

ORDINANCE NO. 3352
INTRODUCED BY: MAYOR JOSEPH P. SCARPELLI
INTRODUCED ON: MARCH 13, 2017
PUBLISHED: MARCH 23, 2017
PUBLIC HEARING: APRIL 18, 2017
PUBLISHED: APRIL 27, 2017

ORDINANCE NO. 3352

**AN ORDINANCE TO AMEND ORDINANCE 412 OF THE CODE OF THE TOWNSHIP
OF NUTLEY, ENTITLED WATER AND MORE SPECIFICALLY, CHAPTER 685,
ARTICLE I, REGULATIONS AND RATES**

**CHAPTER 685
ARTICLE I
Water Use Regulations and Rates**

§ 685-1 DEFINITIONS

For the purposes of this chapter, the words contained in this section shall have the following meanings unless specifically stated or unless some other meaning is obviously and clearly intended.

Consumer shall mean a person, firm or corporation including an association or combination of persons, firms or corporations, by which, or for which, application is made to the water department for water service; or which, according to the records of the water department or because of ownership of property, is responsible for use of water and distribution facilities at a location to which water is now or thereafter being furnished by the Township.

Corporation Stop shall mean a valve installed at a water main to control the flow of water in a water service connection.

Curb Stop shall mean a valve with valve box to be installed on the water service line between the curb and the sidewalk where such a space exists, for ease of turn on and/or off of the water supply to dwelling.

Discontinuance of Water Service shall mean the physical disconnecting of the water service connection to the premises.

IFC shall mean the International Fire Code.

Long Tap shall mean the water service tap and supply line to curb area of property from far side of roadway.

Master Plumber shall mean a State of New Jersey licensed master plumber who is registered with the Township of Nutley.

Main or Mains shall mean all pipes other than supply pipes and service pipes used for conveying water to or distributing water in the Township.

Meter Rates shall mean rates or prices to be charged for water based upon the quantity consumed as measured by an approved water meter.

Owner shall mean any person, firm, corporation or association who, either along or jointly with others, shall have legal or equitable title to any premises to which water is supplied by the Township, whether or not such person has actual possession thereof, and shall include but not be limited to an executor, administrator, trustee, receiver, guardian, or mortgage in possession, regardless of how such legal or equitable title was acquired.

Person shall mean any individual, firm, company, association, society, corporation or group.

Premises shall mean a building used for either business or residential purposes or both, together with the land appurtenant thereto, and such outbuildings as are used exclusively in connection therewith or any part of a building with the land appurtenant thereto when sold as a separate unit.

Private Fire Hydrant shall mean a fire hydrant located on privately owned property which private water main is supplied by the Township's water supply.

Private Fire Service shall mean piping extending from the water supply main in the street to the premises for purposes of fire protection or fire sprinklers.

Private Water Main shall mean water mains not owned by the Township of Nutley supplying water to privately owned property including but not limited to industrial, residential, corporate, office complexes, corporate office complexes, etc. which are connected to the Township owned water supply.

Private Supply Line shall mean supply lines not owned by the Township of Nutley supplying water to privately owned property including industrial, residential, corporate, office complexes, etc. which are connected through a private water main.

Property-side leak shall mean any loss of water due to deterioration of pipes, fittings, or equipment, the existence of which is known or unknown to the property owner, tenant or customer, and said loss emanates from property owner's side of the water system beginning at the curb stop.

Renewal shall mean the upgrade of an existing water line to new material or pipe size.

Service Line shall mean the pipe extending from the curb stop into privately owned property for supplying water.

Short Tap shall mean the water service tap and supply line to curb area of property from near side of roadway.

Supply Line shall mean the pipe extending from the main to the curb area (Curb Stop) for supplying water.

Tap shall mean the corporation connection with the water main in the distribution system.

Township shall mean the Township of Nutley.

Township Engineer shall mean the duly appointed Municipal Engineer for the Township of Nutley.

Water Department shall mean the Township of Nutley Water Department being a division of the Township of Nutley Department of Public Works.

Water Meter shall mean a device for measuring the quantity of water passing through a pipe at a given location.

Water Service Connection shall mean and consist of a connecting pipe between a street main and between the adjacent curb and sidewalk, together with a main corporation stop and a curb stop valve and valve box.

Water Service shall mean the piping assembly from the street main to and including the water meter along with all pipes or conduits, valves, curb stops, meters, instruments or other accessories or property used to convey water to a property.

Water Supply Mains shall mean water main pipes used for conveying and distributing water throughout the Township of Nutley.

Water System Operator shall mean a duly licensed Water Distribution Operator as determined by the State of New Jersey Department of Environmental Protection.

§ 685-2 CONTRACT IMPLIED

The following rules and regulations shall be considered a part of the contract for water supply made by the Water Department with consumers within the Township, and every such person shall be considered as having expressed his, her, their acceptance thereof.

§ 685-3 APPLICABILITY

Any person or consumer who receives a supply of water for any purpose from the Township of Nutley shall be subject to the rules and regulations as set forth herein. Where two or more persons or consumers are supplied by a single service line, any violation of the rules or regulations set forth in this Article shall be presumed to be a violation as to all such persons or consumers, and the Township may take such action as could be taken as if such service line supplied one person or consumer.

§ 685-4 NON-LIABILITY FOR DAMAGES

The Township will use all due diligence and reasonable care to provide a constant supply of water through its pipes to consumers, but in the event of breakage, failure or accident, or shutting off for extensions or repairs, the Township shall not be liable to any consumer for any damage resulting from the elements or any accident, misfortune, failure or breakage of pipes or failure of service due to any causes beyond the Township's control.

The Water Department reserves and has the right to suspend temporarily, water service under emergency conditions or to make repairs. Under such conditions, the consumer to be affected by such suspension shall be notified as far as possible given timing and emergency limitations, but the Water Department shall assume no responsibility for damages or inconveniences resulting from such suspension or be liable therefore.

All permits shall be granted upon the express condition that if from any cause the supply of water shall fail, the Township of Nutley shall not be held liable for any damages which shall arise in consequence thereof.

§ 685-5 LIABILITIES OF PROPERTY OWNER

The owner of any building or premises shall be liable for the payment of the price, rent or other charges fixed herein for the use or consumption of water services, installations, connections, appurtenances, appliances or parts and renewals thereof, heretofore or hereinafter furnished, installed or made by the Water Department in or upon such building or premises or connecting with such building or premises, together with interest and penalties charged thereon.

The owner shall be responsible for the installation and maintenance of the service line between the curb stop and water meter. The owner shall keep the same in good repair and protect it from damage due to frost or other causes and shall be liable for damage for loss of water resulting from failure to do so.

All leaks in service lines shall be reported promptly to the Water Department and repaired by the owner at the owner's expense. If repairs are not made when required, the water may be shut off by the Water Department and shall not be turned on again until the line is put in serviceable condition and all charges for damage or for loss of water have been paid.

§ 685-6 WATER DISTRIBUTION SYSTEM

The water distribution system shall include all mains, gate valves, supply pipes, service pipes, hydrants and other appurtenances, from the intake up to and including the consumer's water meters.

- A. The Water Department will construct all consumer mains, taps and supply lines from the street main to the curb stop as per the fee schedule listed in **Section 685-10 Water Connection Fees**;

- B. Service lines from the curb stop to consumer's buildings will be constructed at the owner's expense only by a master plumber or live in owner of a one family dwelling and shall be installed in accordance with drawings and materials specified by the Water Department and Nutley Code Enforcement Department and subject to the provisions of this Article.

§ 685-7 PROHIBITION AGAINST TAMPERING

No person shall in any manner, without a permit from the Water Department, connect or disconnect, tamper or interfere with any property of the Water Department such as pipes or conduits, meters, hydrants, valves, instruments or other accessories or property. Any person tampering with a meter, service pipe connection or fire hydrant, or willfully injuring any property of the Township belonging to the Water Department shall be punishable as allowed under this Article and applicable law.

§ 685-8 PERMIT REQUIRED; CONDITIONS PRECEDENT TO ISSUANCE OF PERMIT

- A. No person shall lay or repair water lines within the Township of Nutley unless he or she complies with the regulations hereinafter set forth in this Article and obtains a permit from the Water Department. The cost of the permit is \$50.00.
- B. Applications for permits for the connection or renewal with distribution pipes shall be made by the owner of the premises and shall be signed by the owner or his authorized agent or attorney.
- C. No permit shall be issued to any person for the laying or repairing of water lines unless the applicant:
1. Has obtained all necessary approvals from the Water Department;
 2. Has submitted all applicable fees as required under this Article;
 3. Has a master plumber as authorized agent for the owner, or a live in owner of a single family dwelling;
 4. Has been issued a road opening permit, if applicable by the Township of Nutley Engineering Department or County or State Agency responsible for road opening permits;
 5. Has been issued a plumbing permit, as may be required under the Township/State of New Jersey plumbing code and payment of all applicable fees as per Nutley Code Enforcement Department.

§ 685-9 APPLICATION FOR WATER SERVICE

Every owner of a premises in the Township shall be required to obtain water for such premises from the Township or through another State of New Jersey approved water source.

The owner of any premises, or his authorized agent, desiring to use Township water or to make a change in an existing water supply to a premises, shall first make application in writing to the

Water Department for such water service, upon forms furnished by the Water Department. Such application shall request permission to connect to the Township water system or modify existing connection, subject to the provisions of this Article, and bear the consent and agreement that the applicant shall be bound and governed by all the provisions of this Article and all rules and regulations hereafter adopted by the Township. Any misrepresentations of facts contained in any application shall be deemed a violation of this section.

Only one house and its appurtenances will be supplied from a single curb box and when the service pipe has been laid to curb in front of any specified premises, it shall not be diverted therefrom to supply any other premises even when the ownership may be the same.

No cross connection or interconnection between the pipe lines or other facilities of the Water Department and other pipe lines or facilities supplied with water from other sources shall be permitted without the consent of the Water Department.

§ 685-10 WATER INSTALLATION FEES

The following fees shall apply to all buildings, structures or premises which shall be connected to the Township water distribution system:

A. Main Tap(s) and Supply Line(s)

1. The Water Department shall charge and will construct all new and/or renewal taps from the water main to the curb stop for the following fees payable by the consumer:

Size of Tap	Short Tap	Long Tap
$\frac{3}{4}$ "	\$2,500.00	\$4,000.00
1"	\$3,000.00	\$4,500.00
2"	\$4,000.00	\$5,500.00
Above 2"	TBD by Water Department	TBD by Water Department

2. The Water Department at its sole discretion may allow the property owner to perform work using a master plumber only after securing all required permits for said work, payment of all applicable connection and inspection fees and necessary road opening permits as outlined in this Article.

B. Services Lines

Application for construction of a new or renewal service line from the curb stop to the building shall only be made by the owner of the premises or by a master plumber doing work for the property owner. Work will only be allowed once property owner has obtained all necessary approvals/permits from the Water Department and Township of Nutley Code Enforcement Department and payment of all applicable fees. Excavating work and furnishing, installation and maintenance of the service line from the curb stop to the meter shall be at the cost and expense of the owner of the premises.

The Water Department shall have the exclusive right to determine whether any previously installed supply line connection is adequate for the new or renewal service line. If not, the Water Department may determine that a new supply line must be installed and a fee paid at the rate set forth in this Article.

The Water Department and/or Nutley Code Enforcement Department may require all new construction or substantially improved properties to upgrade Water Service.

C. Water Connection Fees:

A connection fee as per below schedule shall be due and payable to the Township at such time as a permit is issued for a new connection to the Township's Water Distribution System.

Size of Tap	New Connection Fee	Renewal Fee
¾"	\$750.00	\$375.00
1"	\$1,000.00	\$500.00
2"	\$1,500.00	\$750.00
4"	\$3,000.00	\$1,500.00
Above 4"	TBD by Water Department	

D. Inspection fees

All water connections to Township Water Distribution System not performed by the Water Department shall be subject to inspection by the Water Department. The Inspection Fee is \$300.00 per service utility which includes 1 day - 2 trips max to a property.

E. Road Opening Fee

No road shall be opened for a sewer, gas, water or any underground utility connection until after the expiration of five (5) years from the last date the Township paved the roadway. In addition to the charges referenced in this Article, the owner/contractor shall be charged a fee of two hundred-fifty dollars (\$250.00) dollars to open the road.

The contractor performing the roadway opening is responsible for closing the road and applying appropriate asphalt or concrete upon completion of the work. The contractor shall pave the roadway from the centerline thence five (5) feet in either direction of the trench to the curb line. All backfill shall be completed with quarry process or crushed stone compacted every two foot in depth with appropriate compacting equipment. The contractor shall post with the Township a performance and maintenance bond totaling five thousand (\$5,000.00) dollars which shall be refunded to the contractor one year after the completion of the work provided that no maintenance and/or repairs were required to the site.

The owner, contractor, or plumber performing work within the Township roadway shall be responsible for all traffic control, safety precautions, barricades, warning lights, steel plates and other necessary means to prevent accidents and maintain safe roadway condition and travel.

F. Discontinuance of Service Fee

No water account shall be made inactive until the discontinuance of the water service is completed, water meter removed and returned to Township and payment of any unpaid charges due from the consumer.

1. Cut and Cap Fee

Where any property owner wishes to have their service line cut and capped at curb stop by the Water Department there shall be a fee of \$750.00. Water meter must be returned to Township prior to service line being cut and capped.

The Water Department at its sole discretion may allow the property owner to perform work using a master plumber after securing all required permits for said work and payment of all inspection fees and necessary road opening permits as outlined in this Article.

2. Temporary Discontinuance Fee

Where any property owner wishes to have their water service temporarily discontinued (duration to be less than one (1) year), a written request shall be made to the Water Department stating the reason for the discontinuance and duration period required. Upon approval of request, the water shall be turned off at the curb stop and will be turned on upon the request of owner but prior to the expiration of the period and following the payment of any outstanding charges.

3. Permanent Abandonment Fee

Where any property owner wishes to have their water service permanently abandoned to create a parcel of vacant land, the costs associated with disconnection of the water line at the main shall be \$2,500.00 and shall be the financial responsibility of the property owner. Water meter must be removed and returned to the Water Department prior to abandonment.

Once abandoned, installation of a new water service to property will require the installation of a new supply line, service line and payment of applicable fees under this Article as determined by the Water Department.

§ 685-11 RIGHT TO REFUSE TO CONNECT

- A. The Water Department may refuse to connect to any consumer's piping system or to supply water to a system, if such system has not been designed or installed in accordance with the plumbing code of the Township and/or State of New Jersey or if any part of piping system has not been installed at sufficient depth to prevent freezing or if all applicable fees and costs have not been paid.
- B. The Water Department shall not be responsible for any inadequacy of water service, should the consumer make alterations, changes, or additions to an existing system without notifying the Water Department in advance of any proposed alterations, changes or additions.

§ 685-12 RATES FOR WATER SERVICE

The rates to be charged to consumers for water shall be established by the Township of Nutley Board of Commissioners and are as follows:

- A. Forty dollars and forty-eight cents (\$40.48) per 1,000 cubic feet per billing period
- B. Fourteen dollars and twenty-four cents (\$14.24) minimum charge per billing period for any part of the first 500 cubic feet.

In addition to the charge for water taken or consumed, there shall be levied a monthly maintenance fee, in accordance with the schedule(s) set forth below. As consideration for levying of such maintenance fee, the Township will assume full cost for the maintenance and repair of the water supply line from the water main to and including curb stop and the water meter without any additional cost to the consumer for maintenance and repair. Maintenance fee for private mains, private supply lines and fire lines shall only apply to the water meter and not the repair of the private mains, supply or fire lines.

Monthly Charge
Effective January 1, 2017

Meter Size	Monthly Maintenance Fee	Private Mains/Supply/Fire Meter Only
5/8"	\$3.00	\$1.80
3/4"	\$4.80	\$3.00
1"	\$6.00	\$3.60
1 1/2"	\$12.00	\$7.20
2"	\$18.00	\$10.80
3"	\$21.00	\$12.60
4"	\$45.00	\$27.00
6"	\$60.00	\$36.00

Monthly Charge
Effective January 1, 2018

Meter Size	Monthly Maintenance Fee	Private Mains/Supply/Fire Meter Only
5/8"	\$4.00	\$2.40
3/4"	\$6.40	\$4.00
1"	\$8.00	\$4.80
1 1/2"	\$16.00	\$9.60
2"	\$24.00	\$14.40
3"	\$28.00	\$16.80

4"	\$60.00	\$36.00
6"	\$80.00	\$48.00

Monthly Charge
Effective January 1, 2019

Meter Size	Monthly Maintenance Fee	Private Mains/Supply/Fire Meter Only
5/8"	\$5.00	\$3.00
3/4"	\$8.00	\$5.00
1"	\$10.00	\$6.00
1 1/2"	\$20.00	\$12.00
2"	\$30.00	\$18.00
3"	\$35.00	\$21.00
4"	\$75.00	\$45.00
6"	\$100.00	\$60.00

The monthly charge shall be included in the periodic water bill to the property owner and shall be a lien on the real property.

When more than one occupant of a building is supplied with water through a single connection, the bill for the whole supply furnished by such single connection will be made to the owner in one amount and no partial payments therefor accepted. In case of non-payment the water may be shut off notwithstanding one or more of the occupants may have paid his proportionate share to the owner.

§ 685-13 READINGS AND BILLINGS; INTEREST ON UNPAID BILLS

- A. All water meters shall be read and bills for water service shall be rendered for periods of approximately three months, with the exception that monthly readings and billings shall be in effect for users having a large consumption of water, as determined by the Water Department.
- B. The Township will not extend any bill adjustments for excess water use resulting from non-water meter incidents. Examples of water use not eligible for water adjustment are, but not limited to the following:
 1. Leaking toilets and faucets;
 2. Leaking water softener systems;
 3. Leaking outside yard faucet;
 4. Excessive or leaking irrigation systems;
 5. Leaking hot water heater;
 6. Faulty humidifier on furnace;

- C. All unpaid bills shall draw interest at the rate of 8% per annum after 30 days; and the rate of interest upon all water rents which have been sold or accrued and remain upon the books of the Township as a lien shall draw interest at the rate of 8% per annum.

§ 685-14 SERVICE AUTHORITY; TURN-ON AND SHUT-OFF FEE

Consumer services shall be turned on or shut off only by direction of the Water Department.

As part of the monthly maintenance charge there will be no charge for each time a water service line is turned on or shut off.

In all cases where water has been turned off for non-payment of water rent or for any violation of any of the provisions of this Article or any of the rules and regulations relating to the use of water, it shall not be turned on again until expenses attending the turning off and on of water, together with the rent and the fine and penalty that may be due, are paid.

§ 685-15 NON-RESIDENT CONSUMERS

Consumers outside the limits of the Township who are supplied with Nutley water shall be required to deposit the sum of \$500.00 as a guarantee for payment of water bills. The owner shall also secure at his or her own cost and expense any and all municipal, county and state consents and approvals that may be required for the installation or renewal of such water service.

§ 685-16 PRIVATE MAINS; PRIVATE SUPPLY LINES

- A. Any consumer desiring to extend water service to their property as a private main shall make application to the Water Department for connection to the nearest Township main. The application for said permit shall be accompanied by all applicable connection and inspection fees as per schedule set in **Section 685-10 WATER INSTALLATION FEES**. The cost for the private main(s) and/or private supply line(s) shall be the responsibility of the owner to install under supervision of the Water Department.
- B. In certain circumstance, the owner may be required to construct a meter pit or vault together with proper fittings for a meter and install a water meter after the Water Department has given approval to said meter pit and meter type. Owner shall be responsible for all costs associated with installation and maintenance of meter pit or vault and the supply of water meter.
- C. The owner of a private main shall be responsible for the maintenance of said line and shall promptly remedy defects on order of the Water Department. All applicable fees shall be paid for the private line, including but not limited to connection fees, inspection fees, etc.
- D. Maintenance fee discussed in **Section 685-12 RATES FOR WATER SERVICE** for private mains, private supply lines and fire lines shall only cover the water meter and not supply line.

§ 685-17 GENERAL SPECIFICATIONS

All new water services, water service renewals, private mains, private supply lines and fire lines shall be constructed under the following regulations:

- A. All new/renewal service/fire lines for residential one (1) and two (2) family dwellings shall be K copper tubing, or equal, having a minimum inside diameter of 1 inch and provided with compression (or mechanical flare) joints at the curb stop and the street side of the meter in accordance with specifications prepared by the Water Department and/or State of New Jersey Plumbing Code;
- B. All new/renewal service/fire lines for commercial buildings, garages, etc. or for large or multifamily residential buildings shall be of a size and material approved by the Water Department and/or State of New Jersey Plumbing Code. Service lines of up to and including two (2) inches shall be extra-heavy copper tubing. Larger service lines shall be of ductile iron;
- C. All private mains, private supply lines, fire lines shall be of material and manufacture approved by the Water Department and/or State of New Jersey Plumbing Code;
- D. All trenches for service pipes shall be constructed in an independent trench with a covering of at least 42" from final grade and at least one (1) foot distant from any other utility line running from curb to the building or as may be otherwise required under applicable code;
- E. All service lines shall be installed at right angles to curb line, unless special permission in writing is granted by the Water Department, Township Plumbing Sub-Code Official or Construction Official for a variation of this requirement;
- F. All buried connections shall be either flared or compression type, and in no instance shall sweat joints be allowed underground;
- G. No service connection shall be laid from one house to another;
- H. No work performed by a master plumber or a live in owner of a single family dwelling, shall be concealed until inspection and approval has been granted by the Water Department or Nutley Code Enforcement Department;
- I. The minimum size of water main extensions shall be not less than six (6) inches. No dead-end water lines shall be permitted without written consent of the Water Department.

§ 685-18 FIRE LINES AND SPRINKLER SYSTEMS

- A. Any consumer desiring to construct a water line on a water main in the street for fire service shall make application to the Water Department and be subject to all applicable fees as per this Article. The installation shall be performed in accordance with all Township water

regulations and other applicable codes. The cost for the fire line/fire sprinkler line shall be the financial responsibility of the owner to install and maintain;

- B. In certain circumstance, the owner may be required to construct a meter pit or vault and install a water meter after the Water Department has given approval to said meter pit and meter type. Owner shall pay for meter and the charge for all water shown by meter to have been used. The cost for the vault or pit shall be the financial responsibility of the owner to install and maintain;
- C. Water may be drawn through fire lines only for fire purposes, tests which may be required by the Board of Fire Underwriters or for periodic flushing of lines. Preliminary notice shall be given to the Water Department when tests are to be made, and reports shall be made when lines are open, stating the number of openings and duration of each opening.
- D. The owner of each metered fire line shall keep such line in a perfect state of repair at his own cost and expense.
- E. The following annual rates are hereby established for fire lines/sprinkler connections to the water system installed for the use of private persons, firms, corporations or other entities.

Supply Pipe Size	Annual Fee
up to 1"	\$100.00
1-1/2"	\$150.00
2"	\$200.00
3"	\$500.00
4"	\$750.00
6"	\$1,200.00

- F. The foregoing charges are made for the privilege of making and having such connections with the Township Water Distribution System and shall be paid by the owner.
- G. Where pipes are provided for fire protection on any premises or where hose connections for fire apparatus are provided on any pipe, each connection or opening on those pipes, except sprinkler heads, shall have a standard thread as specified by the Township.

§ 685-19 FIRE HYDRANTS (PUBLIC AND PRIVATE)

- A. Township fire hydrants are to be opened and used only by the Fire and Water Departments of the Township or by such persons as may be specifically authorized by the Water Department.
- B. No person, firm or corporation shall in any manner obstruct or prevent free access to, or tamper with or injure or damage by causing or permitting a vehicle to come in contact with any fire hydrant, or place or store temporarily or otherwise any object, material, debris or structure of any kind within a distance of 10 feet of any fire hydrant. Any such obstruction, when discovered, may be removed at once by the Township at the expense of the person

responsible for the obstruction, and such removal shall not be deemed to be in lieu of any penalties as may be issued in this Article.

- C. The Fire Department will make monthly reports to the Water Department, showing in detail the number of openings of fire hydrants and the length of time of said opening. Maintenance of fire hydrants will be done by the Water Department. The Township shall not pay any fee for hydrants to the Water Department for use of water for fire purposes.
- D. No person or persons who have been permitted to introduce upon his, her or their premises a private fire hydrant for protection of their property from fire shall use or permit to be used the same for sprinkling or washing the yards or streets, flushing sewers or gutters, filling wells, boilers, or tanks or for any purpose whatever except its legitimate use for the extinguishing of fires.
- E. No private hydrant for domestic use shall be allowed to be erected on any public street, highway or public land where it may become a source of supply to any person or persons who are not entitled to the use of the same.
- F. All private fire protection systems, including hydrants, are to be installed by and at the consumer's expense. All materials and workmanship shall comply with the rules, regulations and specifications of the Water Department.
- G. Private fire hydrants shall be inspected at least once a year and a flow test shall be performed. Inspection and flow test shall be done in accordance with the IFC specifications and Township Fire Officials. The Water Department and Fire Department shall have authority to enforce this testing and flow test section. All costs associated with maintenance and testing of private fire hydrants shall be the responsibility of the property owner.

§ 685-20 WATER METERS

- A. All water supplied to each consumer by the Township shall be metered and be under the control of the Water Department.
- B. Water from the mains of the Township shall not be turned on in any building or premises until an approved meter shall have been installed by the Water Department.
- C. All necessary charges and expenses for the initial installation of a water meter to new construction or accounts shall be the responsibility of the owner of the premises as per the below fee schedule. Thereafter, in accordance with the monthly maintenance charge, the Township will, at its expense repair, maintain and replace such water meter except where such meter has been damaged by the carelessness of the owner or occupant of the premises, in which event the cost of such repair shall be charged to the owner.

Meter Size	Fee
5/8"	\$225.00

3/4"	\$275.00
1"	\$325.00
2" and above	TBD

- D. All meters hereafter placed in buildings shall be located on an exterior wall of the structure, or on the cellar floor as near as possible to the point of entrance of the service, in a clean, safe, dry place, not subject to variation in temperature, easily accessible for maintenance, installation or disconnecting and for reading. When no suitable location for the meter can be obtained in a building or when a building is distant from the street line or curb line, the consumer may be required to provide a watertight pit, chamber or vault for the meter near the property line. The consumer shall take all proper precaution to protect the meter from injury, frost and damage from hot water or steam. The owners of the premises shall be liable for all damages or loss to the Township from failure to properly care for and protect the meter.
- E. Meters shall be sealed by the Water Department and no person, except an agent of the Water Department shall disconnect, remove, break, injure or in any way tamper with such seals.
- F. Plumbing at the meter shall be arranged so that the Water Department will not be required to do any pipe fitting but will only have to connect the meter by means of unions already in place. The union connection and any other piping required for installing the meter shall be installed at the expense of the owner and shall remain as part of the permanent piping of the building.
- G. The size and make of the water meter shall be determined by the Water Department and shall remain the property of the Water Department.
- H. If it is determined that a premise has been supplied water without a meter, then the owner of such premises shall be liable for payment for the water consumed or supplied to such premises, as estimated by the Water Department, and shall, in addition thereto, be subject to such penalties or other charges as may be imposed under this Article.
- I. No fixture of any kind from which water can be drawn shall be placed on the street side of a meter. The meter shall not be installed unless the location and facilities provided shall be approved by the Water Department.
- J. If property owner disputes the accuracy of a water meter, the owner shall immediately notify the Water Department in writing wherein the meter will be tested using a method approved by the Water Department. If the meter is found to register correctly and within industry standards, the consumer shall be responsible for all costs associated with the meter testing. If meter is found to register incorrectly, the Water Department may adjust water bill upon whatever it deems to be just and reasonable. If the meter is found to be inoperative, charges for water during the period of a failure shall be made on the basis of the ordinary use under similar circumstances before the meter was affected.

- K. Compound Meters capable of capturing high and low flow usage shall be required for any meter above 2” in diameter unless otherwise approved by Water Department.

§ 685-21 PLUMBING SYSTEM TO CONFORM TO PLUMBING CODE

The consumer’s plumbing system starting at the curb box shall conform to the requirements of the plumbing code of the Township of Nutley and State of New Jersey.

§ 685-22 THAWING OF PIPES AND MAINS

No company or person shall undertake the thawing of any pipe within the water distribution system by conducting electric current through a water pipe without authorization of the Water Department.

§ 685-23 WATER IN AIR-CONDITION SYSTEMS

The use of commercial air-conditioning systems utilizing water without provisions for recirculation and back-flow prevention is prohibited.

§ 685-24 APPLICATION FOR WATER FOR CONSTRUCTION PURPOSES

- A. Whenever during the course of construction of a building, temporary water service is desired, the person desiring such temporary water service shall make application to the Water Department and pay a Fee of \$100 per day for the installation or connection of such temporary water service.
- B. The Township, at its sole option may require water to be metered during construction or repair of buildings. Applicant shall pay for the water used as shown by such meter upon presentation of a bill therefor. If such charges are not paid, they shall become a lien against the premises as provided in this Article. Any violation of this Article shall subject the offender to the cancellation of the permit and all penalties as allowed in this Article.
- C. Water for building construction shall not be taken directly from a fire hydrant or curb stop without written approval from the Water Department.
- D. Consumer shall protect curb stop and curb box from damage at all times during any period of construction.

**§ 685-25 DISCONTINUANCE OF WATER SUPPLY
SERVICE INTERRUPTION; RIGHT TO LIMIT WATER SUPPLY**

- A. The Water Department is hereby authorized to discontinue the water supply temporarily, in case of accidents, when necessary for the purpose of making repairs or changes, extensions to the water system or for other unavoidable cause, and will endeavor to give timely notice to the consumers affected thereby and will, so far as practicable, use every means to prevent inconvenience and damage arising from any

such cause; but failure to give such notice will not render the Water Department responsible or liable for damages that may result therefrom.

- B. The Water Department undertakes to use reasonable care and diligence in furnishing a constant supply of water and does not guarantee to render any special service or to maintain any fixed quantity of flow or pressure, and the Water Department shall not be held liable for damages resulting from any failure to provide a sufficient quantity or pressure of water, by reason of break, accident or injury to its distribution mains, by act of God or the public enemy.
- C. Consumer's water service may be shut off by the Water Department for any of the following reasons:
 - 1. For violation of any regulation herein contained or any rule which may be adopted pursuant to this Article;
 - 2. In case of vacating of premises;
 - 3. For nonpayment of indebtedness for water service or other charges made pursuant to this Article;
 - 4. On written request of the owner as outlined in this Article;
 - 5. For failure to protect the water meter and connections from injury or damage or failure to properly maintain the served line and fixtures owned by the person being served;
 - 6. It is the owner's responsibility to immediately repair all breaks or damages occurring between the curb box and the meter servicing the premises. In the event the owner does not make all necessary repairs, the Township shall notify the owner in writing to make such repairs within a reasonable time as determined by the Water Department. In the event the owner fails to comply, the owner's service may be shut off as set forth herein;
 - 7. Interference with or abusing any municipally owned pipe, meter, valve, or other property of the Water Distribution System;
 - 8. Refusal to provide access to the Water Department for purpose of inspection or reading of meters or the removal, repair or replacement of meters on any other property;
 - 9. Where two or more consumers are supplied through a single service line, any violation of the rules of the water department with reference to either or any such consumer shall be deemed in violation as to all, and the Water Department may take such action as is appropriate in the case of a single consumer.

- D. No person shall, without authorization of the Water Department, turn a consumer's service off or on.
- E. Excessive or unnecessary use or waste of water, whether caused by carelessness or by defective or leaky plumbing or fixtures, is strictly prohibited. The Water Department may 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.
- F. In no case shall water be turned on until all required repairs have been made, if applicable, and all bills, fines or penalties payable under this Chapter, along with fees payable to cover the cost of shutting off and turning on the water have been paid.
- G. Where the premises are left unoccupied or vacant, no rebate will be allowed for water registered by the meter unless the water is turned off at the curb stop as in this section provided.

§ 685-26 DUTY TO PREVENT WASTE OF WATER

- A. Every owner of buildings and premises connected with the Township water supply shall:
 - 1. Maintain or cause to be maintained the water service pipes, fixtures and connections in good order and repair, in order to ensure there shall be no waste of water; and
 - 2. Forthwith make or cause to be made necessary repairs to prevent the waste of water.
- B. Every lessee, tenant and occupant of any building or premises connected with the Township water supply shall:
 - 1. Immediately notify the owner or his or her agent of any defective water service pipes, fixtures or connections whereby water is being wasted; and
 - 2. Immediately notify the Water Department or Police Department of any waste occurring by reason of defective water service pipes, fixtures or connections;
- C. Every owner and use of water shall, during the period of a water emergency, be chargeable with notice of any waste of water due to defective water service pipe, fixtures or connections and of the regulations promulgated under the proclamation.
- D. Whenever an owner shall fail or refuse to make repairs so as to prevent the waste of water within two weeks of receiving notification from Water Department, then the Township shall have the power, unless extension is granted to make such repairs and to charge the cost thereof to the owner in the same manner as other water charges are made, as by the statutes and ordinances provided, or to shut off the water from such premises until such repairs are made by the owner.

**§ 685-27 ACCESS TO PREMISES FOR METER READINGS
AND INSPECTION; COMPLAINTS**

- A. The Water Department and Nutley Code Enforcement Department shall have a right of access to any consumer's premises and to all equipment and property of the Water Department at reasonable times (8:00 AM to 4:00 PM, prevailing time, Monday through Saturday) for the purpose of reading meters or inspecting, repairing or replacing equipment used in connection with the supply of water or for the removal of equipment or property including the examination of the entire water supply and plumbing system upon said premise. No person shall refuse to admit the authorized officer or employee upon displaying proper identification to any premises for any such purpose. Any person who refuses to admit such duly authorized agent for the purpose of such inspection, or hinders or interferes with him in the performance of such inspection, shall be deemed to be in violation of this section and be subject to the penalties prescribed in this Article and all applicable State of New Jersey Regulations.
- B. The consumer shall obtain from the Water Department all necessary permissions from tenants or others needed for access to equipment or property. Consumers shall not permit access to meters or other Water Department property except by authorized employees of the Water Department or other authorized State or local inspectors.
- C. If access cannot be obtained to the meter for reading at the desired time, the Township may render a bill based on estimated consumption during the period, and payment based on such estimated bill will be used as a credit to the total amount due as determined by the next reading. If access cannot be obtained to the meter for reading for three consecutive times, the Water Department may notify the consumer in writing of their responsibility to schedule a reading promptly or, alternatively, may render a bill based upon three times the last reading taken.
- D. Complaints regarding the water supply, distribution and consumption or the reading of meters or of bills shall be made to the Water Department in writing within 10 days after the date of such occurrence, and if said complaint is found to be justified, adjustment may be made. Such adjustment shall not, however, be held to establish a precedent as to the amount of an ensuing bill.
- E. Access must be provided a minimum of once a year for meter reading/inspection.

§ 685-28 INSPECTION PRIOR TO CHANGE IN OWNERSHIP

Prior to a change in occupancy, ownership or use of any premises supplied with Nutley water and prior to the issuance of a Certificate of Occupancy, the owner or seller of the premises shall arrange for an inspection of the water meter servicing the premises by the Water Department.

§ 685-29 RIGHT TO MODIFY REGULATIONS

The Township reserves the right to add to or modify its rules and regulations at any time through amendment of this Ordinance.

§ 685-30 VIOLATIONS AND PENALTIES

Any person, firm or corporation who violates any of the provisions of this Article shall, upon conviction thereof, pay a fine not exceeding \$2,000 or undergo imprisonment not exceeding 90 days, or both, in the discretion of the Municipal Court Judge, for each and every violation. Each day on which a violation of an ordinance exists shall be considered a separate and distinct violation and shall be subject to imposition of a separate penalty for each day of the violation as the Municipal Judge may determine.

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

This Ordinance shall take affect after publication and passage according to law.

ATTEST:

Township Clerk

Mayor Joseph P. Scarpelli

Commissioner Alphonse Petracco

Commissioner Thomas J. Evans

Commissioner Mauro G. Tucci

Commissioner Steven L. Rogers