

**Ordinance #2017-61**

**AN ORDINANCE BY THE MUNICIPALITY OF PRINCETON REGULATING WATER AND SEWERS AND AMENDING THE “CODE OF THE BOROUGH OF PRINCETON, NEW JERSEY, 1974” AND “CODE OF THE TOWNSHIP OF PRINCETON, NEW JERSEY, 1968.”**

WHEREAS, the Borough of Princeton and Township of Princeton pursuant to the provisions of the New Jersey Municipal Consolidation Act, N.J.S.A. 40:43-66.35 consolidated as Princeton on January 1, 2013; and

WHEREAS, pursuant to N.J.S.A. 40:43-66.64, the Princeton Council on January 1, 2013 adopted a Resolution continuing in effect Ordinances of the former Borough of Princeton and the former Township of Princeton as a new Code for Princeton is prepared; and

WHEREAS, in consultation with the Departments of Construction, Engineering and Infrastructure and Operations, the Princeton Council’s Code Subcommittee has reviewed and consolidated Chapter 34 of the “Code of the Borough of Princeton, New Jersey, 1974” and Chapter 18 of the “Code of the Township of Princeton, New Jersey, 1968,” pertaining to water and sewers; and

WHEREAS, the Princeton Council wishes to adopt said Code revisions which will become a part of the new Princeton Code at a future date.

NOW, THEREFORE, BE IT ORDAINED by the Princeton Council as follows:

Section 1. Chapters 34 and 18 of the “Code of the Borough of Princeton, New Jersey, 1974” and “Code of the Township of Princeton, New Jersey, 1968,” respectively, are hereby repealed.

Section 2. A NEW Chapter 34 of the “Code of the Borough of Princeton, New Jersey, 1974,” as set forth on Exhibit A attached hereto and made a part hereof, is hereby adopted to establish regulations in connection to the subject of water and sewers in Princeton, and to replace the aforementioned provisions of the “Code of the Borough of Princeton, New Jersey, 1974” and “Code of the Township of Princeton, New Jersey, 1968.”

Section 3. All ordinances and resolutions or parts thereof inconsistent with this Ordinance are repealed.

Section 4. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portion thereof.

Section 5. This Ordinance shall take effect upon its final adoption and publication as provided for by law. The provisions of the attached Chapter 34 shall be applicable within Princeton upon taking effect and shall become a part of the new Princeton Code once completed and adopted.

This ordinance is part of the ongoing process of merging and harmonizing the code provisions of former Princeton Borough and former Princeton Township into a new code for the consolidated municipality of Princeton. It consolidates the existing ordinances in connection with water and sewers in Princeton into a single chapter.

I, Kathleen K. Brzezynski, Municipal Clerk of Princeton, County of Mercer, State of New Jersey, do hereby certify that the foregoing is a true copy of an ordinance adopted by the Mayor and Council of Princeton at its meeting held December 18, 2017.



Kathleen K. Brzezynski  
Municipal Clerk

## EXHIBIT A

### CHAPTER 34. WATER AND SEWERS.

#### Article I. Regional Sewerage Authority.

##### Sec. 34-1. Created; name.

A sewerage authority is hereby created and continued, pursuant to the Sewerage Authorities Law, N.J.S.A. 40:14A-1 et seq., as a body politic and corporate under the name and style of "The Stony Brook Regional Sewerage Authority."

##### Sec. 34-2. Powers, duties, government, administration and financing generally.

The regional sewerage authority hereby created shall have such functions, powers and duties as are provided by N.J.S.A. 40:14A-1 et seq., as amended and supplemented, and shall be governed, administered and financed pursuant to such state law and any other provision of law applicable to such authorities.

##### Sec. 34-3. Composition.

The regional sewerage authority shall consist of five members, one to be appointed by each of the governing bodies of the boroughs of Hopewell and Pennington, of the townships of Hopewell and West Windsor, and the municipality of Princeton, in accordance with the provisions of the Sewerage Authorities Law, N.J.S.A. 40:14A-1 et seq., as amended and supplemented.

##### Sec. 34-4. Joint meeting for preparation and acquisition of plans for regional sewerage system.

(a) Formation; powers generally. A joint contract is hereby authorized to provide for the formation of a joint meeting pursuant to N.J.S.A. 40:48B-1.1 et seq., by and between the boroughs of Hopewell and Pennington, the townships of Hopewell and West Windsor, and the municipality of Princeton, or at least three of such municipalities, for the joint preparation and acquisition of plans and specifications for a regional sewerage system. The joint meeting, subject to the term, conditions and limitations of the joint contract, shall have and exercise the powers conferred by state law.

(b) Name. The joint meeting shall be known as the Stony Brook Regional Sewerage Group.

(c) Management committee. The joint meeting shall be governed by a management committee, consisting of one member to be appointed by the members of the governing body of each municipality, who shall serve in accordance with state law. In the exercise of the powers of the joint meeting, the management committee shall be limited to such functions, powers and duties as may be authorized by the joint contract to be executed by the parties.

(d) Powers and duties enumerated. The joint meeting shall have the following powers and duties:

(1) To acquire and prepare plans and specifications for the design and construction of a regional sewerage system which would be adequate to meet the present and reasonably foreseeable needs of the participating municipalities. The plans and specifications shall include at least such treatment plant, trunk sewer and interceptors as may be required and shall not include local collector systems.

(2) To provide for the financing of the cost of such plans and specifications by application for a loan or grant to the state department of health or any authorized federal agency, and in furtherance thereof to exercise the powers delegated to it by state law.

(3) To retain one or more engineers, or firm of engineers, to prepare the required plans and specifications in accordance with the requirements of the state department of health.

(e) Joint contract. The provisions of this section, together with such additional provisions as may be agreed upon for the management, control and administration of the joint meeting, shall be incorporated in a joint contract, which shall be executed by the mayor following approval of the contract by resolution of the governing body, in accordance with state law.

## Article II. Sewers and Drains Generally.

### Sec. 34-5. Definitions.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

House connection. Any pipe, together with necessary connections, conveying sewage from a single building of any kind or sort to the sewer system.

Monitored flow. The flow of liquid as measured by the Princeton Sewer Operating Committee at such time and under such weather conditions as it may elect, without limitation, but such flow shall not include flow attributable to water usage within the affected building.

Operating committee of the Princeton Sewerage System, operating committee and/or PSOC. The committee originally authorized and set up by agreement in relation to the Princeton Sewerage System entered into under the date of December 15, 1932, and as amended between the mayor and council of the Borough of Princeton and the Township of Princeton, and a like agreement entered into under the date of December 15, 1932, and as amended between the mayor and council of the borough and the trustees of Princeton University.

Princeton Sewerage System. The system defined in two certain agreements, one between the mayor and council of the Borough of Princeton and the Township of Princeton, under date of December 15, 1932, and as amended, and the other between the mayor and council of the borough and the trustees of Princeton University, under date of December 15, 1932, and as amended.

Sanitary engineer/manager. The sanitary engineer of the operating committee referred to in the agreement entered into between the mayor and council of the Borough of Princeton and the Township of Princeton under the date of December 15, 1932, and as amended, and the mayor and council of the borough and the trustees of Princeton University, under the date of December 15, 1932, and as amended, shall also serve as manager of the sewer system and solid waste facilities. The sanitary engineer shall be trained in environmental engineering, or a related field of engineering or science.

Sanitary sewer. The system of conduits installed or maintained by the municipality of Princeton or operating committee in or near the public streets, thoroughfares and easements for the purpose of disposing of fluid waste other than storm water.

Sewer extension. Any addition to the sanitary sewer, either privately or publicly owned, serving or which may serve two or more premises.

Sec. 34-6. Required sewer connections.

The owner of property along the line of any sanitary sewer now or hereafter constructed in the municipality shall connect any house or other building located on such property with such sewer.

Any person who shall fail to comply with any order for such connection issued by the board of health within thirty days after notice by the health officer or sanitary inspector to make such required connection shall be liable to a fine of twenty-five dollars, and to an additional fine of ten dollars for each day of delay after the expiration of such thirty days in which the provisions of such order or notice are not complied with.

Such notice may be served upon any such owner personally or by leaving it at his/her usual place of abode with a member of his family above the age of eighteen years.

Sec. 34-7. Prohibition of illicit connection to municipal separate storm sewer systems.

(a) Purpose. The purpose of this section is to prohibit illicit connections to the municipal separate storm sewer system(s) operated by the municipality, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

(b) Definitions. For the purpose of this section, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this section clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. The definitions below are the same as or based on corresponding definitions in the New Jersey Pollutant Discharge Elimination System (NJPDES) rules at N.J.A.C. 7:14A-1.2.

Domestic sewage. Waste and wastewater from humans or household operations.

Illicit connection. Any physical or nonphysical connection that discharges domestic sewage, non-contact cooling water, process wastewater, or other industrial waste (other than stormwater) to the municipal separate storm sewer system operated by the municipality, unless that discharge is authorized under the NJPDES permit other than the Tier A Municipal Stormwater General Permit (NJPDES Permit Number NJ0141852). Nonphysical connections may include, but are not limited to, leaks, flows, or overflows into the municipal separate storm sewer system.

Industrial waste. Nondomestic waste, including, but not limited to, those pollutants regulated under Section 307(a), (b), or (c) of the Federal Clean Water Act (33 U.S.C. §1317(a), (b), or (c)).

Municipal separate storm sewer system (MS4). A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by the municipality of Princeton or other public body, and is designed and used for collecting and conveying stormwater. MS4s do not include combined sewer systems, which are sewer systems that are designed to carry sanitary sewage at all times and to collect and transport stormwater from streets and other sources.

NJPDES permit. A permit issued by the New Jersey Department of Environmental Protection to implement the New Jersey Pollutant Discharge Elimination System (NJPDES) rules at N.J.A.C. 7:14A.

Non-contact cooling water. Water used to reduce temperature for the purpose of cooling. Such waters do not come into direct contact with any raw material, intermediate product (other than heat) or finished product. Non-contact cooling water may however contain algacides, or biocides to control fouling of equipment such as heat exchangers, and/or corrosion inhibitors.

Process wastewater. Any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste produce. Process wastewater includes, but is not limited to, leachate and cooling water other than non-contact cooling water.

Stormwater. Water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.

(c) Prohibited conduct. No person shall discharge or cause to be discharged through an illicit connection to the municipal separate storm sewer system operated by the municipality of Princeton any domestic sewage, non-contact cooling water, process wastewater, or other industrial waste (other than stormwater).

(d) Existing storm drain inlets which are in direct contact with repaving, repairing, reconstruction or resurfacing or alterations of facilities on private property must be retrofitted to

prevent the discharge of solids and floatables to the municipal separate storm sewer system operated by the municipality.

1. No person in control of private property (except a residential lot with one single-family house) shall authorize the repaving, repairing (excluding the repair of individual potholes) resurfacing (including top coating or chip sealing with asphalt emulsion or a thin base of hot bitumen), reconstructing or altering any surface that is in direct contact with an existing storm drain inlet on that property unless the storm drain inlet either:

a. Already meets the design standard below to control passage of solid and floatable materials; or

b. Is retrofitted or replaced to meet the standard in the municipal stormwater permit prior to the completion of the project.

(e) Enforcement. This section shall be enforced by the municipal engineer, superintendent of public works and/or police department.

(f) Penalties. Any person violating the provisions of this section shall be subject to the general penalty set forth in section 1-6 of this Code.

Sec. 34-8. Permits--Required for connection with public sewer, construction or repair of pipe, etc.

No connection with any public sewer, and no construction, alteration or repair of any pipe, leader, conduit or facility between the sewer line and the building, shall be made without previous permit authorizing the same. A permit under which the work is not completed within two years after the date of issuance thereof shall become null and void upon the expiration of such two year period, and a new permit shall be obtained before any further work is done

Sec. 34-9. Same--Application--Processing.

Every application for a permit under this article shall be signed by the owner of the building or premises to be connected with the sewer or by his authorized agent. It shall state the name and address of such owner or agent and provide, the number of copies required by the PSOC of a plan showing the type of construction and course of the proposed construction, the exact point where it is proposed that the connection to the public sewer shall be made, size and material of such pipe and such other features as may be required pursuant to the regulations of the sanitary engineer.

Every application from a private person for a sewer extension, as required by the preceding section, shall be accompanied by the required application of the Department of Environmental Protection, Division of Water Resources, which shall be countersigned by a proper representative of the operating committee and returned before the same shall be approved by the mayor and council.

Such application and supporting documents shall be filed with the sanitary engineer and shall be subject to the approval of the sanitary engineer.

Sec. 34-10. Same-- Review and action thereon; review fees.

The sanitary engineer shall consider the applications, as nearly as possible, in the order in which they are received. The engineer may approve the application, suspend action on the application, or reject any application, or may attach such conditions thereto as may reasonably be required to assure that the proposed construction and connection to the public sewer conforms with public interest and established standards for health and safety. A permit may, at the discretion of the engineer, embrace special provisions and conditions, as to the use of flush tanks, size of pipe, method of construction, mode of use and similar details.

Upon his approval, a permit shall be issued by the sanitary engineer. Where special provisions or conditions are attached thereto, the permit shall set forth such conditions.

No permit for construction, alteration or repair of any sewer or drainage line, pipe, leader or connection to a public sewer shall issue until and unless applicant has paid a fee of one hundred dollars.

Sec. 34-11. Duties and powers of manager/sanitary engineer.

The sanitary engineer shall maintain supervision of the operation and maintenance of all components of the sewer system and solid waste facilities and perform all other duties pertaining to the office of the sanitary engineer prescribed by the statute, this Code or other ordinance.

The sanitary engineer is hereby authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this article including the following powers in addition to others herein granted:

- (1) To investigate sewage conditions in the municipality in order to ensure public health and safety;
- (2) To plan, oversee and manage all regulatory responsibilities relating to sewage collection and solid waste disposal;
- (3) To enter upon premises for the purpose of making examinations with the consent of the owner, his designated agent or occupant;
- (4) To fix the duties of agents and employees as he deems necessary to carry out the purposes of this article;
- (5) To supervise and participate in the planning and design of sewer projects;
- (6) To supervise the inspection of sewer-related construction projects;

(7) To delegate any of his functions and powers under this article to such officers and agents as he may designate.

Sec. 34-12. Enforcement.

The sanitary engineer may prosecute any violation of this article by the commencement of proceedings in the Princeton municipal court. Each such violation shall be punishable in accordance with the penalties set forth in section 1-6.

Sec. 34-13. Same--Records and suspensions.

It shall be the duty of the sanitary engineer to keep a record of permits issued as provided in section 34-10. The engineer may suspend any permit where, in his opinion, the construction, alteration or repair is not being performed in accordance with the regulations of the operating committee or with the conditions of any permit issued therefor.

Sec. 34-14. Disposal of certain substances or liquids in public sewers or plumbing connections prohibited; permits for disposal of certain substances.

(a) No person shall throw or deposit, or cause to be thrown or deposited, any substance in any public sewer or plumbing connection therewith or otherwise dispose of any substance in such manner that it will tend to interfere with the free passage of water or sewage within the public sewer system. Without limiting the foregoing, no person shall discharge or cause to be discharged into any public sewer or plumbing connection any of the following described liquids or substances:

(1) Any ashes, cinders, sand, mud, straw, wood shavings, metal, glass, rags, feathers, tar, plastic, fats, oils, greases or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the public sewer.

(2) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.

(3) Except by special permission of the sewer operating committee, the byproducts or refuse from any mechanical garbage disposal or grinder used in the operation of any restaurant, market, supermarket, mortuary, hotel, hospital or any other mercantile or business establishment, or multi-family dwelling of three or more units.

(4) Any water or waste containing corrosive materials of such character and quality as might tend to injure, impair, corrode or damage the public sewer system or sewage treatment plant or any other connection facility which is part of the same.

(b) No person shall provide for or permit the drainage of any cellar, swimming pool, air conditioning system or any storm water or surface water, directly or indirectly, into any sanitary sewer.

(c) No water cooled air conditioner shall be connected with the public storm water drain. In lieu of draining into the storm water drain, water cooled air conditioners shall be provided with circulating water towers or alternative means of water disposal other than use of the public sewers.

(d) The sanitary engineer may, by regulation, further define substances which may be prohibited from disposal in a public sewer by reason of their tendency to interrupt or interfere with the flow of the sewer, constitute a danger of fire, explosion, asphyxiation or other menace to public safety, or corrode, damage or impair the public sewer, sewage treatment process or other facility thereto. The sanitary engineer, upon the request of any user of the public sewer, shall provide a determination as to whether or not a particular substance may be disposed in the public sewer; if the sanitary engineer shall determine that such substance may be disposed of, provided certain conditions are met by the user, a written permit to use the public sewer for such disposal subject to the conditions imposed by the sanitary engineer, shall be issued by the sanitary engineer, and failure to comply with such conditions shall constitute a violation of this article.

Sec. 34-15. Grease interceptors.

(a) Grease interceptors required. Grease interceptors shall be provided by the owner, landlord and/or tenant of all existing and new retail food establishments, delicatessens, restaurants, take-out food establishments, hotel kitchens, bars, factory cafeterias, clubs or other eating establishments, to prevent excessive quantities of grease to be discharged into the sanitary sewer system.

(1) Inspection and review of existing establishments. The PSOC shall inspect all existing establishments as described in this section and, where necessary, require installation of grease interceptors as provided for in this article. Any person or establishment who shall fail to comply with any notice requiring such installation issued by the sanitary engineer within forty-five days after said notice, shall be liable for a fine of not less than one hundred dollars and an additional fine of not less than twenty-five dollars for each day of delay after expiration of such forty-five days in which the provisions of such notice are not complied with.

(2) New construction. All building plans for retail food establishments, delicatessens, restaurants, take-out food establishments, hotel kitchens, bars, factory cafeterias, clubs or other eating establishments, must be reviewed for grease interceptor requirements and approved by the sanitary engineer prior to the issuance of a building permit.

(b) Sizing and installation of grease interceptors. Grease interceptors shall be installed in accordance with the applicable provisions of the Uniform Construction Code Act. Notwithstanding the provisions of the Uniform Construction Code Act, each compartment of a three compartment sink in a food establishment shall be connected to a grease interceptor.

(c) Maintenance of grease interceptors. Interceptors shall be maintained in efficient operating condition by periodic removal of accumulated grease, scum, oil or other floating substances and solids deposited in the interceptor. Cleaning intervals shall be frequent enough such that grease does not bypass the interceptor. Intervals shall be dependent on the capacity of

the interceptor and quantity of grease in the wastewater, but shall be a minimum of once every month. A log of the cleaning operations shall be posted in such a manner that it can be inspected by the sanitary engineer, his representative or health department personnel. The log shall include the date of cleaning, description of the volume removed, identification of approved disposal site and the signature of the person responsible for its cleaning. Upon request of the inspector, the trap shall be opened by a representative of the establishment to provide for a physical inspection. Any person or establishment who shall fail to adequately clean grease interceptors at necessary intervals, provide for an up-to-date cleaning log, or refuse to open the grease trap for physical inspection shall be liable for a fine of not less than fifty dollars for each occurrence.

Sec. 34-16. Connection of cesspool or septic tank to public sewer.

No cesspool or septic tank shall be allowed to discharge into the public sewer. Wherever a connection discharging into a cesspool or septic tank shall have been extended to the sanitary sewer and properly connected therewith, the connection to such cesspool or septic tank immediately after the completion of such new connection shall be entirely cut off from the cesspool or septic tank, and the cesspool or septic tank shall be emptied of its contents and afterwards filled with fresh, clean earth. This work shall be done subject to the approval of the sanitary engineer.

Sec. 34-17. Drainage across sidewalks or into gutters or streets.

No sewage, refuse, storm water, surface water or other fluids shall be directed or conducted, directly or indirectly, over, across or under any sidewalk or into any gutter or public street, except as provided in this section; but nothing in this section shall be construed to prohibit the continued use heretofore of existing means of directing or conducting storm or surface water over, across or under any sidewalk or into any gutter or public street.

Where, by reason of close proximity of a catchbasin, the proposed use of a gutter for storm water and surface water drainage will not cause a significant loss of use of the gutter to other persons or for other purposes, the municipal engineer, upon written application therefor, may issue a permit for the drainage of storm water or surface water under a sidewalk and into the gutter. Any such permit shall be revocable by the municipal engineer upon ninety days' notice.

Sec. 34-18. Proximity of water, gas or other pipe.

No water, gas or other pipe shall be laid within one foot of a sewer line or according to the applicable standards under State or federal statute or regulation, whichever one is more stringent.

Sec. 34-19. Sewer extensions.

Every application from a private person for a sewer extension shall be accompanied by an application as required by the state department of health which shall be countersigned by a proper representative of the operating committee and returned, before such application shall be approved by the mayor and council.

Engineering requirements for all sewer extensions shall conform in every detail with the rules and regulations of the state department of health as contained in its Rules and Regulations for the Preparation and Submission of Designs for Sewer Systems and Sewage Treatment Works.

In all sewer extensions, during the construction of the work, everything shall be left open for inspection by the proper agent of the operating committee, and no sewage will be permitted to discharge into the line and no permanent connection shall be made to the sewer system until tests have been made and the tightness of the sewer found to conform to the operating committee specifications.

Sec. 34-20. House connections.

In all house connections, each property shall be separately and independently connected with the sanitary sewer, and for the purposes of this article, each side of a so called double house shall be considered as a separate property, and each side must have a separate house connection located entirely within its boundaries, if topographically feasible; except, that where the connection of such double house involves cutting the pavement of a street paved with concrete or having a concrete base, a single opening may be made from the sewer to the curb, at which point a suitable manhole shall be built and separate connections made from this manhole to each side of the double house.

The provisions of the preceding paragraph of this section shall not apply to any double house with a single house connection, which was constructed prior to the passage of this article, except as hereinafter provided. If the health officer shall determine that such a double house with single house connection, or either side of such double house, is in a condition detrimental to human health because of such single connection, by reason of the inadequacy of the connection or its interior appurtenances or by reason of failure to maintain such single connection or appurtenances in proper working order owing to divided responsibility, such officer shall notify the owner of each side of such double house to cause his side to be separately and independently connected to the sewer system as provided in the preceding paragraph within sixty days after such notification. Any owner who shall fail to make such connection within such time shall be deemed in violation of this article.

In the case of apartments in a single building where, pursuant to a general plan of development, all apartments are designed for and operated under a single administrative ownership responsible for the maintenance of sewer connections, one house connection may be made from each building to the sanitary sewer and so maintained while such building remains under a single ownership. In the case of two or more such buildings, each shall be connected to the sanitary sewer by separate house connections.

No house connection shall be covered until so ordered by the sanitary engineer; ample notice must be given him in order that he may examine the work before ordering the backfilling to be begun. Any part of the work which may have been covered without previously obtaining the consent of the sanitary engineer shall be uncovered for his examination, if so ordered by him. The backfilling around a house connection 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 as nearly as possible to its former condition.

All house connections shall also comply with any applicable State and federal laws and regulations, and to extent there is any inconsistency, the applicable law or regulation shall govern.

Sec. 34-21. Mandatory repair of leaking house connections or laterals.

(a) Whenever it is determined by the operating committee that there exists an excessive flow in the public sanitary sewer system that is not attributable to water usage and it is determined that such excessive flow in the public system is exacerbated by leakage in defective private house connections or laterals, appropriate employees of the operating committee shall inspect the house connections or laterals. If on the basis of this inspection the operating committee representative concludes that the excessive flow exists and is caused by a leaking or defective lateral or connection, the property owner shall be responsible for repairs or alteration as further set forth in this section.

(b) The operating committee or its representative shall submit to the property owner in writing a detailed specification of repairs and/or alterations which it deems necessary to reduce or eliminate excessive flow. If the property owner accepts this specification of necessary repairs, the owner shall (i) perform the repairs at his or her own expense or (ii) authorize the operating committee to perform the repairs at the owner's expense, subject to collection as further set forth herein.

(c) Upon completion and approval of all repairs mandated and made by the operating committee pursuant to subsection (b)(ii) above, the owner shall receive from the committee, a certificate of compliance which shall exempt the owner and the owner's successors in title from any additional responsibility for repairs attributable to normal wear and tear to the connection for a period of ten years from the date of the certificate, provided that subsequent construction, alteration, or other direct intervention on the property does not, in the opinion of the operating committee, generate excessive flow. The certificate will not exempt the owner or the owner's successors from assuming the costs of the repair of connections damaged or blocked as the result of the actions of such owners or third parties, such as utility companies.

(d) All repairs required by this section shall be completed no later than ninety days after receipt by the property owner of a written specification of necessary repairs from the operating committee. The running of the ninety day period shall be suspended for the months of December, January and February. All such repairs shall be subject to written approval by the manager of the operating committee; and no repair shall be covered until so ordered by the manager. Any part of the repair work covered without the prior consent of the manager shall be uncovered for his examination if so ordered by him.

(e) If the property owner refuses to assume the costs of repair or alteration of his or her house connection or lateral, as set forth in the written specification of necessary repairs, then the operating committee shall, on notice to the property owner, undertake such improvements and assess costs as set forth in subsection (f) below.

(f) The costs of any work performed by or under the direction of the operating committee hereunder shall be certified by the operating committee manager to the property owner and to the operating committee. The property owner shall be advised in writing that the certified costs shall be subject to confirmation in the nature of a local improvement at a hearing of the operating committee at a specified date and time. If the certified cost is confirmed by the committee to be correct and reasonable, the amount so certified shall, until paid in full by the property owner, become a lien upon the land and shall be added to the taxes to be assessed and levied thereon; and each year thereafter, until the entire amount is paid, one-tenth of such amount with legal interest thereon shall be enforced and collected from the owner of the land, by the same officers and in the same manner as taxes in the municipality. The municipality shall have the same remedies for the collection thereof with costs and penalties as it has by law for the collection of taxes upon real estate.

Sec. 34-22. Right of entry on premises by municipal agents and employees.

The agents and employees of the municipality or operating committee shall have the right to enter any building and premises connected to any public sewer, whenever necessary to examine the same, to take samples of the effluent therefrom for laboratory analysis, or to do any work therein or thereon; provided, that such entry shall be at reasonable times and upon reasonable notice, if notice is feasible, to the owner or occupant thereof. No person shall refuse, deny or interfere with such entry.

Sec. 34-23. Specification by sanitary engineer.

The sanitary engineer, or his designee, may, from time to time, with the approval of the operating committee, promulgate such further technical specification pertaining to connections into the public sewers, and construction, alteration or repair of pipe lines, leaders, conduits or drains appurtenant thereto, in conformity with the standards and provisions of this article as may be necessary to the public health and safety and proper operation of the sewer system. All such specifications shall be in writing, and copies thereof shall be available for public inspection at the office of the sanitary engineer during normal business hours.

The sanitary engineer may prosecute any violation of this chapter by the commencement of proceedings in the Princeton municipal court. Each such violation shall be punishable in accordance with the general penalty provisions set forth in section 1-6 of this Code.

Sec. 34-24. Findings.

The sanitary sewer system in the Princeton has been substantially upgraded over the past years to eliminate ground water and storm water entering said system. However, illegally connected sump pumps, roof drains and area drains are a continuing source of ground water and storm water in the system. These sources introduce a large quantity of extraneous flow to the public sanitary sewer system, especially during periods of rainfall and high ground water. It is in the best interest of the municipality to encourage the elimination of these extraneous flows at the

earliest possible date. Therefore, the following program is being implemented to insure the disconnection of sump pumps, roof drains and area drains from the public sanitary system.

Sec. 34-25. Improper sump pump, roof drain, or area drain programs.

The mayor and council of the Princeton hereby establishes the following program to encourage the elimination of sump pumps, roof drains and area drains that are connected to the public sanitary sewer system:

(a) Any person who permits or has permitted on his or her property any connection of a sump pump, roof drain or area drain to the public sanitary sewer system shall cause said connection at said person's sole expense to be disconnected immediately and permanently.

(b) After said person has disconnected his or her sump pump, roof drain or area drain from the public sanitary sewer system, said person shall be permitted to continue to utilize on his or her property said pump or drain system in accordance with the following requirements:

(1) The pump shall have a permanent piping installation to direct flow away from the building structure and at a location which will minimize infiltration to the building foundation and/or public sanitary sewer system. The new pump or drain connection shall not discharge water onto any adjacent property. In addition, the pump or drain connection shall not discharge within 10 feet of a property line unless approved by the municipal engineer.

(2) The pump or drain discharge pipe shall not discharge water, either directly or indirectly, to a public right-of-way or across a public sidewalk without permission from the municipal engineer. Said engineer, when evaluating a request to redirect flow from a pump or a drain shall require the submittal of the following information:

a. A written proposal noting thereon how the flow is intended to be redirected to discharge to a storm sewer or the gutter line of a street so that icing or street erosion conditions will not occur.

b. A sketch submitted showing the connection of the pump or drain line to a storm sewer; submission of any street opening permit required, if work is to be done in the municipal right-of-way.

(3) No pump or drain connection shall be made to the sanitary sewer system.

Sec. 34-26. Application and fee for certificate of sump pump compliance.

Prior to the transfer of title of any real property containing a building in which there is a sump pump, roof drain or area drain, the owner shall obtain a certificate of sump pump compliance from the PSOC. The PSOC manager or his or her designee shall be the office issuing said certificate. This certificate may be obtained by having an inspection by the PSOC. The fee for said inspection shall be fifty dollars, which shall be paid by the property owner prior to said inspection. In lieu of said inspection, the PSOC manager may accept an affidavit of compliance from the property owner that the sump pump, roof drain and area drain are permanently

disconnected from the public sanitary sewer system. This affidavit of compliance shall be on forms provided by the PSOC manager's office. The application fee for said affidavit of compliance and the processing of said shall be twenty dollars, which fee shall be paid prior to the issuance of the affidavit of compliance form.

Sec. 34-27. Enforcement.

Any property owner who has failed to disconnect any sump pump, roof drain or area drain connection to the public sanitary sewer system following the adoption of this article shall be deemed in violation of this article and subject to prosecution under this article and the penalties provided for in section 1-6 of this Code.

Article III. Sewer Service Charge.

Sec. 34-28. Definitions.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Service year. The one-year period beginning January 1 and ending December 31.

Winter quarter. A period of at least three months ending in the January, February or March next preceding the service year, provided that a water meter reading is available for such period.

Sec. 34-29. Annual sewer service charge established.

There is hereby established in and for the municipality an annual sewer service charge for each service year hereafter for each house or other building connected with the public sanitary sewer system in the municipality.

Sec. 34-30. Rates.

In the case of each owner receiving metered water from New Jersey American Water or its successors, the annual sewer service charge shall be computed at the following rates:

(a) Six dollars and 45/100 (\$6.45) of metered water for the first 2,000 CCF (hundred cubic feet).

(b) Nine dollars and 00/100 (\$9.00) of metered water for usage between 2,001 and 5,000 CCF (hundred cubic feet).

(c) Eleven dollars and 00/100 (\$11.00) of metered water for usage in excess of 5,000 CCF (hundred cubic feet).

The amount so allocated shall be the lesser of the amount of metered water charged to each such owner during the calendar year preceding the service year, or if a winter quarter meter reading

is available, a sum equal to four times the amount of metered water charged to such owner during the winter quarter. If the winter quarter is zero, the amount charged would be the amount of metered water charged to each such owner during the calendar year preceding the service year.

In the event that it is contended by the engineer or by the owner or occupant of any house or building that the calculation of the service charge upon the basis of metered water does not fairly reflect the amount of the sewage discharge into the sanitary sewage system, either because it discharges into the system from sources other than metered water or because of elimination from the system of metered water that is disposed of elsewhere, the sewer service charge may be adjusted for good cause shown, by filing first an administrative appeal to the tax collector and then to the sewer operating committee upon written application of the owner or occupant after hearing on notice to the tax collector. However, no such application shall be considered unless it is filed with the tax collector on or before September 30 of the service year in question.

Sec. 34-31. Payment by installments.

The annual sewer service charge shall be payable by the owner of each such house or other building in four installments, each of which shall be for a calendar quarter. The installments shall be due and payable on the first day of the second month of each calendar quarter, i.e., the first installment shall be due and payable on February 1, the second installment on May 1, the third installment on August 1, and the fourth installment on November 1.

Sec. 34-32. Billing.

The tax collector shall prepare and mail or otherwise deliver sewer service charge bills to the persons charged not later than July 1st of each year hereafter. Such bills shall contain the third and fourth installments for the current service year and the first and second installments for the succeeding service year. Inasmuch as the bills for the first and second installments will be sent out before the true amount of such installments is determined, the amount of each of those installments shall be one-quarter of the total sewer service charge finally determined for the same house or other building for the preceding calendar year, and the amount of the third and fourth installments shall be the full sewer service charge determined for the current service year less the amount charged as the first and second installments. The amount thus determined for the last two installments shall be divided equally between those installments. Bills may be shown on and included and distributed with the municipality's regular tax bills.

Sec. 34-33. Collection and enforcement.

Sewer service charges shall draw the same interest from the time they become due as taxes upon real estate in the municipality. They shall be a lien upon the premises until paid, and the municipality shall have the same remedies for the collection thereof with interest, costs and penalties as it has by law for the collection of taxes upon real estate.

Sec. 34-34. Applicability to University property subject to sewer rental under 1932 lease.

This article shall not apply to property in the municipality owned by Princeton University and as to which the University is paying a sewer rental under the terms and conditions of a lease between the municipality and the University, originally dated December 15, 1932, so long as the University shall continue to own such property and to make payment therefor under such lease.

Article IV. Surcharge for High Strength Sewage.

Sec. 34-35. Purpose of article.

The purpose of this article is to establish a surcharge with respect to high strength sewage discharged into the sanitary sewer system, in accordance with the requirements of federal and state laws and regulations and user charge agreements between the municipality and the Stony Brook Regional Sewerage Authority.

Sec. 34-36. Definitions.

As used in this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Biochemical Oxygen Demand (BOD). The quantity of oxygen, expressed in ppm by weight, utilized in the biochemical oxidation of organic matter under standard laboratory procedure for five days at twenty degrees Celsius.

Suspended Solids (SS). All solids that either float on the surface of or are in suspension in water, wastewater, or other liquids and which are removal by laboratory filtration.

High Strength Sewage. Liquid waste that is found by laboratory analysis or by annual report from SBRSA to exhibit one or more of the following properties:

- (a) BOD in excess of 300 milligrams per liter.
- (b) SS in excess of 300 milligrams per liter.
- (c) Phosphorous in excess of 15 milligrams per liter.
- (d) Nitrogen in excess of 40 milligrams per liter.

SBRSA. The Stony Brook Regional Sewerage Authority created pursuant to article I of this chapter.

Service year. The one-year period beginning January 1 and ending December 31.

Operating committee of the Princeton Sewerage System, operating committee and/or PSOC. The committee authorized and set up by agreement in relation to the Princeton Sewerage System entered into under the date of December 15, 1932, as amended, between the mayor and council of the Borough of Princeton and the Township of Princeton, and a like agreement entered

into under the date of December 15, 1932, as amended, between the mayor and council of the borough of Princeton and the trustees of Princeton University.

Special Waste Dischargers. Industrial users which have been identified as special waste dischargers by the Stony Brook Regional Sewerage Authority, the regional sewerage authority of which the municipality is a member.

Sec. 34-37. Annual surcharge for high strength sewage established.

There is hereby established an annual surcharge for each service year hereafter with respect to high strength sewage found by the municipality or operating committee to have been discharged into the public sanitary sewage system of the municipality from any house or other building in the municipality that is connected to said system. The surcharge shall be in addition to the annual sewer service charge established pursuant to article III of this chapter.

Sec. 34-38. Calculation of surcharge.

The annual surcharge for high strength sewage shall be calculated as follows:

(a) The number of milligrams per liter of each component (BOD, SS, phosphorous (P), and nitrogen (N)) of high strength sewage from any such house or building shall be determined by laboratory analysis of a sample or samples taken by the municipality or operating committee during the calendar year preceding the service year. If more than one sample is taken, the number of milligrams per liter shall be the average. The laboratory analysis shall be in accordance with procedures set forth in the then current edition of "Standard Methods for the Examination of Water and Wastewater."

(b) If the number of milligrams per liter shall exceed 300 for BOD, 300 for SS, 15 for phosphorous, or 40 for nitrogen, the excess in each case shall be multiplied by .0000624 (the factor to convert milligrams per liter to pounds per cubic foot), and the product shall be further multiplied by the number of cubic feet of metered water allocated to the house or building, or by the number of cubic feet of sewage otherwise allocated thereto, as the case may be, during the calendar year preceding the service year, in accordance with section 34-30. The result shall constitute the number of pounds of each component of high strength sewage attributable to the house or building (BODp, SSp, Pp, and Np, respectively.)

(c) The number of pounds of each component of high strength sewage attributable to the house or building shall be multiplied by the cost of treatment and disposal of one pound of that component (BODc, SSc, Pc and Nc, respectively), as that cost shall have been fixed by the then latest annual determination of SBRSA, and the product shall constitute the amount of cost chargeable to the house or building for that component. However, the aggregate amount of cost chargeable to all houses and buildings for any component shall not exceed the annual charge that is made by SBRSA to the municipality for that component and that is based upon actual sampling of metered sewage from the municipality for that component during the twelve month period ending in the calendar year preceding the service year. Any such excess shall reduce the costs

otherwise chargeable to such houses and buildings in proportion to the cost that would otherwise be chargeable to each of them.

(d) The amounts of cost chargeable to the house or building for the several components of high strength sewage shall be added together, and the sum shall constitute the annual surcharge for high strength sewage for the service year.

(e) The foregoing calculation may be expressed by the following formula:

$$\text{Surcharge} = \text{BODp (BODc)} + \text{SSp (SSc)} + \text{Pp (Pc)} + \text{Np (Nc)}$$

Sec. 34-39. Adjustment of surcharge.

The operating committee, upon written application by the municipal engineer or by the owner or occupant of any house or building, after hearing upon notice to the other party, may adjust any annual surcharge for high strength sewage in any particular case if it shall find that the foregoing calculation of such surcharge does not fairly reflect the amount of quality of high strength sewage discharged into the public sanitary sewer system of the municipality.

Sec. 34-40. Payment, billing, collection and enforcement of surcharge.

The annual surcharge for high strength sewage shall be paid in installments, billed, collected, and enforced in the same manner as is provided for annual sewer service charge pursuant to sections 34-30, 34-31, and 34-32.

Sec. 34-41. Surcharge for special waste dischargers established.

Special waste dischargers shall be assessed a special waste charge which will be billed to the user on a monthly or quarterly basis as determined by the municipality's chief financial officer. The special waste charge shall be calculated at one hundred five percent of the special waste charge allocated to the user and billed to the municipality by the Stony Brook Regional Sewerage Authority, the regional sewerage authority of which the municipality is a member. The special waste charge billed by the authority to the municipality is based upon the authority's cost in its current year's budget to cover monitoring, testing and allocated administrative costs to reflect the authority's exposure to risk in accepting special waste. The additional percentage billed by the municipality to the user over and above that for which the municipality billed by the authority, represents the municipality's costs to cover monitoring, maintenance, administrative costs and to reflect the municipality's exposure to risk in accepting special waste. Bills to users under this section shall supersede any charge which otherwise would be billed to the user by the municipality under section 34-37 herein.

Article V. Sewer Connection Fee.

Sec. 34-42. Definitions.

Base wastewater flow shall mean the total annual water consumption rate in gallons divided by 365, for the municipality of Princeton for the preceding fiscal year as calculated by the Princeton Sewer Operating Committee (PSOC) from water utility records.

For the purpose of this article, the words and phrases contained herein, as well as the meaning respectively ascribed to them in the preceding article of this chapter.

Sec. 34-43. Purpose of Article.

The purpose of this article is to establish a sewer connection fee to facilitate a fair contribution by developers and property owners adding new flows to the sewerage system towards the capital cost of the publicly owned sanitary sewer system which is operated under the auspices of PSOC.

Sec. 34-44. Calculation of Sewer Connection Fees.

Any owners of real property within the municipality of Princeton in addition to payments of the review fee associated with a permit application for a sewer connection, shall also be obligated to pay a sewer connection fee. The sewer connection fee shall be calculated in the following manner:

The total capital cost of the municipality of Princeton sewerage system is comprised of the following components:

(a) Total accumulated debt service plus capital expenditures not funded by a bond ordinance or debt, for construction and improvement of the PSOC system, as of the end of the immediately preceding fiscal year.

(b) Total accumulated debt service plus capital expenditures not funded by a bond ordinance, allocated to the municipality of Princeton by the SBRSA for construction and improvement of the SBRSA system, as of the end of the immediately preceding fiscal year.

(c) A deduction for any gifts or subsidies received by the PSOC and SBRSA, and not reimbursed or reimbursable to any federal, state, county, or municipal government.

The sewer capacity charge in dollars per gallon per day is calculated by dividing the sum of the components described above by the base wastewater flow.

The amount of an owner's contribution is calculated by multiplying the sewer capacity charge by the owner's anticipated daily volume of sewage in gallons per day, as determined below.

The calculation of anticipated volume of sewage flow shall be in accordance with the Flow Allocations for Princeton Sewer Connection Fee standards as summarized below:

All single and multiple family dwellings, apartments, townhouses and condominiums

1 bedroom unit	75 gpd
2 bedroom unit	150 gpd
3 bedroom unit	225 gpd
Each additional bedroom	75 gpd
Nonresidential structure	The greater of 0.125 gallons per square foot or the standards promulgated by NJDEP in N.J.A.C. 7:14A-23.3

All calculations of construction and capital improvement costs, and anticipated volume of sewage flow, etc., shall be made by the PSOC manager, in conjunction with the municipal engineer and finance officer, as necessary.

Sec. 34-45. Review of Connection Fees.

Sewer connection fees shall be recomputed at the end of each fiscal year. If as a result of this calculation of the PSOC decides to change the fee, then a public hearing before the governing body regarding same shall be held. The current sewer connection fee is thirty-six dollars and sixty-nine cents (\$36.69) per gallon.

(a) The sewer connection fee calculated pursuant to this article shall be applicable to all real properties within the municipality of Princeton.

Article VI. Water Emergencies.

Sec. 34-46. Purpose; intent.

Protracted periods of uncontrolled growth in neighboring municipalities, combined with high temperatures and limited rainfall have caused excessive demands upon the water system of the water company serving the municipality of Princeton (hereinafter referred to as the "Water Company"). These demands have created emergency conditions causing imminent peril to health and safety. These emergency conditions are at least partially attributable to the excessive use of water during the spring, summer and fall months through the sprinkling of lawns, filling of swimming pools, car washing and other similar uses, not related to the use of water for domestic and sanitary purposes and fire protection. Such non-essential use of water has caused a serious reduction in adequate pressure in the water distribution system serving residents of the municipality. In the interest of health, safety and welfare of the inhabitants of the municipality, it is necessary to take all reasonable precautions and measures promptly to conserve water and maintain such water pressure as is necessary for sanitary, domestic and fire-fighting purposes.

Sec. 34-47. Declarations of water emergencies.

In case of an emergency where the available supply of water becomes dangerously low, the mayor, or in his or her absence, the acting mayor, is hereby authorized to declare the existence of a water emergency. The declaration of emergency shall state that an emergency exists requiring

the implementation of such measures for the conservation of water for domestic and sanitary purposes and fire protection as are specified in section 34-48.

Sec. 34-48. Terms of declaration.

(a) The declaration of emergency shall specify whether the emergency is one requiring full curtailment or partial curtailment of outdoor water usage as defined herein.

(1) "Full curtailment of outdoor water usage" shall mean an absolute prohibition of the use of water from the water company, including but not limited to, the sprinkling of shrubs and lawns, filling of swimming pools, car washing and other related uses until the emergency shall be terminated by declaration.

(2) "Partial curtailment of nonessential water usage" shall mean the prohibition of the use of water from the water company, including but not limited to, the sprinkling of lawns, filling of swimming pools, car washing and other related uses or any of the foregoing on certain days of the week and/or during certain hours of the day. The terms of the partial curtailment shall be set forth in the declaration.

(b) In the case of any such emergency declaration as is described herein, the terms of the curtailment may be modified by amendment from time to time based on any change in emergent conditions.

Sec. 34-49. Notice of declaration.

Immediately following the passage of any emergency declaration hereinbefore described, a copy of the declaration shall be published in official newspapers circulated in the municipality and posted in the municipal building.

Sec. 34-50. Effect of declaration.

The declaration of an emergency shall be conclusive of the fact of the existence of such emergency and shall be binding upon all persons and users upon the filing of the same in the office of the municipal clerk and the publication thereof in all newspapers circulated in the municipality.

Sec. 34-51. Termination of declaration.

The declaration of a water emergency shall continue in full force and effect, for a period of thirty days, unless terminated earlier by the mayor, or in his or her absence, the acting mayor. Any declaration of water emergency may be extended beyond thirty days through resolution by the mayor and council.

Sec. 34-52. Inspections.

During the water emergency, all premises receiving water from the water company system shall be subject to inspection between sunrise and sunset by the water company personnel or any

other person duly authorized and appointed by the municipality or water company to perform inspections to oversee compliance during the water emergency. It shall be a violation of this article for any person to hinder, obstruct, delay, resist or prevent any such inspection as is described herein. Nothing herein shall be deemed to limit the power of the police department to conduct a search of any premises at any time when they have probable cause to believe that a violation of this section has been committed.

Sec. 34-53. Use during emergency to be a violation.

It shall be a violation of this article for any person to use water from the water company distribution system at any time during the water emergency in a manner prohibited by any declaration issued pursuant to this article.

Sec. 34-54. Continued usage deemed health hazard.

In the event that there is on any premises a continuing usage of water from the water company distribution system by any person in a manner prohibited by any declaration issued pursuant to this article, such continuing usage is hereby declared to be a health hazard. The owner, occupant and/or operator of the premises whereon the violation is occurring shall first receive an oral warning if any such owner, occupant and/or operator or the agent or employee of any of same is actually on the premises. If no such person is present a written notice shall be posted on the premises. If, after the passage of one hour from the delivering or posting of such notice, the health hazard has not been abated, any authorized employee of the municipality, including appropriate personnel from the Princeton Fire Department or the water company, is hereby authorized to enter upon the premises to abate the health hazard. Thereafter, the municipality or water company, as the case may be, shall assess the costs of such abatement against the owner, operator and/or occupant of the premises.

Sec. 34-55. Water use restrictions.

(a) After receiving a warning as specified in section 34-54, any person found guilty of violating section 34-53 shall be subject to the penalties set forth in section 1-6; and

(b) A repeat offender, as that term is defined in section 1-6, shall be subject to the penalties set forth in section 1-6.