

Borough of Norwood

Ordinance No.12:09

**An Ordinance Amending the Code of the Borough of Norwood
Chapter 189, titled "Sewers" to Regulate Sump Pumps**

WHEREAS, the Mayor and Council of the Borough of Norwood has examined the existing storm sewer and sanitary sewer capacity, flow rates, and treatment charges billed to the Borough in relation to the sanitary sewer systems; and

WHEREAS, the Mayor and Council has determined that an excess amount of "clean water" has been entering the sanitary sewer system thereby potentially jeopardizing the capacity and functionality of the system as well as creating unnecessary treatment costs; and

WHEREAS, the Mayor and Council has determined to eliminate any improper connections that are taxing the sanitary system with clean water, and to re-route that clean water to the storm sewer system or other less invasive areas; and

WHEREAS, the purpose of this ordinance is to regulate the use of sump pumps and sewer connections that contribute to the Borough's sanitary sewer usage and costs when they are attached to connections leading to the sanitary sewers; and

WHEREAS, the Mayor and Council has the authority to enact ordinances regulating sewers and finds that this ordinance will advance the health, safety, and welfare of the Borough's residents.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Norwood, Bergen County, New Jersey, that:

Section 1: Chapter 189 of the Code of the Borough of Norwood titled "Sewers" amended to add a new Article IV titled "Sump Pumps."

ARTICLE IV

Sump Pumps

§189-19. Intent and Purpose

The implementation of this section will aid the Borough by limiting and reducing the inflow of water into the sanitary sewer systems. By prohibiting the discharge of water from any roof, surface ground, sump pump, swimming pool, and other sources of inflow into the Borough's sanitary sewer system, the Borough is seeking to reduce costs as well as protect against other damaging effects. The Borough's sanitary sewer system will and has on occasions in the past been overloaded and flooded thereby creating the potential to cause significant damage or threat to private property as well as the system. Further, all water that enters the system must be treated at the sewage treatment plant. Therefore, by reducing and eliminating this inflow of "clean water" into the sanitary sewer system and the subsequent unnecessary treatment, the expenses to the Borough and the taxpayers will be reduced and will assist in protecting the health, safety, and welfare of the residents of the Borough.

§189-20. Prohibited Discharges, Amnesty, and Disconnection.

A. Prohibited Discharges.

No person or entity may discharge or cause to be discharged any stormwater, groundwater, roof runoff, yard drainage, yard fountain, swimming pool, pond overflow, or any other substance other than sanitary sewage into the sanitary sewer collection system, whether by direct connection or by use of a sump pump. No person, business or other entity may discharge or cause to be discharged any hazardous substances into any public sewers.

B. Amnesty Period for Disconnection.

1. On or before December 31, 2012, any person, business, or other entity with a connection described above may voluntarily report the connection to the Borough, so that the connection may be remedied, with all permit, connection and inspection fees waived by the Borough. This waiver of fees applies only to Borough fees, and does not include the actual cost of remediation.

2. After December 31, 2012, any person, business, or other entity with a connection described above. Failing to voluntarily report the connection by December 31, 2012, will be liable for all permit fees, inspection fees, and connection fees as required by the Borough, to remedy the connection.

C. *Manner of Disconnection*

1. Any property owner, tenant, landlord, or other person with a property interest with a connection in violation of this Section 189-20(A), or without a waiver pursuant to Section 189-25, will immediately remove the connection. If the connection is not removed within one hundred and twenty (120) calendar days after receipt of a notice of violation, which has been personally delivered or delivered via certified mail, the Borough may impose a surcharge in the amount provided for in Section 189-22.
2. All disconnections of connections will be accomplished by a complete and permanent method and performed in a competent manner and approved and inspected by the Borough Building Inspector, any Borough sub-code inspector, Borough Fire Code official and/or Borough Engineer. Any disconnection, plugging, capping, re-routing, altering, or modifying must be done in accordance with all applicable state and municipal buildings codes.
3. Upon issuance of the surcharge pursuant to Section 189-21, if the property owner, tenant, landlord, or other person with a property interest remedies the connection, the property owner, tenant, landlord, or other person with a property interest will call the Borough's Building Department for an inspection of the connection by the Borough's Building Inspector, a Borough sub-code inspector, Borough Fire Code official or Borough Engineer, and upon certification that the connection has been remedied, the surcharge shall be lifted, beginning the month following the inspection and certification. If however on a subsequent and periodic inspection for which a property was subject to the surcharge, a connection in violation of this Article exists, the Surcharge amount as provided for in Section 189-21 will be calculated from the previous inspection date.

§189-21. Inspections.

- A. The Building Inspector, Borough Engineer, Borough Fire Code official, and/or a Borough sub-code inspector as long as they display the proper credentials and identification, are permitted to request entrance to any property for the purpose of inspecting, observing, testing, and sampling to confirm that there is no sump pump or other prohibited discharge into the sanitary sewer system in accordance with this Article.
- B. Any owner, tenant, landlord, or other person with a property interest who refuses entrance to the Building Inspector, Borough Engineer, Borough Fire Code official, or Borough sub-code inspector, will immediately become subject to the monthly surcharge noted in Section 189-22 of this Article. The Property will remain subject to the monthly surcharge until an inspection is permitted to confirm compliance with all terms of this Article.

§189-22. Surcharge

- A. A surcharge of fifty dollars (\$50) per month is imposed upon every sewer utility bill to property owners, tenants, landlords, or other persons with a property interest for the following conditions:
 - 1. connections not in compliance with this Ordinance; and
 - 2. refusal to permit property inspection pursuant to Section 189-21 of this Article.
- B. If the surcharge is not paid and received by the Borough, a lien will be imposed upon the property as per N.J.S.A. 40:14B-42.
- C. The surcharge will remain a lien on the property and a charge under the sewer utility bill until the Borough Building Inspector or Borough Engineer certifies that the property owner, tenant, landlord, or other person with a property interest is in full compliance with this Article.

§189-23. Appeal of Surcharge

Any property owner who is assessed a Surcharge pursuant to this Article may file an appeal to the Mayor and Council for the purposes of proving compliance with this Article.

§189-24. Municipal Assistance

The Borough may assist and provide guidance to any property owner, tenant, landlord, or other person with a property interest in remedying any alleged violation of this Article as it involves a matter of public concern to the resident's health, safety, and welfare of the community in remedying the illicit connection. Except as specifically set forth in this Article, all costs associated with this Article will be paid by the property owner, tenant, landlord, or other person with a property interest.

§189-25. Waiver

Any person, business, or other entity, who shall by inspections or voluntary reporting is determined to be in violation of any section of this Article, may file with the construction code official an application for a waiver of the surcharge requirement of Section 189-22, if they can prove that they have exhausted all possible remedial measures. Remedial measures include but are not limited to, the installation of a dry-well, the connection to a storm sewer, and/or use of one's own property for discharge of the water so long as such discharge does not adversely affect any neighboring property owner. Upon certification of the Building Inspector and/or Borough Engineer, the person, business, or other entity shall be granted such waiver, but only for such time as to when a remedy becomes available. If such remedy is made available by the Borough, the Borough shall notify the person, business, or other entity, that they shall comply with this Article within one hundred and twenty (120) days of receiving said notice. Failure to comply will result in the imposition of a surcharge as per Section 189-22.

§189-26. Violations and Enforcement

Any person convicted of violating a prohibition of this Article will be liable for the penalties in Chapter 174. The Norwood police and building departments will enforce this Article.

Section 2: All ordinances or parts of ordinances that are inconsistent with the provisions of this ordinance are hereby repealed, but only to the extent of such inconsistencies.

Section 3: The provisions of this ordinance are severable. If any part of this ordinance is declared to be unconstitutional or invalid by any court, the remaining parts of this ordinance will remain in full force and effect.


Section 4: This ordinance shall take effect upon final approval and publication, according to law.

Introduced and passed first reading: July 11, 2012

Passed second reading: July 25, 2012

ATTEST:

APPROVED BY:


Lorraine L. McMackin,
Borough Clerk


James P. Barsa, Mayor