

## ORDINANCE 2250

### AN ORDINANCE AMENDING CHAPTER 352, SECTION 352-9 OF THE CODE OF THE BOROUGH OF SOUTH PLAINFIELD, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY ENTITLED "SEWERS"

**NOW THEREFORE BE IT ORDAINED** by the Governing Body of the Borough of South Plainfield, State of New Jersey that Chapter 352, Section 352-9 of the Code of the Borough of South Plainfield, County of Middlesex, State of New Jersey be amended as follows:

**§ 352-9 Maintenance by owner; connections fees.**

[Amended 5-15-2007 by Ord. No. 1786]

**A.**

All connections, service connections and fixtures furnished by the owner shall be maintained by him in good order, and all piping and connections furnished and owned by the Borough and on the property of the owner shall be protected properly and cared for by the owner. All leaks in the service connections or any other pipe or fixture in or upon the premises served must be repaired immediately by the owner of the premises. The owner shall be responsible for notifying the Borough of the party engaged by said owner to do any maintenance work in the owner's service connections prior to work being commenced and said party shall not backfill any trench until the work has been inspected and approved by the Borough's representative. Any work not acceptable shall be immediately removed and replaced by work which is acceptable.

**B.**

The Borough shall in no way be responsible for maintaining any portion of the service connections owned by the owner or for damage done by sewage escaping therefrom or for lines or fixtures on the owner's property; and the owner shall at all times comply with applicable municipal regulations with respect thereto and make changes therein required by reason of changes of grade, relocation of mains or otherwise.

**C.**

The Borough will not assume any responsibility for backup or flooding of or caused by any fixture that is lower than eight inches above the rim of the nearest manhole in the street.

**D.**

The Borough shall in no event be responsible for maintaining any portion of the service connection owned by the customer, or for damage done by water escaping therefrom; or from lines or fixtures on the customer's property; and the customer shall at all times comply with applicable municipal regulations with respect thereto.

**E.**

The owner shall obtain and pay for the required road opening permits, plumbing permits, and all other applicable regulations and conditions pertaining thereto.

**(1)**

Hereafter, before any building sewer is connected to a lateral sewer, service connections or sewer main, the owner shall make application, in writing, on proper forms furnished for that purpose to the Borough and

pay for every direct or indirect connection to the sanitary sewerage system of the Borough of South Plainfield or any part thereof. The following capacity rate/trunk connection charges are established at the following rates. When a developer is commencing construction on a new development or section of a development, the connection fees for the entire section or development, if not sectionalized, shall be posted prior to the construction of the sanitary sewer extension or issuance of the first building permit, whichever occurs first. No permit shall be issued prior to the payment of the appropriate connection fee.

**(a)**

Residential user: \$3,000 for each single-family dwelling or unit.

**(b)**

All other users:

**[1]**

\$5,000 for the first 400 gallons of estimated annual daily average flow, plus \$5,000 for each additional 400 gallons of estimated annual average flow or major fraction thereof as determined by the Borough on the basis of the factors specified in N.J.S.A. 40:14A-8, the data and information made available to the Borough and the results of Borough investigation on meter reading studies.

**[2]**

In cases where the annual daily average flow cannot be computed with certainty because the factors constituting the criteria for computing these charges have not yet been determined with certainty, the charges shall be determined on the basis of relevant information requested by and supplied to the Borough. After the first year of operation, so that the annual daily flow can be established with certainty, the connection fee shall be adjusted to reflect that use. In no event shall the connection fee for stores, shopping centers and office buildings be calculated on less than 0.1 gallons per day per square foot of occupancy.

All other fees and provisions of this Article shall remain in full force and effect. This amendment becomes effective after final adoption and advertisement in accordance with the law.