

ORDINANCE 2012-18

BOROUGH OF DUNELLEN

The Municipal Code of the Borough of Dunellen is hereby amended as follows:

Chapter 233

SEWER USE

ARTICLE I

General Regulations

Chapter 233-1. Definitions.

Unless the context specifically indicates otherwise, the meaning of the terms used in this chapter shall be as follows:

BOD (denoting biochemical oxygen demand) – The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20° C., expressed in parts per million by weight.

BUILDING SEWER – The extension from a commercial or industrial building drain to the public sewer or other place of disposal.

HOUSE CONNECTION – Any pipe, together with necessary connections, conveying sewage from a single building of any kind or sort to the sewer system at the curblin.

HOUSE PLUMBING SYSTEM – The plumbing work within the building and to a point five feet outside of the building, under the control of the County Health Officer and subject to ordinances, conditions, rules and regulations.

INDUSTRIAL CONCERN – Any concern engaged primarily in manufacturing or processing operations.

INDUSTRIAL WASTE – The liquid wastes from industrial processes as distinct from sanitary sewage.

MCUA – The Middlesex County Utilities Authority.

PARSA – The Plainfield Area Regional Sewerage Authority.

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

PLUMBING INSPECTOR – the person duly appointed to and occupying such position in the Borough.

PUBLIC SEWER – A sewer in which all owners of abutting properties have equal rights and which is controlled by public authority.

SANITARY ENGINEER – Refers to and means the person duly appointed to and occupying such position in the Borough, and, if none, shall mean the Borough Engineer.

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

SEWAGE – A combination of the water-carried wastes from residences, business buildings, institutions, industrial establishments and other buildings, together with such ground-, surface and storm waters as may be present.

SEWER – A pipe or conduit for carrying sewage.

SEWER INSPECTOR – The person duly appointed to and occupying such position in the Borough.

SEWER SYSTEM – All interceptors, trunks, branches, laterals and all other sewer appurtenances, in the streets or in easements and rights-of-way, either publicly or privately owned, except house connections, the sewage from which is delivered to be treated by the Borough of Dunellen or under contract of the Borough of Dunellen providing for such treatment.

SEWER UTILITY – The Dunellen Borough Sanitary Sewer Utility.

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

Chapter 233-2. Application for connection.

No connection of any kind or nature shall be made to the sanitary sewer system until the owner of the property sought to be connected shall have obtained a sewer service form from the Municipal Clerk and shall have paid the charge therefor as hereinafter set forth in this chapter. Such form shall state the name of the owner, the street and number of the premises to be connected and the Tax Map lot and block of such premises and shall contain such other information as may be required by the Borough Sewer Utility. (See also Chapter 233-5.)

Chapter 233-3. Connection service charge.

Prior to the issuance of a permit to the licensed plumber who is to make the house connection pursuant to the provisions of the Plumbing Code, the owner of the property to be connected shall pay to the Borough Sewer Utility the sewer service connection charge as hereinafter set forth, which charge shall be payable only one time for any single connection. The charge for a single

house connection for a one-family domestic unit shall be \$500, and the charge for a single house connection for domestic units in excess of one family shall be \$500 for each domestic unit on connection. The charge for other uses shall be determined by the Borough Sewer Utility after recommendation of the Borough Engineer and shall be based upon the estimated use to be made of the sewer by such connection as compared to the normal usage expected from a single-family domestic connection, but in no event less than \$500. Notwithstanding the foregoing, where the connection is made after the mandatory connection time for the property to be connected, the charge, as computed above, shall include interest at 8% per annum, computed from the date the connection should have been made pursuant to the mandatory connection notice.

Chapter 233-4. Additional connection fee.

Wherever an owner of property hereafter seeks to connect to the sanitary sewer system of the Borough and the property to be connected is within an area of the Borough included in an ordinance or contract under which sanitary sewers were constructed as a local improvement assessed against properties specially benefited hereby and said particular property sought to be connected was not specially assessed for the benefits of said sewers (whether by reason of not having been a separate lot at the time of such assessment or for any other reason), then, in addition to the connection fee set forth in Chapter 233-3 of this chapter, said owner shall pay, toward the construction costs of the interceptor sewer and other construction, maintenance, acquisition of capacity rights and treatment costs and toward any costs of said previously assessed sewer which were absorbed by the Borough as a whole, the following fee:

- A. Where the particular property sought to be connected is a single lot, involving connection directly to an interceptor or lateral sewer, a sum equal to the assessment levied upon neighboring properties which were assessed under the ordinance or contract for the area in which the proposed connection is to be made, together with interest at the rate of 8% per annum on such sum computed from February 1 next following the date of confirmation of such assessment; or
- B. Where the particular property is part of a subdivision of lands made after the confirmation of the assessments for neighboring properties which were assessed under an ordinance or contract for the area in which the proposed connection is to be made, and which subdivision includes the construction of an internal sewer system to connect to an interceptor or lateral sewer, a sum determined by resolution of the Borough Council, which shall take into consideration the amount of said assessment levied upon such neighboring properties, the costs to the developer of installing the new internal sewer system in the development and the number of properties included within the subdivision. In no event, however, shall such sum, for any single lot within the subdivision, exceed the amount for a single lot computed under Subsection A above.

Chapter 233-5. Plumbing Code permit.

After the owner of the property to be connected has obtained the sewer service form, as set forth in Section 233-2 of this chapter, the owner shall furnish a copy thereof to the licensed plumber who will make said connection, and said licensed plumber shall then proceed to obtain the permit required under the Plumbing Code of the Borough of Dunellen.

Chapter 233-6. Use of licensed plumber; inspection.

- A. A licensed plumber shall install the house connection, make the connection between the building sewer and the lateral sewer or house connection at the curb, subject to the inspection of the Borough Plumbing Inspector or Sewer Inspector and in accordance with this chapter, the Borough Plumbing Code and such other statutes, ordinances, rules and regulations as may be applicable.
- B. The Plumbing Inspector appointed by the County Health Officer may be authorized by the Borough Council to make the inspections required under this chapter. In addition thereto, and as an alternative to the use of said Plumbing Inspector, the Borough Council may annually appoint a Sewer Inspector to perform the inspections required under this chapter involving connections to the sanitary sewer system, it being specifically understood that the house plumbing system is not part of this chapter and is under the jurisdiction of the County Health Officer.

Chapter 233-7. Responsibility of costs.

All costs and expenses incident to the installation and connection of the building sewer or house connection shall be borne by the owner. The owner shall indemnify and hold harmless the Borough and the Borough Sewer Utility from any loss or damage that may indirectly or directly be occasioned by the installation of the building sewer or house connection.

Chapter 233-8. Separate connections.

A separate and independent building sewer shall be provided for every building, except that, where one building stands at the rear of another on an interior lot and no sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. No building connection shall be made to a manhole on the sewer system.

Chapter 233-9. Old building sewers.

Old building sewers or house connections may be used in connection with new buildings only when they are found, on examination and test by the Borough or its duly authorized representative, to meet all the requirements of this chapter.

Chapter 233-10. Connection to system of adjacent municipality.

In addition to the requirements of this chapter, where the applicant for the permit must connect to a public sewer discharging into the sewerage system of an adjacent municipality or governing body, the provisions of any ordinance or ordinances, rules and regulations of such municipality or governing body concerning the connection to a public sewer shall govern and apply, as well as the applicable terms of any agreement in connection therewith entered into between this Borough and such adjoining municipality or governing body.

Chapter 233-11. Damages from backflow.

All permits for connections with public sewers are given on the condition that the owners of the property served assume all risk of damages that may result from water getting into the premises from the public sewers or their connections. Any drain subject to backflow or back pressure shall be equipped with an approved type backwater valve as approved by the Plumbing Inspector or Sewer Inspector.

Chapter 233-12. Diameter and grade of connection.

No house connection shall be less than four inches nor greater than six inches internal diameter. Each house sewer shall be laid on a straight line, if possible, and on an even grade. The grade of a house sewer, whenever possible, shall not be flatter than 2% but, in every case, shall be subject to the judgment of the Plumbing Inspector or Sewer Inspector.

Chapter 233-13. Connections, joints and materials.

All house or building sewer connections shall be of PVC of a minimum of SDR-35 or greater strength, jointed with rubber O-ring seals. The approved bed materials shall be a minimum of six inches in depth and comply with the requirements of PARSA and MCUA. If it is impossible to make a connection to a Y- or T-branch, making it necessary to cut into the main sewer, the connection shall be made as directed by the Borough Sewer Utility or its duly authorized agent, at the expense of the person to whom the permit was issued.

Chapter 233-14. Examination and backfilling.

No house connection shall be covered until so ordered by the Plumbing Inspector or Sewer Inspector. Ample notice must be given in order that work may be examined before ordering the backfilling. Any part of the work which may have been covered without previously obtaining the consent of the Plumbing Inspector or Sewer Inspector shall be uncovered for his examination if so ordered by him. The backfilling around a house connection or building sewer shall be so executed as not to injure the joints of the pipes, and the backfilling generally shall be so compacted as to permit the restoration of the surface of the street to its former condition.

Chapter 233-15. Washings; flammable material.

- A. No washings from vehicles of any type shall be admitted to the sewer system except through a slit-basin of suitable size, properly protected by a grating and trapped, from which the deposits shall be removed by hand as often as may be required by the Plumbing Inspector or Sewer Inspector.
- B. House connections when connected with garages and stables shall be properly trapped under the floor and protected by suitable gratings and screens.
- C. No gasoline, naphtha, oil or other explosive or flammable material or acids shall be permitted to discharge into the sanitary sewer.

Chapter 233-16. Steam exhausts; air-conditioning water.

- A. Steam exhausts shall not discharge into the sewer system, and no blowoff from boilers or from steam-heating plants shall be directly connected therewith but shall, in every case, discharge into a tank of suitable size from which a trapped overflow may lead to the sewer.
- B. No refrigeration or air-conditioning water shall be allowed to discharge into the sewer system.

Chapter 233-17. Discharge of nonsanitary sewage prohibited.

- A. In all house connections, no stormwater from the roof or any other area shall be admitted to the sewer system.
- B. Subsoil water from the cellar or any other area shall not be admitted to the sewer system.
- C. No cesspool or septic tank shall be allowed to discharge into the sewer system.

Chapter 233-18. Prohibited wastes or waters.

Except as herein provided, no person shall discharge or cause or allow to be discharged any of the following described waters or wastes to or in any public sewer:

- A. Any liquid or vapor having a temperature higher than 150° F.
- B. Any water or waste which may contain more than 100 parts per million, by weight, of fat, oil or grease.
- C. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
- D. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, wood or any other solid or viscous substance capable of causing obstructions to the flow in sewers or other interference with the proper operation of the sewage treatment plant.
- E. Any waters or wastes having a pH lower than 6.0 or higher than 8.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.
- F. Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process or to constitute a hazard in the receiving waters of the sewage plant.
- G. Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such material at the sewage treatment plant.
- H. Any noxious or malodorous gas or substance capable of creating a public nuisance.
- I. Any waste, liquid, solid or other substance, the discharge of which is prohibited by PARSA or the MCUA or which will not be accepted by PARSA or the MCUA.

Chapter 233-19. Permission required for discharge of certain objectionable wastes or waters.

The admission into the public sewers of any waters or wastes having a BOD greater than 300 parts per million, by weight, or containing any quantity of substance having the characteristics described in §233-18 or having an average daily flow greater than 2% of the average daily sewage flow of the Borough shall be subject to the review and approval of the Borough Engineer. Where necessary in the opinion of the Borough Engineer or required by PARSA or the MCUA, the owner shall provide, at his expense, such preliminary treatment as may be necessary to reduce the BOD to 300 parts per million and the suspended solids to 350 parts per million by weight or to reduce objectionable characteristics or constituents to within the

maximum limits provided for in §233-18 or to control the quantities and rates of discharge of such waters or wastes. Plans, specifications and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Borough Engineer and of the State Department of Health of New Jersey, and no construction of such facilities shall be commenced until said approvals are obtained in writing.

Chapter 233-20. Preliminary treatment facilities.

Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

Chapter 233-21. Sewage testing requirements.

When required by the Borough Engineer, the owner of any property served by a building sewer carrying industrial waste shall install a suitable control manhole in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the Borough Engineer. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

Chapter 233-22. Methods for testing.

All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in §§233-18 and 233-19 shall be determined in accordance with Standard Methods for the Examination of Water and Sewage, latest edition, and shall be determined at the control manhole provided for in §233-21 or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.

Chapter 233-23. Means for examination of waste to be provided.

Readily accessible means shall be provided by the owner, tenant or occupant of the premises to allow the municipality or its representatives to make periodic examination and determination of the volume, character and concentration of waste being discharged into the sewers or laterals tributary thereto.

Chapter 233-24. Right of entry.

The Plumbing Inspector, Sewer Inspector, Borough Engineer, members of the Borough Sewer Utility, County Health Officer, and any other duly authorized employee of the Borough bearing proper credentials and identification shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling and testing at any reasonable hour in accordance with the provisions of this chapter.

Chapter 233-25. Prevention of discharge by Borough.

The right is reserved by the Borough of Dunellen to stop and prevent at any time the discharge into the sewers or laterals of any waste which may injure the sewers or adversely affect sewage treatment or which is not in conformity with the requirements and standards now or hereinafter made by the Borough of North Plainfield (in cases where the sewage will pass through the internal system of the Borough of North Plainfield), PARSA or the MCUA, and the Borough of Dunellen may, at any time without notice and without recourse, sever the connection and cause removal of any sewer or drain through which such waste may be discharged.

Chapter 233-26. Special agreements.

No statement contained in this chapter shall be construed as preventing any special agreement or arrangement between the Borough and any industrial or large concern or any other municipality whereby a waste of unusual volume, strength and/or character may be accepted by the Borough, subject to payment therefor by said concern and subject to the provisions of any agreement with PARSA or the MCUA.

Chapter 233-27. Depth of system.

The sewer system of the Borough of Dunellen has been designed to admit sewage leaving the basement of a normal building a minimum distance of six inches above the basement floor, measured from the underside of the sewer pipe whenever possible. No representation is made to any property owner that sewage leaving a building below said point will have sufficient slope to be accepted into the sewer system. Where there is available slope to permit connection with the street sewer, a house connection may leave the basement of a building below the above-mentioned six inches above the floor; provided, however, that no cleanout shall be located below the minimum prescribed in the Plumbing Code of the Borough of Dunellen, and provided, further, that there shall be no floor drain or other opening at basement floor level to which subsoil water from the cellar or other drainage water may be admitted to the sewer system.

Chapter 233-28. Connection protection.

House or building sewer connections shall be so laid and protected so as not to be injured from subsequent action on the surface above the same, such as passage of motor vehicles over such surface.

Chapter 233-29. Distance between connections.

No two house or building sewers shall be closer than three feet apart at the point of connection to the sewer system.

Chapter 233-30. Placing of certain wastes on public or private property restricted.

It shall be unlawful for any person to place, deposit or permit to be deposited in an unsanitary manner upon public or private property within the Borough, or in any area under the jurisdiction of said Borough, any human or animal excrement, garbage or other objectionable waste.

Chapter 233-31. Disposal of untreated wastes.

It shall be unlawful to discharge to any natural outlet within the Borough, or in or upon any area under the jurisdiction of said Borough, any sanitary sewage, industrial wastes or other polluted waters except as herein provided.

Chapter 233-32. Disturbing of sewerage system.

It shall be unlawful for any person to break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is part of the sewer system, including house connections, except pursuant to the provisions of this chapter.

Chapter 233-33. Enforcement.

All permits, deposits, bonds, inspections, approvals, etc., referred to in this chapter shall be in addition to any such items now or hereafter required by the Borough or the County Health Officer, and each failure to comply fully with the terms of this chapter shall constitute a separate and distinct offense.

Chapter 233-34. Abrogation and greater restrictions.

Nothing in this chapter shall be construed to abrogate the rules, regulations or requirements of the owners of any public water supply system or public sewer system. All persons connecting to

or making use of any sewer in the Borough of Dunellen shall comply with and abide by any and all present or future regulations and requirements of the Department of Health of the State of New Jersey, the County Health Officer and, where applicable, the MCUA, PARSA and the Borough of North Plainfield; and where the regulations or requirements of said State Department of Health, County Health Officer, MCUA, PARSA or Borough of North Plainfield, where applicable, are more restrictive than the restrictions in this chapter, such regulations or requirements of any or all of said bodies shall control.

Chapter 233-35. Violations and penalties.

- A. Any person or persons, firm or corporation who or which shall violate any of the provisions of this chapter shall be subject to a fine not exceeding \$500 or imprisonment not more than 90 days, or both, in the discretion of the court. Each day which a violation is permitted to exist shall constitute a separate offense.
- B. The penalties stated in Subsection A above shall not preclude the rights of the Borough to remove or sever any connection, as provided herein, or to revoke or suspend any permit or license, as provided herein or under any other applicable ordinance or code of this Borough or the County Health Officer, or to recover damages in a civil action against any person, firm or corporation which causes damage or injury to any part of the sewer system or additional expenses to the Borough of Dunellen in maintaining or using said system.
- C. The owner of a building or structure, or portion thereof, or of any lot or land or part thereof or of the premises where anything in violation of this chapter shall be done or shall exist and any engineer, builder, contractor, agent, plumber, person or corporation employed in connection therewith and who assists in the commission of such violation shall each be guilty of a separate offense and be subject to the penalties herein prescribed.

Section 233-36. Fees and charges; responsibility for payment; bills.

- A. The Dunellen Borough Sanitary Sewer Utility shall fix all public sewer fees, rentals and charges.
- B. The owner of each building connected to the public sewer system shall be responsible for the payment of bills for sewer service, as rendered by the Dunellen Borough Sanitary Sewer Utility. All sewer rentals, fees and other charges incurred in the installation and building of the sewer shall be a lien against the property until paid.
- C. User fees; termination of service upon nonpayment.
 - (1) User fees for sewer service shall be paid as set forth in Section 233-37 below. The amount charged shall be paid within 10 days of the date on which the fee is to be paid. If user fees are not paid within 10 days from that date, interest at a rate

set by the Borough Council, as authorized by statute, for delinquent property taxes shall be added to the amount of the fees. Notice shall be served or mailed that unless the fee is paid within 15 days from the date of the notice, the sewer service will be terminated, as permitted under State and health guidelines.

- (2) Termination of sewer service shall be achieved by a turn off of water service or by stoppage of the sewage flow by the Sewer Utility. When sewer service is terminated under such conditions, it shall remain terminated until the total amount due, including interest, has been paid in full.

Section 233-37. Sewer rates.

The sanitary sewer rates shall be as follows:

- A. Owners of single family residential properties connected to the Borough sanitary sewer system shall pay a flat annual rate in the amount of \$340.00 to be paid in equal installments semi-annually to the Dunellen Borough Sanitary Sewer Utility on the first day of March and September, following each period for which sewer service has been provided.
- B. Owners of multi-family residential properties (properties with two or more residential units) connected to the Borough sanitary sewer system shall pay a flat annual rate for each residential unit in the amount of \$200.00 to be paid in equal installments semi-annually to the Dunellen Borough Sanitary Sewer Utility on the first day of March and September, following each period for which sewer service has been provided.
- C. Owners of non-residential properties connected to the Borough sanitary sewer system shall pay for sewer service based upon the amount of water supplied to the property as determined by meter readings of the first and fourth quarter of the previous year, using these quarters as the basis for calculating the non-residential properties' current year annual sewer charge, payable semi-annually. Where water usage cannot be determined by meter reading, the Sewer Utility fee shall be based on the property's estimated water usage, which estimate shall be calculated using best engineering practices for the property in question. The sewer rate for non-residential properties shall be \$4.165 per 1,000 gallons of water used at the property, whether determined by meter or estimate. Sewer user fees are to be paid to the Dunellen Borough Sanitary Sewer Utility on the first day of March and September, following each period for which sewer service has been provided.
- D. There shall be an annual sewer Administrative/Facility charge for all non-residential improved properties of \$100.00 per unit in addition to the above rates described in Subsection C above. This charge is payable semi-annually in concert with the sewer service charges.

- E. Any single family residential property that qualifies for the senior citizen tax deduction shall also be afforded a discount of \$100.00 from the residential property fee set forth in Subsection A above.
- F. The foregoing rates and charges shall be subject to annual revision based upon the Borough and its Sewer Utility's financial obligation to PARSA and/or MCUA. In addition, separate fees or charges may be imposed by the Borough's Sewer Utility upon specific users or one or more categories of users to defray fines, penalties or other extraordinary charges that may be imposed by PARSA and/or MCUA. Payment of such separate fees or charges shall in accordance with the requirements set forth in Chapter 233-36. The Borough Sewer Utility may also in its sole discretion and upon application of a user demonstrating special circumstances adjust a user's sewer use charges.

ARTICLE II Connections to Sanitary Sewer

Chapter 233-38. Legislative authority.

This article is adopted pursuant to the authority of N.J.S.A. 40:63-52 *et. seq.*, as the same may be amended and supplemented, and references herein to such sections shall refer to said Laws of New Jersey.

Chapter 233-39. Connections required.

All buildings in the Borough of Dunellen located upon a street in which a sanitary sewer is constructed shall be connected with the sanitary sewer.

Chapter 233-40. Connection to be made by Borough.

If, after the passage of this chapter, the owner of any property affected thereby shall neglect, after notice given as in this chapter provided, to make any such connection, the Borough Sewer Utility may cause such connection to be made under the direction of the Plumbing Inspector or Sanitary Sewer Inspector, or other officer or employee of the Borough specifically designated for said purposes, or may award one or more contracts for the making of such improvement.

Chapter 233-41. Notice of intention to do work.

Before proceeding to make any such connection or awarding any contract for the making thereof, the Borough Sewer Utility shall cause notice of such contemplated connection to be given to the owner of any property affected thereby in accordance with methods prescribed by statute. The notice shall contain a description of the property affected, sufficiently definite in terms to

identify it, as well as a description of the required connection, and notice that unless the connection shall be completed within 30 days after the service thereof, the Sewer Utility will proceed to make such connection or cause the same to be done, pursuant to the authority of this chapter and N.J.S.A. 40A:26A-1, *et. seq.*

Chapter 233-42. Service of notice.

The notice may be served upon the owner or owners resident in the Borough in person or by leaving it at their usual place of residence with a member of their family above the age of 14 years, or, if any such owner shall not reside in the Borough of Dunellen, such notice may be served upon him personally or be mailed to his last known post office address, or it may be served upon the occupant of the property or upon the agent of the owner in charge thereof. Notice to infant owners or owners of unsound mind shall be served upon their guardians. When lands are held in trust service shall be made upon the trustee. When properties are held by two or more joint tenants, tenants in common or tenants by the entirety, service upon one shall be sufficient and shall be deemed and taken as notice to all.

- A. Publication of notice where service impossible. If the owner of any such property is unknown or service cannot, for any reason, be made as above directed, notice shall be published at least once, not less than 30 days before the making of such connection by the Borough, in a newspaper circulating in the Borough. There may be inserted in the advertisement notice to the owner or owners of several different properties.
- B. Proof of service. Proof of service or publication of such notices shall be filed within 10 days after such service, with the officer having charge of the record of tax liens in the Borough, but failure to file the same shall not invalidate the proceedings if service has actually been made as herein provided.
- C. Notice unnecessary where notice of ordinance served or published. If notice of the pendency of this chapter shall have been given to a person owning a property affected thereby in the same manner as is provided in this section and as is provided in N.J.S.A. 40A:26A-1, *et. seq.* then no further notice need be given to such owner, and the Borough Sewer Utility may proceed to make the required connection or to award a contract therefor.
- D. By whom notice given and served.
 - (1) The notice shall be signed in the name of the Borough Sewer Utility by the Chairperson.
 - (2) The service shall be made as above set forth and, when made personally, shall be made by any adult designated by the Borough Sewer Utility's Chairperson.

Chapter 233-43. Certification of costs.

When any such connection shall be made, a true and accurate account of the cost and expense shall be kept and apportioned to the property or properties thereby connected, and a true statement of such costs under oath shall be forthwith filed by the officer of the municipality in charge of such connection with the Sewer Utility. The Sewer Utility shall examine the same and, if properly made, shall confirm it and file such statement with the officer of the Sewer Utility charged with the duty of collecting such costs and fees. Said officer shall maintain a record of the charge.

Chapter 233-44. Interest and penalties; collection.

Every such connection charge shall bear interest and penalties from the same time and at the same rate as assessments for local improvements in this Borough and, from the time of confirmation, shall be a first and paramount lien against the respective property or properties so connected with the sewer to the same extent as assessments for local improvements and shall be collected and enforced in the same manner. Every officer charged with the enforcement and collection of assessments for local improvements is hereby charged with the same duties in regard to the collection and enforcement of all charges for sewer connections.

Chapter 233-45. Installment payments.

The Sewer Utility may provide for the payment of any such sewer connection charge in installments in the same manner as assessments for local improvements are payable in installments in this Borough, in which case such installments shall bear the same rate of interest and be collected and enforced in the same manner as are installments for assessments on local improvements.

Chapter 233-46. Awarding of contract.

The Borough Sewer Utility may award contracts for the construction of such sewer connections in the same manner and after the same advertising as in the case of other contracts and may, in lieu of awarding separate contracts for the making of such connections, award a contract to the lowest responsible bidder for making all such connections which the Borough may desire to have made within a period of one year or less.

Chapter 233-47. Informalities not to affect charges.

No such charge for sewer connection, as set forth herein, shall be invalid by reason of any error or omission in stating the name of the owner or owners of properties affected by such

connections nor for any other informality, where such property or real estate has actually been improved by such sewer connection.

Chapter 233-48. Obligation of Borough to make connections; alternate remedies.

- A. Notwithstanding the authority by this chapter to make connections, as aforesaid, there shall be no obligation on the part of the Borough or its Sewer Utility to make any such sewer connection of any given property, and this chapter shall be deemed to be in addition to, and alternative to, any other ordinance of the Borough relating to required connections to sanitary sewers.
- B. Specifically, nothing herein shall be deemed to alter or affect the powers of the County Health Officer to enforce the Plumbing Code of the Borough of Dunellen or of the Municipal Court, or any other court having jurisdiction thereof, to impose fines and penalties upon any owner of property who shall neglect or refuse to make connection to a sanitary sewer upon proper notice to make such connection.

Chapter 233-49. Cooperation of owners.

Whenever connection is made of any property to a sanitary sewer pursuant to the provisions of this chapter, the owner or owners of such property and the occupant or occupants thereof shall fully cooperate with the Borough, its Sewer Utility and with the contractor making such connection, to permit access to and in said building during usual daytime hours for the purpose of making such connection.

Adopted December 17, 2012