges will be billed in equal quarterly installments. Each installment shall be based upon the water consumption in the prior years summer quarter (July-August-September) and will consist of:

See Schedule "B"

SECTION 24. METER FAILURE

Because the sewer rate is based upon water usage during the prior year's summer quarter (July 1 through September 31), in the event a meter fails to register or operate properly during the summer quarter, the sewer charge for the following year will be based upon an average of the prior three (3) years summer water's consumption. In the event the records for the prior three summer quarters are not complete, the last three quarters where the records are complete shall be used. In the event there are not three years of complete records of the summer quarters, the summer quarters which do have complete records shall be used for such averaging.

SECTION 25. VANDALISM AND ACCIDENTAL SPILLS.

(a) No 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 water/wastewater facilities. Any person who violates this section shall be guilty of a misdemeanor and, upon conviction, is punishable by a fine. The fine shall be in addition to payment of damages incurred by a water/wastewater facility.

(b) Accidental Spills. Any person, persons, or businesses responsible in part or in whole for an accidental spill into the sewer system or storm sewer on to public or private property, or into surrounding bodies of water, shall immediately report each occurrence to the City of Sea Isle City Police Department.

(c) Reporting. In the case of an accidental discharge, or; if for any reason a user does not comply or will be unable to comply, with any prohibition of limitation in these Sewer Use Regulations, the user responsible for such discharge shall immediately telephone and notify the City and the C.M.C.M.U.A. of the incident. The notification shall include location of discharge, type of waste, concentration and volume. Furthermore, such user shall take immediate action to prevent interference with the wastewater treatment process and/or damage to the wastewater facilities. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the wastewater facilities or other damage to persons or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by these regulations or other applicable law.

SECTION 26. ENFORCEMENT

(a) Payment. If prompt payment for any water or sanitary collection service or for work done or materials furnished is not made when due, as aforesaid, the water shall be shut off from the premises served and it shall not be supplied thereto again until the arrears, with interest and penalties, shall be fully paid. The officers and employees of the City of Sea Isle City are fully authorized to take any and all action necessary to enforce this provision as well as all others necessary to the proper enforcement of this chapter. If any charges shall remain in arrears for two (2) months, the officer or other employees charged with the duty of the collection thereof shall file with the officer charged with the duty of collecting unpaid taxes, a statement showing such arrearages; and from the time of such filing, the unpaid charges shall become a lien upon the premises and real estate for which the service(s) were furnished and in connection with which the charges were incurred to the same extent as taxes are a lien upon real estate in the City shall be collected and enforced by the same officers and in the same manner as liens for taxes.

(b) Violations. Any act prohibited by this chapter is hereby declared to be a violation hereof. The failure to do any act or thing required to be done pursuant to the provisions of this chapter shall be considered a violation hereof.

(c) Penalty. Any person found guilty of any violation of this chapter, shall, upon conviction thereof, be subject to a fine not in excess of \$1,000.00 or imprisonment in the County Jail for a period not exceeding 90 days or both and/or shall be subject to disconnection from the wastewater facilities. Any person convicted of this ordinance may, in the discretion of the court, and in default of any fine imposed therefore, in lieu of imprisonment may be required to perform community service for a period not to exceed ninety (90) days.

(d) Repetition of Offense. Each day a violation continues shall constitute a separate violation of this ordinance.

(e) Additional Penalty for Extraordinary Expense. In addition, if a violation causes extraordinary expense to any operating component of the wastewater facilities, the person causing such violation shall be liable for the full amount of the extraordinary expense plus any costs incurred by the entity pursuing enforcement of these provisions. The City will transfer any such reimbursement to the person suffering the injury or incurring the expenses.

SECTION 27. REPEALER

Ordinance No. 884 (1987) be and the same hereby is repealed and all other ordinances inconsistent or in conflict herewith are expressly repealed hereby to the extent of such inconsistency.

SECTION 28. EFFECTIVE DATE.

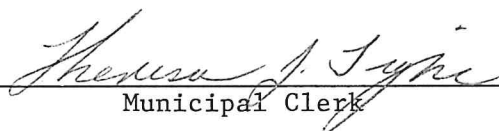
The within ordinance shall take effect within the time and manner provided by law.





Steve Libes
Commissioners

The above ordinance was duly passed by the Board of Commissioners of the City of Sea Isle City, New Jersey, on first reading at the regular meeting of said Board held on the 13th day of March, 1990, and was taken up for second reading, public hearing, final passage and was adopted at the regular meeting of said Board held on the 27th day of March, 1990, in the Public Safety Building, 233 John F. Kennedy Boulevard, Sea Isle City, New Jersey, at 3:30 P.M.



Theresa J. Syne
Municipal Clerk