

**OCEAN GROVE SEWERAGE AUTHORITY
RULES AND REGULATIONS**

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**OCEAN GROVE SEWERAGE AUTHORITY
RULES AND REGULATIONS**

I. DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of the terms used in these Rules and Regulations shall be as follows:

“Agent” shall mean a person who has the authority to act on behalf of a “customer” or applicant of the “Authority”. An authorized agent shall have written authorization from the “customer” or applicant to act in his behalf and shall be responsible as if he were the “customer” or the applicant. Actions of the agent shall be binding on the “customer” or applicant.

“Authority” shall mean the Ocean Grove Sewerage Authority.

“Building Drain” shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the “building sewer”, beginning five feet outside the interface of the building wall.

“Building Sewer” shall mean the “sanitary sewer” running from the “building drain” to the “cleanout” or the “sewer” “main” whichever comes first, also called house connection.

“Cleanout” shall mean capped riser pipe allowing access for cleaning of sanitary “sewer lateral”. Cleanouts shall be located behind roadway edge of pavement or curbing within public right-of-way.

“Combined Sewer” shall mean a “sewer” in which both service runoff and “sewerage” are received.

“Custodian of Sewerage Authority Records” shall mean the Executive Director who is officially designated by the “Authority” as the official in charge of all “Authority” records and responsible to respond to any appropriate request for public records of the “Authority” pursuant to New Jersey’s Open Public Records Law.

“Customer” or “Owner” shall mean any “person”, corporation or organization contracting for sewer connection or for use, products or services or who use said services or who is the “owner” or occupant or both of any real property which directly or indirectly has been connected to the sewer system or to which directly or indirectly has been furnished or supplied the use, products or services of the sewer system or sewer services facilities or products.

“DEP” shall mean the Department Of Environmental Protection of the State of New Jersey.

“Engineer” shall mean the duly appointed Consulting Engineer employed by the “Authority”.

“Established Lot” shall mean a subdivided parcel of land, which is shown and numbered as a separate lot on the official tax map of the Township and for which a sewer assessment was originally established and paid.

“Garbage” shall mean the animal and vegetable waste resulting from the handling, preparation, cooking and serving of foods, as well as the storage and sale of produce.

“Industrial Waste” shall mean the “waste water” from industrial processes, trade or business as distinct from domestic or sanitary waste.

“Infiltration” shall mean the water entering the sewer system from the ground, through such means as, but not limited to, defective pipes, pipe joints, connections or manhole walls.

“Inflow” shall mean the water discharged into the sewer system from such source as, but not limited to, roof leaders, cellar, yard and area drains, foundation drains, cooling water discharges, surface drains, manhole covers, storm sewers or catch basins.

“Main” shall mean the “Authority’s” – owned piping and appurtenances, in or along public highways and streets, or along privately owned rights of way use for the transmission or for the collection of domestic sewerage or “industrial waste” from its “customers”.

“Natural Outlet” shall mean any outlet, including storm sewers and “combined sewer” outflows, into a watercourse, pond, ditch, lake or other body of surface or ground water.

“New Service” shall be defined as any sewer connection, which has not previously been made.

“New Sewer Unit” shall mean any unit, residential or commercial, being established as the result of construction upon any parcel not previously assessed for sewer construction within the municipal “sewer collection system”, or “sewer units” created on any parcel as the result of the major or minor subdivision, variance or site plan approval which expanded the permitted use as established at the time of the original sewer construction assessment.

Other Than Residential User” shall mean all users and connections other than defined as “residential user”, including but not limited to, business, commercial, industrial, restaurants, taverns, theaters, camps, churches, schools, hospitals, boarding homes, nursing homes, etc.

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

“Private Sewerage Disposal System” shall mean as herein referred to, any septic tanks, cesspools, sewerage disposal devices or subsurface disposal system.

“Regional Sewerage Authority” shall mean the Township of Neptune Sewerage Authority or its successor.

“Renewal of Service” shall mean an application for a renewal of existing sewer service to an existing structure or a replacement structure in the case of a complete destruction of the prior structure or a change in ownership or use. A change in use shall include a change in the character of usage or a change in the size of the facility or extent of the usage. An application shall not be considered for renewal of service if “main” extension approval is required by “DEP”.

“Residential User” shall mean a single family, multifamily, apartment, trailer, mobile home, hotel or motel, rooming or boarding house, cottage, tourist cabin, camp meeting tent that is designed and used exclusively for providing living accommodations.

“Sanitary Sewage” shall mean the normal water – carried waste from business buildings, institutions, commercial and industrial establishments.

“Sanitary Sewer” also know as “Public Sewer” shall mean a “sewer” that carries liquid and water carried waste from residences, commercial buildings, industrial plants and institutions together with minor quantities of ground, storm and surface waters that are not admitted intentionally.

“Service Charge” shall mean the annual charge under the schedule of sewer rates adopted by the “Authority” or the latest revision thereof for direct or indirect connection with and use of the sewerage system of the “Authority”.

“Sewage Works” shall mean all facilities for collecting, pumping, treating and disposing of “sewage”.

“Sewer” shall mean a pipe or conduit for carrying sewerage.

“Sewerage Treatment Plant” shall mean any arrangement of devises and structures used for treating “sewerage”.

“Sewer Connection Fee/New Service Charge” shall mean that initial payment be paid to the “Authority” during a new connection to the sewer collection system.

“Sewer Connection System” shall relate to the entire “Authority” collection system including all pipes, connections, rights of way, pumping facilities and maintenance equipment necessary to convey neighborhood sewerage to the facility of the Township of Neptune Sewerage Authority for treatment.

“Sewer Lateral” shall mean the sanitary “sewer” running from the “cleanout” at the curb line to the “main” if the “sewer” is installed within the street cart way. If the sanitary sewer “main” is installed in the sidewalk area or within the easement area, there is no “sewer lateral” as defined herein with the exception of the saddle or fitting at the connection point to the “main”.

“Sewer Unit” shall mean and be defined as follows:

A. Residential

1. Residential dwelling with kitchen facilities shall include:
 - a. Single family dwelling;
 - b. Multiple family dwelling (each unit);
 - c. Mobile home (does not include transient or camp grounds);
 - d. Cottage;
 - e. Tourist cabin;
 - f. Camp meeting tent.
2. Residential dwelling without kitchen facilities shall include for each one-half unit:
 - a. Hotel;
 - b. Motel;
 - c. Boarding house.
3. Churches, fraternal organizations, service organizations, public buildings and schools. A unit is defined as consuming seventy-

five thousand gallons of water per year. Each separate establishment shall in the minimum, equal one unit.

B. Commercial/Industrial

1. A unit is defined as consuming seventy-five thousand gallons of water per year. Each separate unit shall, in the minimum, equal one unit.

“Sewer One-Half Unit” shall mean a residential dwelling without kitchen facilities.

“Slug” shall mean any discharge of water, sewerage or “industrial waste” which in concentrations of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen minutes more than five times the average twenty-four hour concentration during normal operation.

Storm Drain (sometimes termed storm sewer) shall mean a drain or sewer for conveying water, ground water, subsurface water or unpolluted water from any source.

“Suspended Solids” shall mean solids that either flow on the surface of or are in suspension in water, sewerage or other liquids and which are removable by laboratory filtration.

“Tap Fee/Reconnection Fee” (also known as “sewer connection fee”) represents an initial payment to be paid to the “Authority” during a new connection to the sewer collection system or reconnection to an existing connection that had received no charges for sewer services on the property for twenty-four months or more. A tap fee shall be charged where there is a conversion of any multiple family dwellings to any form of individual dwelling units such as condominiums, townhouses, cooperatives or the like, where no prior tap fee has been charged for the individual units.

“Toxic Substance” shall mean any poisonous substance.

“Waste Water” shall mean the spent water of a community from the standpoint of sewers; it may be a combination of the liquid and the water-carried waste from residences, commercial buildings, industrial plants and institutions, together with any ground water that may be present.

II. HISTORY AND CREATION

The Superior Court of New Jersey, Chancery Division, November 27, 1972, in the matter of State of New Jersey, Department of Environmental Protection v. Township of Neptune, under Docket No. C-133-72, ordered the Township of Neptune to regionalize its sewerage system for the benefit of those municipalities located in the Neptune Drainage Basin.

In accordance with said order, the Township of Neptune on December 12, 1972, did enact Ordinance No. 873 creating the Township Of Neptune Sewerage Authority pursuant to R. S. 40:14A-1 et seq.

On April 11, 1973, the Ocean Grove Camp Meeting Association entered into a service agreement with said Authority and the surrounding municipalities of Neptune, Neptune City, Bradley Beach and Avon wherein the Neptune Township Sewerage Authority was to provide secondary sewerage treatment for the sewerage of the several municipalities and in consideration thereof, the several municipalities and Ocean Grove were to pay the Neptune Township Sewerage Authority their

share of the capital improvement and their share of the operation and maintenance of the Neptune Township Sewerage Authority.

The Ocean Grove Camp Meeting Association in conjunction with the Authority and the several municipalities aforesaid, agreed to abide by the regulations of the Federal EPA and the New Jersey "DEP" in consideration of grant monies to upgrade its internal collection system.

The Superior Court, Chancery Division, by order entered on June 24, 1983, in the case of Ocean Grove Camp Meeting Association v. Township of Neptune, et al., Docket No. C-508279, determined that the Township succeeded to the municipal functions formerly performed by the Ocean Grove Camp Meeting Association and as such the operation and the maintenance of the sewerage system in Ocean Grove was now the obligation of the Township of Neptune and the Ocean Grove "Sewer District" was created by municipal Ordinance.

It was determined by the Township of Neptune that the operation and maintenance of the Ocean Grove Sewerage Authority could be preserved and adequate revenues more readily assured by the establishment of a separate sewerage authority within the Township. The Ocean Grove Sewerage Authority was thereafter created by Ordinance No. 1219 preamble; Ordinance No. 1670 preamble in September, 1994.

III. PURPOSE

The "Authority" is a member of the Township Of Neptune Sewerage Authority and as a member thereof is subject to the rules and regulations of said Sewerage Authority. The "Authority" is also subject to the terms and conditions of the service agreement with the Township of Neptune Sewerage Authority dated April 11, 1973, the amendments thereto dated February 18, 1975, the agreement with the Township Of Neptune Sewerage Authority dated March 8, 1976 to abide by the conditions of the grant agreement with the Federal EPA and the New Jersey "DEP"; the agreement between the Ocean Grove Camp Meeting Association and the Township of Neptune dated March 27, 1980 and the agreement between the Ocean Grove Sewer District and the Township of Neptune dated March 7, 1994 relative to the cause of operation, maintenance and capital expenditures for the Pennsylvania Avenue Pumping Station as well as all other agreements together with amendments and supplements thereto.

It is necessary for the "Authority" to regulate the use of its sewer system for "residential", commercial and industrial users in order to insure compliance with the rules and regulations of the "Authority", the Township of Neptune Sewerage Authority and the statutes, rules and regulations and agreements of the federal government, the State of New Jersey, the Neptune Township Sewerage Authority and Neptune Township. Due to the agreements with the Township of Neptune and the Township Of Neptune Sewerage Authority copies of the rules and regulations of the Township Of Neptune Sewerage Authority and the Township of Neptune are on file with the Executive Director of the "Authority".

A. General Application of Rules and Regulations

The Rules and Regulations established by the "Authority" for use of its facilities and services is hereby enacted and established by the "Authority". Rules and Regulations of the Neptune Township Sewerage Authority and Neptune Township are incorporated herein and made a part hereof without the inclusion of text thereof herein. Copies of Rules and Regulations of Neptune Township and the Neptune Township Sewerage Authority shall be available from the Executive Director of the "Authority" and also

available in the office of the Municipal Clerk of Neptune Township and the office of the Neptune Township Sewerage Authority.

General application of these rules and regulations are as follows:

1. Anyone wishing to obtain sewer service from the “Authority” will be required to make application for said service to the “Authority”. Application will be made on the standard application form of the “Authority”, copies of which are available from the Executive Director. Upon approval of the application by the “Authority”, a connection permit will be issued. Any and all fees required of the application must be paid before the permit is issued.
2. No application for a sewer use permit will be accepted by the “Authority” until the applicant has paid, or made satisfactory arrangements to pay all arrears and charges due by the applicant at any premises now or thereafter occupied by him.
 - a. If there is a change in ownership and the fees are due and owing to the “Authority”, the PURCHASER/NEW “OWNER” will be required to pay all arrears prior to the “Authority” granting approval for the new applicant to connect to the system or use an existing service.
3. The accepted application shall constitute a contract between the “Authority” and the applicant obliging the applicant to pay to the “Authority” its rates as established from time to time and to comply with the rules and regulations.
4. Included with the application will be a plot plan and/or survey showing the outline of the existing or new structures as well as the “building sewers”.
5. All completed applications for sewer use permits shall be approved on a first come, first served basis. Applications shall be deemed complete when all forms, surveys, plans and fees have been submitted to the “Authority” and the application is deemed completed. The obligation of the “Authority” to approve completed applications for sewer permits is contingent upon the availability of capacity both at the Neptune Township Sewerage Authority plants and mains.
6. The “Authority” shall not approve sewer use permit applications until such time as the “Authority” is in receipt of all necessary approvals from the “DEP” or any other municipal, state or federal agency, which may be required.
7. The sewer permit or approval which is issued for any residential unit shall be valid for a period of six months from the date of issue and a sewer use permit or approval issued for any industrial or commercial unit shall be valid for a period of six months from the date of issue, unless physical connection is made within the appropriate period. Physical connection is defined to be made when the sewer facility within the building for which the service is requested are capable of being used.
 - a. It shall be the obligation of the applicant to keep the “Authority” informed as to his expected date for hookup and also to ascertain that sewer is still available.

- b. In the event that physical connection is not made within the appropriate period; the permit shall automatically expire and shall be void and of no force and affect.
- c. Reapplication will require the resubmission of a new application and payment of all fees. Inspection procedures and further additional permit application procedures concerning specific types of connections shall be set forth more fully below under separate paragraph.

IV. SEWER FEES, ANNUAL RENT

Sewer service bills are rendered quarterly and will be mailed in January, April, July and October. They are based on water consumption provided by the water utility company (for operation and maintenance costs of the collection and treatment systems). Usage is billed at \$3.70 per each 1,000 gallons.

The first quarterly billing in January is for usage from October, November and December. This billing also includes the annual “service charge” which is based according to meter size (\$190.00 for a 5/8 inch meter, etc.).

The second quarterly billing in April is for usage from January, February and March. The third quarterly billing in July is for usage from April, May and June. The fourth quarterly billing in October is for usage from July, August and September.

A late charge of 1 1/2 % per month (18% per annum) will be assessed on the unpaid balance each month. A \$35.00 fine will be charged for returned checks.

Checks WILL NOT be re-deposited under any circumstances. In such cases, the “Authority” requires future payments to be tendered by certified check, cashier’s check, treasurer’s check, official bank check or money order. The “Authority”, through its office, will only accept payments by check or money order. Cash payments may be made through the local branch of the “Authority’s” bank. The RIGHT PORTION OF THE BILL must be returned with payment. Include account number on all checks and money orders.

The following are general fees assessed by the “Authority”:

METER SIZE	SERVICE CHARGE
5/8 inch	\$ 190.00
1 inch	474.00
1 ½ inch	949.00
2 inch	1,516.00
3 inch	2,846.00
4 inch	4,744.00

Upon determination of a sump pump, cellar drain, down spout, driveway drain or any other form of “in flow” intrusion set forth in Article VI, paragraph 5 into the “waste water” system, there will be a charge of 10 times the annual demand charged for the property with such devices and/or the “Authority” may cut off service. In cases where such flow intrusion existed in new construction without a past year record, the charge will be 10 times the demand charge for the property since its construction and issuance of Certificate Of Occupancy and/or shut off of service.

A separate “service charge” shall be chargeable for each “sewer unit” as defined under Section I. entitled “Definitions”. Multiple family dwellings as set forth in Section I. A. 1 b. of the Rules and Regulations having separate title or ownership per unit shall be subject to separate and individual “service charges” and separate and individual bills for said “service charges”.

If a condominium association or co-op association has individual meters for each unit, then the individual unit owner or shareholder will receive quarterly bills for usage and the annual “service charge”. If the condominium association or co-op association does not have individual meters, then the quarterly usage bills will be sent to the association and the individual “owners” will only receive one billing in January for the annual “service charge”. At present the annual “service charge” is \$190.00 per unit.

TAP FEE/CONNECTION FEE:

Pursuant to N.J.S.A. 40:14B-22 the annual calculation for the “connection fee/tap fee” as defined above is One Thousand Seven Hundred Ninety-Three (\$1,793.00) Dollar per unit.

MISCELLANEOUS FEES:

Copying costs of all “Authority” records requested shall be the following:

\$.05 for each letter sized page and \$.07 for each legal sized page

The Executive Director – “Custodian of Records” may require a deposit against costs for reproducing documents sought through an anonymous request whenever the custodian anticipates that the information thus requested will cost in excess of \$5.00 to reproduce.

Search costs shall be \$10.00 per search based on Executive Director’s need to participate in manipulation or programming in order to form the search and due to the substantial disruption of normal agency operations in performing the search and to the extent allowed as an exemption to normal costs under N.J.S.A. 47:1A-1.1 et seq.

V. SEWER FEES DUE TO WATER LOSS

It is acknowledged that sewer bills to “customers” are based on water use and is therefore based on the “customer’s” water charge from the servicing water company. It is the policy of the “Authority” that if for some reason a “customer’s” water pipes break or there is a cause for unusual loss of water not caused by any act or negligence of the “Authority” and should the servicing water company refuse to forgive the cost of the customer caused by the loss, then it shall be the policy of the “Authority” that it cannot forgive the additional sewer cost arising from the water loss.

VI. USE OF PUBLIC SEWERS REQUIRED

1. The “owner(s)” of all houses, buildings, or properties used for human occupancy, employment, recreation or other purposes, situated within Ocean Grove and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer is hereby required at the “owner’s” expense to install suitable toilet facilities therein and to connect such facilities directly with the proper “public sewer” in accordance with the provisions of this section within ninety (90) days after the date of official notice to do so, provided that the “public sewer” is within one hundred (100`) feet of the property line.

2. It shall be unlawful to discharge to any natural outlet within Ocean Grove in any area under the jurisdiction of the "Authority", any "waste water" or other polluted waters, except where suitable treatment has been prohibited in accordance with subsequent provisions of this section.

3. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of "waste water".

4. It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within Ocean Grove or in any area under the jurisdiction of the "Authority", any human or animal excrement, garbage or objectionable waste.

5. All connections directly or indirectly to the "Authority's" sanitary sewer lines, for sump pumps, roof leaders, areaway drains, swimming pools, ornamental ponds, water cooled refrigeration and air conditioning units, fire sprinkler systems and any other similar connections, are prohibited subject to charges and sanctions set forth more fully under Section entitled "Sewer Fees, Annual Rent" of the Rules and Regulations.

6. All existing connections, directly or indirectly to the "Authority's" sanitary sewer lines as heretofore stated above, may be subject to the sanctions and added charges set forth above or shall upon ruling of the "Authority" be disconnected and physically cut off within (90) days from adoption of these Rules and Regulations and written notice to the property "owner".

7. An application on an approved form and plans to disconnect and to physically cut off the connections as heretofore stated above to the "Authority's" lines shall be filed with the Plumbing Sub-code Official of Neptune Township or other designated official along with a copy to the "Authority". The application and plans shall be reviewed by the Plumbing Sub-code Official of Neptune Township or other designated official and after approval thereof, the permit shall be issued by the "Authority". A fee shall be set as established by these Rules and Regulations. All work shall be performed in accordance with the applicable State codes and "Authority" Rules and Regulations; and the Rules and Regulations of the Neptune Township Sewerage Authority; and the Rules and Regulations and ordinances of Neptune Township.

VII. SUBSURFACE DISPOSAL SYSTEM

1. In light of the development of Ocean Grove and the lot sizes available, the "Authority" requires all buildings to be connected to the public "sanitary sewer" and shall not allow private subsurface disposal systems to be utilized. "Public sewer" is available to all properties in Ocean Grove at this time and procedures for connection need only be followed.

VIII. BUILDING SEWERS AND CONNECTIONS

1. No unauthorized person(s) shall uncover, make any connections with or opening into, use, alter or disturb any "public sewer" or appurtenance thereof without first obtaining approval from the "Authority".

2. There shall be two (2) classes of "building sewer" permits: a. For residential and commercial service; and b. For service to establishments producing "industrial wastes". In either case, the "owner(s)" or his agent shall make application on a special form furnished by the "Authority". The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Neptune Township Plumbing Sub-code Official and/or "Engineer" or other designated official. A permit and inspection fee as established by these Rules

and Regulations for residential or commercial “building sewer” permit and for an industrial “building sewer” permit shall be paid to the “Authority” at the time the application is filed.

3. All costs and expenses incidental to the installation and connection of the “building sewer” shall be borne by the “owner(s)”. The “owner(s)” shall indemnify the “Authority” from any loss or damage that may directly or indirectly be occasioned by the installation of the “building sewer”.

4. A separate and independent “building sewer” shall be provided for every building except where one (1) building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the front building may be extended to the rear building and the whole considered as one (1) “building sewer”, but the “Authority” does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.

5. Old “building sewers” may be used in connection with new buildings only when they are found, on examination and tests, by the Neptune Township Collection System Operator and/or “Engineer” or other designated official, to meet all requirements of these Rules and Regulations. The cost of these tests will be borne by the “owner”.

6. The size slope, alignment, materials of construction of a “building’s sewer”, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the Neptune Township Building and Plumbing Code or other applicable rules and regulations of the “Authority”. In the absence of Code provisions or in amplification thereof, the materials and procedures set forth in Testing and Materials and the Water Pollution Control federation Manual of Practice No. 9 shall apply.

7. Whenever possible, the “building sewer” shall be brought to an elevation below the basement floor. In all buildings in which any “building drain” is too low to permit gravity flow to the “public sewer”, sanitary sewerage carried by such “building drain” shall be lifted up by an approved means and discharged to the “building sewer”.

8. No person(s) shall make connection of roof downspouts, foundation drains, areaway drains or other sources of surface runoff or groundwater to a “building sewer” or “building drain” which in turn is connected directly or indirectly to a public “sanitary sewer” unless such connection is approved by the Neptune Township Plumbing Sub-code Official or other designated official for purposes of disposal of polluted surface drainage.

9. The connection of the “building sewer” into the “public sewer” shall conform to requirements of the Neptune Township Building and Plumbing Code or other applicable rules and regulations of Neptune Township and the “Authority”, or the procedures set forth in appropriate specifications of the American Society for Testing and Materials and the Water Pollution Control Federation Manual of Practice No. 9. All such connections shall be made gastight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the Neptune Township Sub-Code Official or other designated official before installation.

10. The applicant for the “building sewer” permit shall notify the Collection System Operator and/or “Engineer” or other designated official when the “building sewer” is ready for inspection and connection to the “public sewer”. The connection and testing shall be made under the supervision of the Neptune Township Collection System Operator and/or “Engineer” or other designated official or their representatives with a minimum of a twenty-four (24) hour notice.

11. All excavations for “building sewer” installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the “Authority”.

12. a. For application where “sewer” “mains” are present, the following procedures shall apply:

- (1) Prior to the “Authority” allowing a new connection into its street sewer or lateral or other sewerage facility, there shall be filed with the “Authority” for each and every new “sewer unit” an application for a connection, together with a remittance in payment of the initial service fee as set forth herein.
- (2) The initial service fee shall be paid by remitting the full charge with the sewer connection application in conjunction with or prior to the submission of the application for building permit. In the event that the initial service fee is not paid within ten (10) days from the due date, then interest will accrue and be due to the “Authority” on the unpaid balance at the rate of one and one-half (1 1/2%) percent per month from the due date until such initial service fee, and the interest thereon, shall be fully paid to the “Authority”. All charges and interest shall be transmitted to the Executive Director to be deposited in the “Authority” Utility Account.

b. For applications where “sewer” “mains” are not present, the following procedures shall apply:

- (1) Prepayment of the initial service fee shall be allowed so long as tentative approval of the application has been granted by the Neptune Township Planning Board or Board of Adjustment considering the recommendations of the “Engineer” and the “Engineer’s” recommendations have been adopted by the approved authority. If prepayment is made, it shall be conditioned upon the issuance of a building permit by the Township for the project in question. This building permit must be issued within one (1) year of the prepayment date. The applicant must pay any increase in the amount of the initial service fee in effect at the time of connection of the unit to the sewer collection system in excess of that which was in effect at the time the prepayment was made.

c. For application where “sewer” “mains” are not present and a NJ “DEP” Permit to Construct Sanitary Sewers has been issued, the following procedures shall apply:

- (1) The initial service fee shall be in the amount set forth under the Rules and Regulations. The initial service fee may be paid immediately upon receipt by the “Authority” of a permit to construct “sanitary sewers” from NJ “DEP” for the application in question, but may be paid prior to obtaining a building permit. Under no

circumstances shall a building permit be issued until the related “sewer connection fee” or initial service fee is paid.

- (2) In the event that the initial service fee is not paid within ten (1) days from its due date, then interest will accrue and be due to the “Authority” on the unpaid balance at the rate of one and one-half (1 1/2%) percent per month from the due date until such initial service fee, and the interest thereon, shall be fully paid to the “Authority”.

IX. USE OF PUBLIC SEWERS

1. No person(s) shall discharge or cause to be discharged any unpolluted waters such as storm water, groundwater, roof runoff, subsurface drainage, or cooling water to any sewer, except storm water runoff from limited areas which may be polluted at times, may be discharged to the “sanitary sewer” by permission of the “Authority”.

2. Storm water other than that exempted under paragraph 1 above and all other unpolluted drainage, shall be discharged to such sewers as are specifically designated as storm sewers or to a natural outlet approved by the Neptune Township Plumbing Sub-code Official and any other regulatory agencies. Unpolluted industrial cooling water or process waters may be discharged on approval of the Neptune Township Health Officer or other designated official, to a storm sewer or “natural outlet”.

3. No person(s) shall discharge or cause to be discharged any of the following described waters or wastes to any “public sewers”:

- a. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
 - b. Any waters containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any waste treatment process, constitute a hazard to humans or animals, create a public nuisance, or created any hazard I the receiving waters of the wastewater treatment plant.
 - c. Any waters or wastes having pH lower than 5.5 or higher than 8.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater works.
 - d. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the “waste water” facilities such as, but not limited to, ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, ungrounded “garbage”, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by “garbage” grinders.
4. The following described substances, materials, waters, or waste shall be limited in discharge to Neptune’s municipal system to concentrations or quantities which will not harm either the “sewers”, “waste water” treatment process or equipment, will not have an adverse effect on the receiving stream, or will not otherwise

endanger lives, limb, public property, or constitute a nuisance. The “Authority” may set limitations lower than the limitations established in the regulations below if in its opinion as to the acceptability, such more severe limitations are necessary to meet the above objectives. The Neptune Township Plumbing Sub-code Official or other designated official and the “Authority” will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the “sewers”, materials of construction of the “sewers”, the “waste water” treatment process employed, capacity of the “waste water” treatment plant, degree of treat ability of the waste in the “waste water” treatment plant and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or “waste waters” discharged to the sanitary “sewer” which shall not be violated without approval of the “Authority” are as follows:

- a. “Waste water” having a temperature higher than one hundred fifty (150 F) degrees Fahrenheit [sixty-five (65 C) degrees Celsius].
- b. “Waste water” containing more than twenty-five (25) milligrams per liter of petroleum oil, non-biodegradable cutting oils, or product of mineral oil origin.
- c. “Waste water” from industrial plants or food establishments of any size containing floatable oils, fat or grease.
- d. Any “garbage” that has not been properly shredded, that is, where the particles cannot be carried freely under the flow of conditions normally prevailing and where the particles are greater than one and one-half (1 1/2”) inches in any dimension. “Garbage” grinders may be connected to “sanitary sewers” from hotels, institutions, restaurants, hospitals, catering establishments, or similar places where “garbage” originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.
- e. Any water or waste containing iron, chromium, copper, zinc, and similar objectionable or toxic substances to such degree that any such material received in the composite “waste water” at the “waste water” treatment works exceeds the limits established by the “Authority” for such materials.
- f. Any waters or wastes containing odor-producing substances exceeding limits, which may be established by the “Authority”.
- g. Any radioactive wastes or isotopes of such half-live or concentration as may exceed limits established by the “Authority” in compliance with applicable State or Federal regulations.
- h. Quantities of flow, concentrations or both which constitute a “slug” that is any discharge of water or “waste water” which in concentration of any given constituent or a quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation and shall adversely affect the collection system and/or performance of the “waste water” treatment works.

- i. Waters or waste containing substances which are not amenable to treatment or reduction by the “waste water” treatment process employed, or are amenable to treatment only to such degree that the “waste water” treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
 - j. Any water or wastes which, by interaction with other water or wastes in the “public sewer” system, release obnoxious gases, form suspended solids which interfere with the collection system or create a condition deleterious to structures and treatment processes.
5. If any waters or wastes are discharged or are proposed to be discharged to the “public sewers” which waters contain the substances or possess the characteristics enumerated in paragraph 4 and which in the judgment of the Neptune Township Plumbing Sub-code Official, the “Engineer”, the Neptune Township Health Officer or other designated official and/or the “Authority”, may have a deleterious effect upon the “waste water” facilities, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Neptune Township Plumbing sub-code Official, the Neptune Township Health Officer or other designated official or the “Authority” may:
- a. Reject the wastes;
 - b. Require pretreatment to an acceptable condition for discharge to the “public sewers”;
 - c. Require control over the quantities and rates of discharge; and/or
 - d. Require payment to cover added cost of handling and treating the wastes not covered by existing taxes or “sewer charges”.

When considering the above alternatives, the Neptune Township Plumbing Sub-code Official and/or Health Officer or other designated official, shall give consideration to the economic impact of each alternative on the discharger. If the Neptune Township Plumbing Sub-Code Official permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the “Authority”.

6. Grease, oil and sand interceptors shall be provided when, in the opinion of the Neptune Township Plumbing Sub-code Official or other designated official and/or the “Authority”, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in subsection 16-3.8d.3, or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Neptune Township Plumbing Sub-code Official or other designated official and the “Authority” and shall be located so as to be readily and easily accessible for cleaning and inspection. The “owner(s)” shall be responsible for the maintaining

of these interceptors, and for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal which are subject to review by the Neptune Township Plumbing Sub-code Official or other designated official and/or the "Authority". Any removal and hauling of the collected materials not performed by "owner(s)" personnel must be performed by currently licensed waste disposal firms.

7. Where pretreatment or flow equalizing facilities are provided or required by the Neptune Township Plumbing Sub-Code Official or other designated official, the "Engineer" or the "Authority" for any water or waste they shall be maintained continuously in satisfactory and effective operation by the "owner(s)" at his expense.
8. When required by the "Authority", the "owner" of any property serviced by a "building sewer" carrying industrial wastes, shall install a suitable structure together with such necessary meters and other appurtenances to the "building sewer" to facilitate observation, sampling, testing and measurement of the wastes. Such structure, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the Neptune Township Sub-Code Official or other designated official, "Engineer" and the "Authority". The structure shall be installed by the "owner" at his expense and shall be maintained by him so as to be safe and accessible at all times.
9. The Neptune Township Plumbing Sub-Code Official or other designated official, the "Engineer" and the "Authority" may require a user of sewer services to provide information needed to determine compliance with this section. The requirements may include:
 - a. "Waste water" discharge peak rate and volume over a specified time period.
 - b. Chemical analyses of "waste waters".
 - c. Information on raw materials, processes, and products affecting "waste water" volume and quality.
 - d. Quantity and disposition of specific liquid, sludge, oil solvents, or other materials important to sewer use control.
 - e. A plot plan of "sewers" of the user's property showing sewer and pretreatment facility location.
 - f. Details of "waste water" pretreatment facilities.
 - g. Details of systems to prevent and control the losses of materials through spills to the municipal "sewer".
10. All measurements, tests and analyses of the characteristics of water and wastes to which reference is made in this section shall be determined by standard methods of a New Jersey certified laboratory. Sampling methods,

location, times, durations, and frequencies are to be determined on an individual basis subject to approval.

11. No statement contained in this subsection shall construed as preventing any special agreement or arrangement between the “Authority” and any industrial concern whereby any “industrial waste” of unusual strength or character may be accepted by the “Authority” for treatment.
12. No person(s) shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment, which is a part of the “waste water” facilities. Any person(s) violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

X. POWER AND AUTHORITY OF INSPECTORS

1. The Neptune Township Plumbing Sub-Code Official or other designated official, the Neptune Township Health Officer, the “Engineer” and other duly authorized employees or appointees by agreement of the “Authority”, bearing proper credentials and identification, shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing pertinent to discharge to the community system in accordance with the provisions of this section.
2. The Neptune Township Plumbing Sub-Code Official or other designated official, the Neptune Township Health Officer, the “Engineer” and other duly authorized employees or appointees by agreement of the “Authority”, are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the “waste water” collection system to the extent permitted by law. The industry may withhold information considered confidential. The industry must establish that the revelations to the public of the information in question might result in an advantage to competitors.
3. While performing the necessary work on private properties referred to above, the Neptune Township Health Officer or other designated official, the “Engineer”, the Neptune Township Plumbing Sub-Code Official or other designated official and other duly authorized employees or appointees of the “Authority” shall be permitted to enter all private properties through which the “Authority” holds a duly negotiated easement for the purpose of but not limited to, inspections, observations, measurements, sampling, repair, and maintenance of any portion of the “waste water” facilities lying within the easement. All entry and subsequent work, if any, on the easement, shall be done in pertaining to the private property involved.

XI. RESPONSIBILITY OF AUTHORITY AND CUSTOMER

“Authority” not responsible:

1. “Authority” shall not be responsible for maintaining any portion of the “building sewer” line from the property “owner’s” building to a “cleanout” or “main”

whichever is reached first, or for damage done by sewage escaping there from, or from lines or fixtures on the “customer’s” property; and the “customer” shall at all times comply with applicable regulations with respect thereto and make changes that are required.

2. Maintenance by “customer”:

- A. All connections, buildings, sewers and fixtures from the “main” or “cleanout” to the building shall be maintained by the “customer” in good order. All leaks in the “building’s sewer” from the “main” or “cleanout” to the building, or in a fixture in the premises served must be repaired immediately by the “owner” or occupant of the premises. The “customer” shall be responsible for notifying the “Authority” of the party contracted to do any work in the “customer’s” “building sewer” prior to work being commenced and said contractor shall not backfill any trench until the work has been inspected by the “Authority’s” representative or Plumbing Code Official. Any work not acceptable shall be immediately removed and replaced by work, which is acceptable.

XII. OPEN PUBLIC RECORDS LAW COMPLIANCE

- 1. In order to comply with N.J.S.A. 47:1A-1.1, et seq. all requests for records and other documents subject to disclosure under the Open Public Records Act shall be made in writing by completing an appropriate form supplied by the Executive Director as the “Custodian of Records” for the “Authority”. All requests shall be reviewed by the “Authority’s” attorney to determine whether disclosure is required or whether an exemption applies and if not exempted said records shall be readily accessible for inspection, copying or examination pursuant to State Statute and subject to any fees allowed by State Statute for copying, etc.

XIII. VIOLATIONS AND PENALTIES

- 1. Any person, firm, corporation or association who shall violate the provisions of this section, shall, upon conviction, be liable to the penalty stated below. Further, each day that a violation exists, shall constitute a separate violation under the terms of this section.
- 2. *Liens and Enforcement.*
 - a. The “owner” of any house, tenement building or lot shall be liable for the payment of the charges fixed for use of the sewer by “owner” or occupant of such premises and said charges shall be a lien upon such house, tenement, lot or premises until same shall be paid and satisfied in addition to accruing a late charge per paragraph IV aforesaid.
 - b. In the event that an initial service charge related to any parcel of real property owned by any person, corporation or other entity other than the State or any agency or subdivision thereof shall not be paid as and when due as hereinabove stated, the unpaid balance thereof and all interest accruing thereon shall be a lien on such parcel, and all such liens shall become enforceable with and as any other municipal lien on real property

in the “Authority” in addition to the other remedies of civil foreclosure or any other remedies which may be available to the “Authority”.

- c. In the event that any “service charge” or “tap fee” of the “Authority” with regard to any parcel of real property shall not be paid as and when due, the “Authority” may enter upon such parcel and cause the connection thereof to be cut and shut off until such “service charge” or “tap fee” and any other subsequent “service charge” with regard to such parcel and all interest accrued thereof, together with a One Thousand Seven Hundred Ninety-Three (\$1,793.00) Dollar “reconnection fee”, shall be fully paid to the “Authority”; or may avail itself of any and all other remedies.

In addition to the One Thousand Seven Hundred Ninety-Three (\$1,793.00) Dollar “reconnection fee”, if the original “tap fee” was not paid then the “tap fee” shall be required as well.

- d. Discontinuance of Service: Service under an application may be discontinued for any of the following reasons:
- (1) Use of sewer for purposes and disposal of liquids other than those stated on the application.
 - (2) Failure to maintain good order, connections or “sewer laterals” or fixtures owned by the applicant.
 - (3) Neglecting to make or renew advanced payments or for non-payment of sewer charges or any other charges occurring under the application.
 - (4) Fraudulent representation of the part of the consumer or “owner” of the premises.
 - (5) Introduction of any harmful or forbidden substances into the sewer system.
 - (6) Persistent violation of the Rules and Regulations of the “Authority”.

The “Authority” shall give seven (7) day’s notice of discontinuance of service for the above reasons, unless the health, safety or welfare of the community is involved, in which case the “Authority” may take immediate steps to protect said interest.

- (7) Sewer service can only be discontinued in case of demolition of a building or of a fire, which makes the building or structure uninhabitable, or by order of the local Board of Health to vacate the building for health reasons.
- (8) Sewer service shall not be considered a service, which can be temporarily discontinued. The “owner” of the property which is connected to the “sewer” will be responsible for payment of the

“sewer charge” in accordance with the rate schedule as established by the “Authority” during the time a structure is unoccupied.

- e. Turnoff charge: when service has been discontinued from any premises because of violation of the “Authority’s” rules or for nonpayment of a bill, the charge for renewal of the service shall be One Thousand Seven Hundred Ninety-Three (\$1,793.00) Dollar “reconnection fee” and payment of any delinquent charges plus interest accrued.

XV. ENFORCEMENT PROCEDURES

A. Notification

Whenever the “Authority” finds any “person” has violated or is violating these Rules and Regulations, the “Authority” may serve upon such “person” a written notice stating the nature of the violations, and providing a reasonable time, not to exceed thirty (30) days for satisfactory correction thereof. If a “customer” is delinquent in paying of his bills, then notification and a hearing provision contained therein will apply.

Nothing in this section is intended to replace or obviate any fines, assessments or penalties imposed in accordance with other provisions of the Rules and Regulations.

B. Show Cause Hearing

- 1a. If any “person” has not corrected the violations(s) specified in the notice, or is delinquent in paying his bills, he will be required to show cause before the “Authority” why service should not be terminated. A written notice shall be served on the offending parties specifying the time and place of the hearing to be held by the “Authority” regarding the violations, and directing the offending party to show cause before the “Authority” why an Order should not be made directing the termination of service. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing. Service may be made on any “agent” or office of a corporation.
- 1b. If any condominium association or co-op association fails to pay a usage bill within 30 days of the date of the invoice, the individual unit “owners” will be required to show cause before the “Authority” why fines should not be levied. A written notice shall be served on the offending parties specifying the time and place of the hearing to be held by the “Authority” regarding the violations, and directing the offending party to show cause before the “Authority” why an Order should not be made directing the termination of service. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing. Service may be made on any “agent” or office of a corporation.
- 2. The “Authority” itself will conduct the hearing and take the evidence.
- 3. At any public hearing, testimony taken before the hearing authority must be taken under oath and recorded steno graphically. The transcript, so recorded, will be

made available to any member of the public or any part of the hearing upon payment of the usual charges therefore.

4. After the "Authority" has reviewed the evidence, it may issue an Order to the party responsible directing them, following a specified time period, that the sewer service will be discontinued unless the bill has been paid, or the violation specified has been corrected to the satisfaction of the "Authority".
5. The "Authority" may in addition to or in lieu of disconnection levy a penalty assessment of no less than Fifty (\$50.00) Dollars nor more than One Thousand (\$1,000.00) Dollars for each violation which may become a lien on the property if not satisfied within thirty (30) days of assessment.
 - a. Each day a particular violation exists shall constitute a separate violation.

XVI. LEGAL ACTION

1. Any discharge in violation of the substantive provisions of the Rules and Regulations or an order of the "Authority" shall be considered a public nuisance. If any person discharges sewerage, "industrial waste" or other waste into the "sewer" in violation of the Rules and Regulations or any order of the "Authority", the "Authority" attorney shall commence an action for appropriate legal and/or equitable relief in an appropriate court in this county. In the event that such action is commenced by the "Authority" or the "Authority's" attorney, the prayer for relief shall include a claim for all costs of such action including reasonable attorney's fees. In the event the "Authority" prevails in such legal action, such costs including reasonable attorney's fees shall be paid by the "person" against whom the proceeding had been commenced. It is hereby noted that any hookup to the "Authority" system without first obtaining a permit from the "Authority" shall be considered a wrongful discharge in violation of these Rules and Regulations.
2. In the event any "person" commences an action for legal and/or equitable relief in an appropriate court, against the "Authority", alleging an inappropriate application or interpretation of the Rules and Regulations or for any dispute over fees assessments, or penalties, the Authority's pleadings or other response to the action shall include a claim for all costs of such action including reasonable attorney's fees. Should the "Authority" prevail in said action such costs including reasonable attorney's fees shall be paid by the "person" by whom the proceeding was instituted.

XVII. AMENDMENTS TO RULES AND REGULATIONS

The "Authority" reserves the right to change or amend from time to time these Rules and Regulations and the rate for sewer service.