

ORDINANCE #05 – 18

AN ORDINANCE OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF MOUNT ARLINGTON, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING THE CURRENT BOROUGH CODE SECTION CHAPTER 175 WATER ARTICLE I AND ARTICLE II IN ITS ENTIRETY WITH A NEW CHAPTER 175

WHEREAS, the Borough Engineer reviewed the Borough Code and determined that Chapter 175 Water is outdated and needs to be revised in its entirety; and

WHEREAS, the Mayor and Council for the Borough of Mount Arlington reviewed the Borough Engineers' suggestions and desires to amend and supplement the current code section Chapter 175 Water Article I and Article II in its entirety with a new Chapter 175.

BE IT ORDAINED, by the Mayor and Borough Council of the Borough of Mount Arlington, County of Morris and State of New Jersey that the current code section Chapter 175 Water be removed and amended, supplemented and replaced in its entirety as follows:

SECTION 1. Chapter 175 Water, of the Code of the Borough of Mount Arlington is hereby amended, supplemented and replaced to read as follows:

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§ 175-1. Introduction and Purpose

These rules and regulations provide requirements for the operation, maintenance, protection and use of the Borough's Potable Water Distribution System, and to facilitate the review of applications for service connections, modifications and/or extensions to the Borough's Potable Water Distribution System. It is the responsibility of the Borough's Water and Sewer Department to promote the safe and adequate distribution of water to the Borough. It is in the public interest that the Water and Sewer Department foster and promote the proper installation of a comprehensive water system, and appurtenances, with effective means for the distribution of water that is environmentally safe and sufficient for intended uses. The Borough water users are provided water through three independent potable water distribution systems, operated by SUEZ-NJ, Roxbury Township Water Utility, and the Borough. The remaining areas of the Borough not served by these water distribution systems receive their potable water supply from private individual wells.

§ 175-2. Definitions

As used in this Ordinance, unless a different meaning clearly is suggested from the context, the following terms shall have the meanings indicated below.

BOROUGH - The Borough of Mount Arlington

CUSTOMER - Owner or occupant of dwellings provided potable water service by the Borough of Mount Arlington.

MORRIS COUNTY MUNICIPAL UTILITIES AUTHORITY (MCMUA) - A purveyor of potable water for wholesale development and distribution in the County of Morris, which is under agreement with the Borough of Mount Arlington to supply the Borough's water supply needs. The MCMUA system includes a twelve (12) inch water main in Howard Boulevard and a two (2) million-gallon elevated storage tank within the Borough.

OWNER - Any person, persons, firm, corporation or association owning a property or premises within the Borough which is or can be prospectively supplied with water, or their duly authorized agent.

SERVICE CONNECTION - The potable water supply pipe and appurtenances owned and maintained by the Borough, which include the corporation stop, curb stop, curb box, and the service line from corporation stop to the curb stop.

WATER DISTRIBUTION SYSTEM - All potable water distribution facilities owned and operated by the Borough, including but not limited to; water mains, hydrants, isolation valves, corporation stops, curb stops, curb and valve boxes, booster pump stations, and water storage tanks.

WATER MAIN - A potable water distribution pipe in a public right-of-way or easement, other than a SERVICE CONNECTION.

WATER SERVICE - The potable water supply pipe and appurtenances, beginning at the Borough owned curb stop, and continuing into the building being served. The Water Service is owned and maintained by the Owner.

§ 175-3. General Rules of Applicability

The following General Rules of Applicability apply to the Borough's Water Distribution System. Additional rules or requirements may be applicable to Owners and Customers served by SUEZ-NJ and Roxbury Township Water Utility.

- A. The Borough cannot guarantee consumers full volume, fixed pressure or an effective, continuous supply of water, such matters being subject to the performance of the entities providing potable water to the Borough, and other varying conditions which may affect the operation and maintenance of the many components of the Water Distribution System. The Borough shall not be liable to Customers for any damages whatsoever resulting from any failure on the part of the Borough to supply potable water.
- B. The Borough will exclusively operate, maintain, modify, and/or make connections to the Water Distribution System. It is unlawful for any person to disturb, handle, injure, damage, use or in any manner interfere with any portion of the Water Distribution System or excavate any portion of the distribution system within rights-of-ways or easements for the purpose of making a connection or alteration, without first obtaining the written consent of the Borough. Only authorized Borough employees shall change the location of, alter or interfere in any way with any water meter while in service.
- C. Owner remains solely responsible for maintaining the Water Service to the property. Excessive or unnecessary use or waste of potable water, whether caused by carelessness or by defective or leaky service, plumbing or fixtures, is strictly prohibited.
- D. All applications for the modification or extension of the Water Distribution System, including the introduction of potable water to (a) habitable structure(s) or the change of an existing supply, shall be made

to the Borough Clerk by Owner or by a licensed plumber contractor retained by Owner. The application to connect shall be made upon the applicable forms appended to this Ordinance, and the applicant must comply with the conditions printed thereon. The completed application must include a non-refundable application fee made payable to the Borough. No work shall be conducted until the receipt of written approval by the Borough.

E. Applications for modifications to the Water Distribution System shall submit proof of:

- (1) Public liability insurance for personal injuries and property damage arising out of the work authorized by the Borough. Proof of such liability insurance shall be made by providing a certificate of an Insurance Company duly authorized to do business in the State of New Jersey, evidencing such coverage for a period of not less than six (6) months from the date the application is filed and not less than six (6) months from the time such commenced work to perform the work. The Borough and its officials, employees and assigns shall be listed on the insurance certificate as "Additional Insureds":
- (2) Surety Bond in the amounts required by the Borough. Damaged connections shall be repaired and restored to working condition within a time limit determined to be reasonable by the Plumbing Sub-Code Official of the Borough, or such other official or consultant thereto designated by the Borough. The surety bond and cash bond shall be released three (3) months after the work is approved by the Borough Plumbing Inspector, provided that all restoration and repair of any damage to public property is satisfactorily completed in the opinion of the Plumbing Inspector of the Borough or such other official or consultant thereto designated by the Borough. If all restoration work with respect to all damage to public property is not completed within a reasonable time as determined above, the Borough may, by resolution, authorize the use of the cash deposit to restore the damage or proceed against the surety bond to use the proceeds thereof to restore the damage, or both, as the Borough shall determine in its discretion and judgment.

F. Owner shall not permit a connection to exist by which water may pass from a habitable structure to another habitable structure, even if the Ownership of both structures is the same. This provision does not apply to the continuation of water service from the principal structure to a non-habitable accessory structure.

G. The Mayor and Council of the Borough may, by resolution, limit or prohibit the use of water for purposes not deemed essential whenever, in its judgment, it shall be necessary or prudent to do so to conserve the supply.

H. Potable Water Supply will be turned off by the Borough at the curb upon the request of Owner. Said request must provide forty-eight (48) hour advance notice, not including weekends or Borough holidays. Owner will be charged a fee for the turn off and turn on as set forth in the fee schedule appended to this Ordinance. Water will not be turned on if Owner or Owner's designated representative is not on the premises. The turning on or off of water by the Borough shall not in any way include plumbing work or other services. Owner is responsible for the draining of all interior piping after turnoff. The Borough will not be liable for any freezing of pipes or damage caused by said freezing.

I. With the exception of an emergency situation, the temporary closure of a curb stop by the Borough will require thirty (30) calendar days advance notice. Prior to the demolition or abandonment of buildings, Water Service shall be terminated at the Service Connection and shall be cut and properly capped at the curb stop valve by a licensed plumber employed by Owner. Thirty (30) calendar day advance notice to the Borough is required. A fee will be required pursuant to the Water Department Rate & Fee Schedule appended to this Ordinance. The requirements regarding water system demand, capacity, size, design, storage, materials, fire

hydrants, looping, isolation valves, excavation and bedding, service connections, and easement where Borough water mains are on private property shall conform to the New Jersey Administrative Code Title 5, Community Affairs Chapter 21 Residential Site Improvement Standards N.J.A.C. 5:21 latest edition and the N.J.A.C. 7:10 Safe Drinking Water Act or as modified in the following sections.

§ 175-4. Water Distribution System

- A. Any modification to the Water Distribution System must receive the prior written approval of the Borough. Such modifications shall be located in a dedicated right-of-way or utility easement. All Water Distribution System extensions shall run the entire frontage of the applicant's property, and the necessary length from an existing main to that frontage. The Water Distribution System and Water Services shall be constructed at a depth of cover to the top of the pipe of at least four (4) feet to the surface or finished grade and in accordance with the Borough's typical details appended to this Ordinance.
- B. The Borough will consider each application and advise the applicant of its decision. The Borough may prescribe the terms and conditions upon which the application will be granted and will require written acceptance or guaranty of such terms and conditions by the applicant, in the form of a Contract or Developer's Agreement, which must be confirmed by the Mayor and Council of the Borough.
- C. If the Borough approves the application, the applicant shall proceed as promptly as practicable with the work, in accordance with this article and the terms and conditions placed on the applicant. All required work shall be at the sole expense of the applicant.

§ 175-5. Water Services

- A. Requests for water service shall be made upon written application to the Borough, on forms furnished by the Borough and signed by Owner or by a duly authorized agent of Owner. No application for service will be accepted for installation between December 15th and April 15th, unless the property Owner agrees to pay the additional costs that may be incurred because of adverse weather conditions during this period.
- B. All properties, with either existing or new principal structures, that abut the Borough's Water Distribution System, are required to apply to the Borough for a permit to connect to the Water Distribution System, and to connect to the System, at Owner's expense, within one hundred eighty (180) calendar days after written notice by the Borough that the Water Distribution System is available. Service charges to Owner to cover operation, maintenance and debt service shall commence as soon as the connection is made, or within one hundred eighty (180) days after written notice by the Borough, whichever occurs first, Service charges will commence no later than one hundred eighty (180) calendar days after written notice by the Borough, regardless of whether the property abutting the Water Distribution System is connected or not.
- C. On lots where there are two or more principal structures, each principal structure shall be separately connected to the Water Distribution System. Any structure supplied by two (2) or more services, shall have a separate meter for each service. This does not apply to non-habitable accessory structures.
- D. Water Services shall be Type K copper lines or PEX tubing up to and including two (2) inches in diameter. Larger diameter service connections shall be as specified by the Borough Water Department or Borough Engineer. Water services two (2) inches in diameter or less shall be a continuous run up to a hundred (100)

feet in length. If Owner desires to use couplings within the first hundred (100) feet of service, applicant must obtain the written approval of the Borough Water Department or Borough Engineer for approval prior to installation. The Borough will have five (5) days, not including weekends or Borough holidays, to approve or reject said installation. All service connections shall be pressure tested at 150 psi for 20 minutes and approved by the Borough Plumbing Official.

- E. All Water Services shall meet the standards as approved by the New Jersey Department of Health as relating to connection and cross-connections, and as noted on the Borough Water Service Details.
- F. Curb boxes and/or meter pits shall be kept exposed and accessible at all times. If the Borough personnel cannot access a curb box and/or meter pit, or must repair, replace, locate or complete any additional work beyond normal meter reading, the Owner will be billed accordingly based upon the Water Department Rate & Fee Schedule appended to this Ordinance.
- G. Commercial connections - All of the service connection components for commercial (nonresidential) connections shall conform to the standards of AWWA C800. Separate service connections shall be made for domestic and fire supply to each commercial building. Service pipe for commercial connections shall be one-and-one-half-inch minimum diameter Type K copper or PEX Tubing and shall be installed with a minimum of 48 inches of cover. All domestic service lines shall be metered with the meters installed in meter pits located within the public rights-of-way or easements dedicated to the Borough. Meter pit assemblies shall include a PVC pipe meter box with a lockable lid. Meter installation components shall include an inlet ball valve, meter yoke, outlet dual check valve and all fittings. Tapping of the potable water main shall be accomplished by a firm pre-approved by the Borough, having appropriate licensure, bonding and insurance. Stops shall be installed so as to ensure a watertight connection. All corporation stops and service fittings shall be of the same size as the service pipe.

§ 175-6. Water Meters

- A. The Borough will provide the water meter, for installation by Owner, based on the application submitted to the Borough for water service. The water meter shall be mounted by the Owner in a water meter yoke. Habitable structures or buildings shall provide accessible and safe conditions for the installation of water meters and/or the replacement of the same within such buildings.
- B. Water meters shall be installed in locations that are accessible at all times. Water meters shall be located three (3) feet above the floor level and minimum six (6) inches from an inside wall on the house side of the curb stop. The Borough shall pre-approve the location of all meters. The Owner shall provide protection from freezing and maintain the area in the vicinity of the meter free from rubbish, vegetative growth and any other obstructions.
- C. When an unsafe condition is encountered by Borough Personnel, during the installation or removal of an existing water meter, that might cause either damage, personal injury, or both, the Borough will notify Owner, in writing, of such unsafe condition, and Owner shall have thirty (30) days from the date of said notification to provide the necessary remedies which will allow the installation, removal or servicing of the water meter under safe and proper conditions.

- D. In the event that Owner shall, after notice and after the expiration of the period specified in said notice and as provided herein, fail to provide the necessary remedies, the Borough may proceed to have the necessary remedies implemented to allow for the installation, removal or servicing of the water meter under safe and proper conditions, and shall charge the cost of the said remedies to Owner as a part of the water bill rendered to Owner, pursuant to local ordinances and state law.
- E. In the event that Owner shall dispute the findings of the Borough, Owner may appeal the directive of the Borough to provide the necessary remedies by filing a written application of appeal to the Borough. The Borough, upon receipt of such appeal, shall hold a hearing in which Owner and any additional witnesses may be present to present evidence. The Borough will make final determination with respect to the pertinent conditions of the residence and property, with respect to its suitability for water meter installation, which decision shall be binding upon all parties to such appeal. The cost of the obligation to provide the necessary remedies to the property shall be the sole responsibility of Owner.
- F. Owner shall immediately report to the Borough any water meter thought to be inoperative or defective. The Borough will promptly comply with a request to test such meters. Meters found to be defective during the course of such tests will be replaced or repaired at the Borough's expense. There will be no charge for the first meter testing requested by the Owner, whether or not the meter is found to be inoperative or defective. If the Owner requests a second water meter test within one year and the meter is found to be accurate (i.e., less than two percent (2%) variance) for the second time, the Owner shall pay the Borough a testing charge pursuant to the Water Department Rate & Fee Schedule appended to this Ordinance.
- G. Water charges for the quarter in which the water meter was found to be inoperable or defective will be based on the water consumed during the same quarter of the previous year or on an average of the meter reading for the four (4) quarters preceding the quarter in which the water meter was found to be inoperable or defective.
- H. As specified in F. above, maintenance and repair of meters will be at the Borough's expense. However, Owner shall be responsible for all damage to water meters. The Borough will, in its discretion, either repair or replace any such damaged meters. The charges for repairing a meter shall be a minimum labor charge found in the Water Department Rate & Fee Schedule appended to this Ordinance. The current rates for labor and materials are kept on file in the Department of Public Works office and the Water Department office.

§ 175-7. Hydrants

A. Unauthorized Use of Fire Hydrants

- a. No person, other than a duly authorized agent or employee of the Borough or a member of an authorized fire or emergency response agency, while engaged in the performance of duties, shall open or attempt to open any fire hydrants or valves connected with the Water Distribution System without obtaining prior written permission from the Borough.
- b. No person shall obstruct or prevent free access to, tamper with, injure or damage a fire hydrant, nor shall any person place any plants, trees, material, debris, structure or object of any kind within a distance of ten (10) feet from a hydrant. Any obstruction, when discovered, may be removed at once by the Borough at the expense of the person responsible. The costs of removal of the obstruction shall be in addition to any penalty which may be imposed for a violation of this section.

- B. Duty of Property Owners - The Owner of any property upon which a fire hydrant is located, including the Owner of any property which abuts upon a portion of a public street on which a fire hydrant is located, shall have the duty of keeping the hydrant and the area immediately surrounding it free from snow, brush, weeds, debris or any other object or growth which might impede access to the hydrant.
- C. Private Fire Outlets - Where pipes are provided for fire protection on any premises, or where hose connections for fire apparatus are provided for any pipe, each connection or opening on those pipes, except sprinkler heads, shall have a standard thread as specified by the Borough. No water shall be taken or used through such pipe opening for any purpose other than fire suppression or for testing fire apparatus after obtaining prior written permission from the Borough to perform such tests.
- D. Permit to Open Hydrant – Although the primary purpose of hydrants is for fire protection, the Borough may issue written approval to any person to open a fire hydrant for a specified purpose other than fire protection. Such written approvals shall be issued by the Borough in accordance with rules and regulations and shall take into consideration the policy established by this section. Each written approval shall specify the location of the hydrant(s) to be opened, the date or dates upon which it (they) may be opened, the time frame within which they may be opened, and the specific purpose(s) for which such openings may be made.

§ 175-8. Water Restrictions and Use Permits

- A. In order to prevent excessive or unnecessary water use and conserve water supplies during periods of drought or emergency, the Borough may establish restrictions on outdoor water usage at any property in the Borough, including, but not limited to, watering of lawns or landscaping, washing of vehicles, or washing of sidewalks or driveways. Such restrictions may, as determined appropriate by the Borough, restrict such water use to an "odd-even" basis, and shall be entirely prohibited on the 31st day of each month. Odd/even water use means that such outside water use may occur on days with odd numbered dates on properties with odd numbered addresses, and on even numbered days on properties with even numbered addresses. Exceptions to odd/even watering restrictions are:
- a. Lawn watering by a commercial enterprise engaged in the installation or repair of lawn irrigation systems is allowed on any day, but only if necessary to test a customer's newly installed or newly repaired sprinkler system;
 - b. Watering of a newly planted lawn, tree, shrub, flower, or vegetable plant is allowed one time (not once daily) on any day, immediately after planting;
 - c. Daily watering following treatment of vegetation with a fertilizer, pesticide or herbicide is allowed for two (2) days only, starting on the date that the fertilizer, pesticide or herbicide is applied. Documentation of the date that the treatment was applied shall be produced upon the request of the appropriate authorities. Watering under this provision is allowed no more often than once every three (3) weeks.
 - d. For purposes of odd/even restrictions, outside water use at condominium and homeowners' association properties that do not have designated address numbers, shall be allowed on even days only.
 - e. Applications for permits for the filling Pools, Ponds and/or Cisterns, in excess of one thousand (1,000 gallons), shall be addressed to the Borough and made upon the appropriate forms prepared by the Borough Clerk, and the applicant must comply with the conditions listed thereon. A

nonrefundable permit fee is required, pursuant to the Water Department Rate & Fee Schedule appended to this Ordinance.

§ 175-9. Private Wells

- A. After connection to the Borough's Water Distribution System, each property Owner shall seal their well(s) in compliance County Board of Health regulations and with the requirements of the Department of Environmental Protection, Division of Water Resources, and in accordance with the standard specifications for sealing abandoned wells which have been adopted by that agency. All wells must be closed by a New Jersey licensed well driller.

§ 175-10. Water Bills, Fees, Violations and Penalties

- A. Water Bills – Charges for the use or consumption of potable water provided by the Borough to any house, building, lot or premises or charges for work done or services provided by the Borough shall be billed to the Owner of the real estate quarterly each calendar year. Bills rendered shall be due within 30 days from the date thereof. The rates charged by the Borough for water shall be in accordance with the Water Department Rate & Fee Schedule appended to this Ordinance.
- B. All fees and penalties collected under any provision of this Chapter shall be paid to the Borough Treasurer. Except as otherwise provided, each and every day in which a violation of any provision of this Chapter exists shall constitute a separate and distinct violation. Fees and penalties charged by the Borough shall be in accordance with the Water Department Rate & Fee Schedule appended to this Ordinance.
- C. Disregard of, or violation of, the provisions set forth in this Chapter or any resolution by the Borough regarding the Water Department, may result in the water service being turned off by the Borough, in addition to the penalties provided for herein. When service has been discontinued for failure to repair leaks, it will not be restored until the Borough has been notified and is satisfied, after inspection, that repairs have been properly completed. All potable water provided by the Borough and used on any premises where a meter is installed must pass through the meter. No bypass or connection between the meter and the main shall be made or maintained by any person.
- D. Any Owner who vacates or sells property which is connected to the Borough's Water Distribution System without giving written notice to the Borough to discontinue service prior to such vacancy or change shall be responsible for all charges accruing on the premises until proper written notice is received by the Borough.
- E. The Borough may discontinue potable water service to a Customer for any of the following reasons:
- a. Use of water for purposes other than described in the application for service.
 - b. Willful or careless waste of water through improper or imperfect pipes, fixtures or otherwise.
 - c. Failure to maintain in good order all connections, service lines or fixtures owned or controlled by the Customer.
 - d. Tampering with or damaging any service pipe, meter, curb stopcock, seal or any other portion of the service supply controlled by the Borough
 - e. Vacancy of the premises.

- f. Nonpayment for water service or any other charges due and owing the Borough.
- g. Refusal of reasonable access to property for purposes of inspection, installation or repair.

§ 175-11. Applicable Forms

A. Water Department Rate and Fee Schedule

B. Water/ Sewer Connection Application

C. Standard Details

- (1) Typical Pipe Trench Detail
- (2) Water Main and Service Connection Details
- (3) Buried Water Valve and Curb Box Details
- (4) Utility Crossing Details
- (5) Hydrant Details
- (6) Meter Box Details
- (7) Concrete Encasement Details
- (8) Thrust Restraint Details (1 of 2)
- (9) Thrust Restraint Details (2 of 2)

D. Standard Specifications

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed as to such inconsistencies.

SECTION 3. If any article, section, subsection, paragraph, phrase, or sentence is for any reason held to be unconstitutional or invalid, said article, section, subsection, paragraph, phrase or sentence shall be deemed separable.

SECTION 4. This Ordinance shall take effect upon final publication as provided by law.

I HEREBY CERTIFY this to be a true and correct Ordinance of the Mayor and Borough Council of the Borough of Mount Arlington, adopted on June 12, 2018 and will be further considered after a Public Hearing held on July 10, 2018 at the Municipal Building at 7:00 P.M.

INTRODUCED:

PUBLISHED:

ATTEST:


Linda DeSantis, RMC, Borough Clerk

BOROUGH OF MOUNT ALRINGTON
COUNTY OF MORRIS
STATE OF NEW JERSEY


Michael Stanzilis, Mayor

Water Department Rate & Fee Schedule

Connection Fee and Water Usage Rate				
Connection Fee	\$2,800 (new) \$1,400 (exist)			
Quarterly Base Water Usage Rate 0 to 5,000 gallons	\$50.75 up to 5,000 gallons			
Additional Usage 5,001 to 20,000 gallons	\$7.00 per 1000 gallons			
Additional Usage 20,001 to 40,000 gallons	\$8.20 per 1000 gallons			
Additional Usage 40,001 to 100,000	\$9.00 per 1000 gallons			
Additional 100,001	\$12.40 per 1000 gallons			
Fees and Penalties				
Meter Size	5/8"	1"	1.5"	2"
Meter & Yoke Fee	\$300	\$350	\$400	\$450
Meter Testing Fee	\$125			
Shutting off and Turning on a Water Service	\$150			
Hourly Labor and Equipment Rate Schedule	\$50/hr. (min labor fee) \$125/hr. (2 men and 1 excavator)			
Penalty Charge	\$10/day for noncompliance \$50 operation of curb stop by unauthorized personnel			
Permits Fees				
Application Fee	\$80			
Review Fee	To be determined based upon actual scope of work			
Inspection Fee	To be determined based upon actual scope of work			
Water Connection Permit	\$500			
Pool, Ponds & Cistern Filling Permit	\$10			