

ORDINANCE #2021-35

AN ORDINANCE BY THE MUNICIPALITY OF PRINCETON REGARDING THE SANITARY SEWER SYSTEM, THE MUNICIPAL SEPARATE STORM SEWER SYSTEM, WATER AND CIVIL EMERGENCIES, AND AMENDING THE “CODE OF THE BOROUGH OF PRINCETON, NEW JERSEY, 1974” AND THE “CODE OF THE TOWNSHIP OF PRINCETON, NEW JERSEY, 1968.”

WHEREAS, Chapter 34 of the “Code of the Borough of Princeton, New Jersey, 1974,” entitled “Sewer and Water,” sets forth Princeton’s standards and regulations concerning the public sanitary sewer system, as well as provisions prohibiting illicit dumping, regulating use of the municipal separate storm sewer system and setting forth basic standards governing water emergencies; and

WHEREAS, the Princeton Sewer Engineer has completed a comprehensive review of Chapter 34 to ensure consistency with current practice concerning the public sanitary sewer system and the relevant regulations and statutes governing same; and

WHEREAS, based on this review, the Princeton Sewer Engineer recommends that Chapter 34 be amended, and that the provisions governing the municipal separate storm sewer system and water emergencies be moved to distinct chapters for ease of reference and consistency; and

WHEREAS, the Princeton Sewer Engineer has consulted with the Engineering, Infrastructure and Operations, Health, and Building Departments, as well as the Municipal Attorney’s Office and Princeton Sewer Operating Committee, and requests that the Council consider these amendments at this time; and

WHEREAS, based on the requested changes and amendments, it is also recommended that an article governing the declaration of local civil emergencies be added to the new chapter governing water emergencies.

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

Section 1. Chapter 34 of the “Code of the Borough of Princeton, New Jersey, 1974” (“Borough Code”), entitled “Water and Sewers,” is hereby amended by (1) modifying the title of the Chapter and (2) replacing Articles II through V (sections 34-5 through 34-45) in their entirety with the following NEW articles and sections, all as set forth below:

CHAPTER 34. SANITARY SEWER SYSTEM.

Article I. Generally.

Sec. 34-1. Sanitary sewer system generally; purpose of chapter.

In accordance with N.J.S.A. 40A:26A-1 *et seq.*, Princeton has constructed, and shall continue to maintain, operate, and improve works, known as the public sanitary sewer system, as may be necessary for the collection and conveyance of sanitary sewage.

The purpose of this chapter is to set forth Princeton’s regulations, requirements and obligations in relation to the sanitary sewer system.

Article II. Definitions.

Sec. 34-2. Definitions.

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

“Biochemical oxygen demand” or “BOD” means the quantity of oxygen, expressed in ppm by weight, utilized in the biochemical oxidation of organic matter under standard laboratory procedure for five (5) days at twenty (20°) degrees Celsius.

“Disconnected property” means disconnected property as defined in N.J.S.A. 40A:26A-11.2.e., as may be amended, which, as of the effective date of this chapter, is a property that has been physically disconnected from the sanitary sewer system or a property not physically disconnected but to which service has been discontinued without payments being made; a "disconnected property" shall not include a property that has been temporarily disconnected from the sanitary sewer system or to which service has

been discontinued without payments being made for less than twelve (12) consecutive months and is being reconnected as it existed, prior to the temporary disconnection or discontinuance of service.

“Drop connection” means the connection of a sewer pipe to a maintenance hole where the invert of the pipe is above the invert of the maintenance hole channel and a system of piping is used to dissipate energy and control the flow of sewage to prevent splashing and hydrogen sulfide generation.

“FOG” means “fats, oil, and grease” often produced by food handling facilities and which includes all non-petroleum polar compounds derived from animal or plant sources which are detectable and measurable using analytical test procedures established in 40 C.F.R. Part 136.

“Grease trap” means a plumbing appurtenance installed in the sanitary drainage system of a property which is intended to intercept FOG and accumulates the same for pump-out and disposal. As used herein, “grease trap” shall include a grease interceptor.

“High strength sewage” means sewage that has been identified as high strength sewage by the Stony Brook Regional Sewerage Authority.

“Inflow” means stormwater or groundwater that flows into the sanitary sewer system.

“NJDEP” means the New Jersey Department of Environmental Protection.

“Outside drop connection” means a drop connection where the system of piping used to dissipate energy and control the flow of sewage is installed outside of the maintenance hole.

“Private sanitary sewer” or “private sanitary sewer system” means those portions of the sanitary sewer system not owned and operated by Princeton.

“Public sanitary sewer” or “public sanitary sewer system” means those portions of the sanitary sewer system owned and operated by Princeton.

“Sanitary sewage” means any liquid waste containing animal or vegetable matter in suspension or solution, or the water-carried wastes resulting from the discharge of toilets, showers, bathtubs, laundry tubs, washing machines, sinks, dishwashers, or any other source of water-carried waste of human origin or containing putrescible material.

“Sanitary sewer” or “sanitary sewer system” means the pipes, maintenance holes, structures, pumping stations, and the various appurtenances necessary for their use or operation which convey sanitary sewage, whether forced or by gravity, from public, private, commercial, institutional or industrial sources to public wastewater treatment systems, and which, operating alone or in combination, extend through two or more

properties, extend along a roadway or public right of way, serve more than two buildings, or convey, or will convey, 8,000 gallons per day or more of sanitary sewage. The term “sanitary sewer system” is inclusive of the terms “public sanitary sewer” and “private sanitary sewer.”

“SBRSA” means the Stony Brook Regional Sewerage Authority previously created by the former Township of Princeton and Borough of Princeton, along with other participating municipalities, and as further described in article IX below.

“Service unit” means a building or portion of a building that meets the definition of dwelling unit or sleeping unit under the UCC; or a building or portion of a building that is designed to be occupied by a single business entity, such as a detached commercial structure, or a suite or workspace occupied by a single business entity within an office park, shopping center, or similar multi-business commercial space.

“Service year” means the one-year period beginning January 1 and ending December 31.

“Sewer connection” means any point where sanitary sewage enters the sanitary sewer system. Each individual physical connection to the sanitary sewer system is considered a distinct “sewer connection,” such that there may be multiple sewer connections for a single building or property.

“Sewer engineer” means the sewer engineer of Princeton designated by the administrator.

“Sewer extension” means the construction, enlargement, alteration, or relocation of pipes, maintenance holes, structures, pumping stations, and the various appurtenances of the sanitary sewer system. “Sewer extension” shall also mean the pipes, maintenance holes, structures, pumping stations, and the various appurtenances which are constructed, enlarged, altered, or relocated prior to the permanent connection to the sanitary sewer system.

“Sewer lateral” means the pipe, together with necessary connections and other appurtenances, exterior to the building, used for the conveyance of sanitary sewage from a building of any kind to the sanitary sewer system.

“Special waste” means industrial waste which has been identified as special waste by the SBRSA.

“Stormwater” means water resulting from precipitation (including rain and snow) that runs off the land’s surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewer or drainage facilities, or is conveyed by snow removal equipment.

“Technically impracticable” means that an applicant demonstrates that it is unable to fully meet the applicable standard for engineering, environmental and/or safety reasons.

“Treatment works approval” means an approval issued pursuant to N.J.S.A. 58:10A-6 and N.J.A.C. 7:14A-22 et seq.

“UCC” means the New Jersey State Uniform Construction Code Act promulgated by the New Jersey Department of Community Affairs pursuant to N.J.S.A. 52:27D-119 et seq.

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

Article III. Authority of Sewer Engineer.

Sec. 34-3. Duties and powers of sewer engineer.

The sewer engineer shall manage the planning, design, and construction of all components of the public sanitary sewer system and perform all other duties pertaining to the position of the sewer engineer prescribed by statute, this Code, or other ordinance.

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

(a) To investigate sewage conditions in Princeton in order to ensure public health and safety and protect the community's capital investment in the sanitary sewer system.

(b) To manage the planning, design, and inspection of sewer-related construction projects.

(c) To approve applications for sewer permits.

(d) To execute certification of consent on treatment works approval applications.

(e) To delegate any functions and powers of the sewer engineer to such officers and agents as the sewer engineer may deem appropriate and necessary.

The sewer engineer and other authorized agents and employees of Princeton shall have the right to enter any building and premises connected to the sanitary sewer system, whenever necessary to examine the same, to take samples of the effluent therefrom for laboratory analysis, or to do any work therein or thereon; provided, that such entry shall

be at reasonable times and upon reasonable advance notice, if notice is feasible, to the owner or occupant thereof. No person shall refuse, deny, or interfere with such entry.

The sewer engineer may, from time to time, with the approval of the council, promulgate such further technical specifications pertaining to sewer connections, and construction, alteration or repair thereto, in conformity with the standards and provisions of this chapter as may be necessary to the public health and safety and proper operation of the sanitary sewer system. All such specifications shall be in writing, and copies thereof shall be available for public inspection at the office of the sewer engineer during normal business hours.

Sec. 34-4. Enforcement.

The sewer engineer may enforce this chapter by causing the issuance of summonses and complaints returnable in the Princeton municipal court for violations of this chapter. Each such violation shall be punishable in accordance with the penalties set forth in section 1-6 of this Code, except that the minimum fine for each violation of this chapter shall be one hundred (\$100.00) dollars. Each day any violation shall continue or shall have continued shall constitute a separate offense.

Article IV. Sewer Connections; Sewer Laterals; Permitting Requirements.

Sec. 34-5. Generally.

(a) Any person with property that is connected to, or served by, the sanitary sewer system, and any person seeking to have property connect to, or be served by, the sanitary sewer system, shall comply with the provisions of this article. Nothing herein shall relieve any person of the responsibility to comply with any other ordinance, regulation or law governing use of the sanitary sewer system.

(b) Except as otherwise specifically provided in this article, any property or building using the sanitary sewer system shall be separately and independently connected to the system.

(c) Each dwelling unit within a detached two-family dwelling classified as R-3 or R-5 under the UCC, shall be separately and individually connected to the sanitary sewer system. This provision shall not apply to any two-family dwelling constructed prior to the passage of this article, except as follows: If the sewer engineer determines that a connection is in a condition detrimental to human health because of such single connection, by reason of the inadequacy of the connection or its interior appurtenances or by reason of failure to maintain such single connection or appurtenances in proper working order owing to divided responsibility, such engineer shall notify the owners of each dwelling unit to cause their respective unit to be separately and independently connected to the sanitary sewer system within sixty (60) days after the receipt of such notification. Any owner who shall fail to make such connection within such time shall be deemed in violation of this article.

(d) An attached single residential occupancy which is classified as R-3 or R-5 under the UCC, and that meets the definition of an “accessory dwelling unit” pursuant to sections 10B-241 of the “Code of the Township of Princeton, New Jersey, 1968” and 17A-201 of the “Code of the Borough of Princeton, New Jersey, 1974,” may be served by a lateral common to the principal, dwelling unit in which said accessory dwelling unit is contained or to which said accessory dwelling unit is attached. An accessory dwelling unit that is located in a separate building or structure must be separately and independently connected to the sanitary sewer system.

Sec. 34-6. Sewer laterals.

(a) Sewer laterals shall be constructed in accordance with this section.

(b) Sewer laterals shall have a minimum depth of cover of three feet, unless technically impracticable. Where less than three feet of cover for sewer laterals is necessitated by external constraints, such as utility conflicts, the sewer lateral shall be protected from structural damage through the use of ductile iron pipe, a carrier pipe, concrete encasement, or other means. No sewer lateral may be installed with less than two feet of cover unless provisions are in place to prevent damage due to freezing or frost heave. Said structural and temperature protections shall be designed subject to the approval of the sewer engineer.

(c) When constructing a sewer lateral, the trench shall not be backfilled until so ordered by the sewer engineer. A minimum of three business days’ prior notice must be given to the sewer engineer to enable the sewer engineer or the sewer engineer’s designee to examine the work before ordering the trench to be backfilled. Any part of the work which may have been covered without previously obtaining the consent of the sewer engineer shall be uncovered for examination, if so ordered by the sewer engineer. The backfilling around a sewer lateral shall be so executed as not to injure the joints of the pipes, and the backfilling generally shall be so compacted as to permit the restoration of the ground surface as nearly as possible to its former condition.

Sec. 34-7. Sewer permits – when required.

A sewer permit is required for any work which involves a new sewer connection; temporary disconnection or permanent disconnection of any sewer lateral; alteration, replacement, or repair of any lateral within any portion of the municipal right-of-way or any municipal sewer easement; or an addition, alteration, or change in use to any property which will increase the daily volume of sewage from the most recent use of the property. Flow projections shall be calculated as promulgated in N.J.A.C. 7:14A-23 et seq.

Sec. 34-8. Sewer permit applications.

(a) Every application for a permit under this article shall be filed with the sewer engineer on forms provided by Princeton. The application shall be signed by the

owner of the building or property to be connected or by the owner's authorized agent. The application shall include the name and address of such owner or agent and the address, block, and lot of the property proposed for connection. The application shall include plans showing locations of the building, sewer lateral, sewer lateral cleanouts, sewer main, tree locations and diameters, property lines, and any easement(s). The material, length, diameter, and other pertinent information regarding the sewer connection shall be included in the plans. When an application is submitted for the construction of a new structure or the renovation of an existing structure, copies of any architectural or engineering drawings, plumbing schematics, floor plans, and/or other drawings submitted to the building department, plus such other information as the sewer engineer may deem reasonably necessary to properly evaluate the application shall also be included with the application.

(b) Every application for a project which includes a sewer extension shall be accompanied by the Treatment Works Approval executed by the NJDEP, Division of Water Resources, before the same may be approved.

(c) Every application for a project that requires the installation of tee, wye, saddle, or maintenance hole connections to the public sewer or other work directly performed on the public sanitary sewer system, shall include a certificate of insurance with the minimum limits and types of insurance set forth in section 19-4.4 of the "Code of the Township of Princeton, New Jersey, 1968." Princeton and its employees, officers and agents shall be named as additional insured on all policies except for Workers' Compensation. The Certificate(s) of Insurance shall evidence that all policies, except for Workers' Compensation, are primary and non-contributory.

(d) No person shall commence work that includes excavation or occupation of any municipal right-of-way without first having obtained from the municipal engineer a written permit for that purpose in accordance with section 19-4 et seq. of the "Code of the Township of Princeton, New Jersey, 1968."

(e) No person shall commence work that includes any action that impacts a tree or shrub in the municipal right-of-way, or requires the removal or destruction of a tree on private property, without first having obtained from the enforcement officer written permission for that purpose in accordance with the applicable provisions of section 22-6 or 22-11 of the "Code of the Township of Princeton, New Jersey, 1968."

(f) The sewer engineer shall take action on the application within 30 days of receipt of a completed application. The engineer may approve the application, deny the application or approve the application with such conditions thereto as may reasonably be required to assure that the proposed construction and connection to the sanitary sewer system conforms with public interest and established standards for health and safety. This may include, but is not limited to, the inclusion of requirements for the use of flush tanks, size of pipe, method of construction, mode of use and similar details.

(g) The sewer engineer may require proof that a lateral is leak-free, in good structural condition, as a condition of the sewer permit. The owner shall provide said proof in the form of an internal pipe inspection video of adequate quality to determine the condition of the lateral. Suitability of the quality of the video shall be subject to the approval of the sewer engineer. Any such inspection, or reinspection, as needed, shall be conducted at the owner's sole expense. If, on the basis of this inspection, the sewer engineer or the sewer engineer's designee concludes that the sewer lateral is leaking or defective, the lateral shall be repaired or replaced at the property owner's sole expense. Said repairs or replacement shall be done subject to the approval of the sewer engineer. Portions of a lateral which are replaced with new pipe shall be considered in good condition and leak free following external visual inspection and approval by the sewer engineer or plumbing sub-code official or their authorized representative(s).

(h) Upon the sewer engineer's approval, a permit shall be issued. The permit shall set forth any conditions.

(i) A sewer permit shall be in effect for two years from the date of issuance. The sewer connection fee for a new permit shall be calculated pursuant to the rates in effect at the time of application for the new permit.

(j) The sewer engineer shall keep a record of all permits issued under this section.

(k) The engineer may suspend any permit where and to the extent that the construction, alteration or repair is not being performed in accordance with this Code or with the conditions of any permit issued therefor.

Article V. Sewer Extensions.

Sec. 34-9. Municipal approval of sewer extensions.

(a) Sewer extensions require a treatment works approval, issued by the NJDEP, pursuant to N.J.S.A. 58:10A-6 et seq., N.J.A.C. 7:14A-22 et seq. and N.J.A.C. 7:14A-23 et seq.

(b) Any activity that increases the projected flow to the sanitary sewer system by 2,000 gallons per day or more shall require approval from SBRSA, irrespective of whether or not construction of additional sewer infrastructure is involved.

(c) The sewer engineer may execute "certification of consent by the governing body" and "certification of consent by the wastewater conveyance system owner" on treatment works approval applications as part of any development submission to the NJDEP or SBRSA for sewer extensions, upon the sewer engineer's determination that the conveyance system has adequate capacity and that the proposed sewer extension conforms with the requirements and conditions of all municipal ordinances, resolutions and regulations and otherwise should be approved consistent with the health, safety and

welfare of the Princeton community. Every request for a certification of consent shall be accompanied by a completed treatment works approval application.

(d) The cost to design, permit, and construct a sewer extension shall be wholly borne by the party or parties seeking the sewer extension.

(e) During the construction of a sewer extension, the trench shall not be backfilled until so ordered by the sewer engineer. The permittee shall provide at least three business days' prior notice to the sewer engineer to enable said engineer or said engineer's representative to examine the work before ordering the backfilling to be completed. Any part of the work which may have been covered without previously obtaining the consent of the sewer engineer shall be uncovered for examination, if so ordered by the sewer engineer. The backfilling around the sewer extension shall be so executed as not to injure the joints of the pipes, and the backfilling generally shall be so compacted as to permit the restoration of the ground surface as nearly as possible to its former condition or to the approved proposed condition. No sewage will be permitted to discharge into the sewer extension and no permanent connection shall be made to the sanitary sewer system until tests have been made and the sewer found to conform to the sewer engineer's specifications.

Sec. 34-10. Design requirements for sanitary sewers.

(a) The planning, design, construction, installation, modification, testing, and operation of any sanitary sewer shall be in accordance with the criteria set forth in N.J.A.C. 7:14A-23 et seq.; the New Jersey Residential Site Improvement Standards; the applicable NJDEP rules implementing the New Jersey Water Pollution Control Act (N.J.S.A. 58:10A-1 et seq.); the New Jersey Water Quality Planning Act (N.J.S.A. 58:11A-1 et seq.); and for items not covered by NJDEP rules, the ASCE Manual on Engineering Practice No. 60.

(b) The following requirements shall also apply to the planning, design, construction, installation, modification, testing, and operation of any sanitary sewer:

(1) Sanitary sewers shall be designed to be self-cleansing using the tractive force approach as described in Chapter 5 of the ASCE Manual on Engineering Practice No. 60 or by ensuring a minimum velocity of 2.5 feet per second during daily peak flow. Calculations shall use the projected flows for the sewer reach, not pipe-full flows. Where minimum slope requirements for self-cleansing cannot be met due to topographical or downstream constraints, or are otherwise technically impracticable, reduced slopes may be accepted so long as the slopes are maximized within the limits of said constraints;

(2) Maintenance holes shall be designed to minimize turbulence and energy loss. The difference in the invert elevations of the upstream and downstream pipes in a maintenance hole should not be larger than necessary to maintain a smooth energy grade line and water surface when accounting for changes in slope, direction, diameter, or

number of pipes. Excessive differences in invert elevations and drop connections shall be avoided whenever technically practicable, where such features are not necessary to prevent excess fluid velocities or avoid utility conflicts. All drop connection piping must be exterior to the maintenance hole in an outside drop connection configuration;

(3) A flexible urethane, polyurea, or other elastomer-based coating shall be applied to the exterior of block and brick maintenance holes and to the chimney section of precast concrete maintenance holes to prevent groundwater infiltration. Only products manufactured for this intended use that maintain high adhesive and elastic properties through the product's life shall be used. Coatings shall be applied according to manufacturer's recommendations and shall extend three or more inches onto the maintenance hole frame to prevent water intrusion at the frame and chimney interface; and

(4) Sanitary sewers shall be constructed to be watertight. Mandrel testing, closed-circuit television video inspections, and infiltration/exfiltration or low-pressure air testing shall be conducted, and identified defects and deficiencies shall be corrected prior to placing the sewer into service. Testing methods shall be conducted in accordance with the ASCE Manual on Engineering Practice No. 60 and applicable ASTM standards. If construction is performed on an existing active sewer, such testing may be performed after the sewer is placed into service where necessary to prevent an interruption of service to connected properties. Low-pressure air testing of active sewers may be substituted for joint-by-joint and lateral testing using test and seal packers.

(c) The person responsible for constructing a sewer extension or other sanitary sewer work shall obtain any and all necessary approvals from the owners of property on which the work shall be completed, including Princeton. Easements or deed restrictions shall be required for all sanitary sewers which are not within a municipal right-of-way, and shall be subject to the review and approval of the municipal attorney prior to recording. This includes private sanitary sewers located on property owned by the same person which owns and operates the private sanitary sewer. Such easements and/or deed restrictions shall include provisions to prevent the construction of buildings, or other permanent structures; prevent the construction of stormwater management practices designed to infiltrate stormwater into the ground; and prevent the growth of woody vegetation within the easement or deed restriction limits. Easements or deed restrictions shall provide for a minimum width of twenty feet for sanitary sewers that are not more than fifteen feet deep. For sewers that are more than fifteen feet deep, easements or deed restrictions shall provide for a minimum width of thirty feet.

(d) In the event of any conflict between the requirements set forth in subsection (a) or (b) immediately above, the more stringent requirement(s) shall govern.

(e) If any design requirement set forth in subsection (a) or (b) above is technically impracticable, then the sewer engineer may, in said engineer's discretion, grant a variance to strict compliance therewith.

Sec. 34-11. Proximity of water, gas or other utility pipe.

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

Article VI. Sewer Connection Fees.

Sec. 34-12. When required.

(a) In accordance with N.J.S.A. 40A:26A-11 et seq., as may be amended, the owner of real property within Princeton shall be obligated to pay a sewer connection fee whenever:

(1) A new physical connection is made to the sanitary sewer system; and/or

(2) Any of the conditions set forth in N.J.S.A. 40A:26A-11.1a. through d., or N.J.S.A. 40A:26A-11.2c. exist, which shall include, but shall not be limited to: the completion of certain additions, alterations or changes in use on the property; additional connections to the property; increases in size of existing connections; new construction of additional service units; or reconnection of certain previously disconnected property.

Princeton shall provide a credit applicable toward the connection fee to be charged in accordance with this section for a reconnection of a disconnected property which was previously connected to the sanitary sewer, calculated in accordance with N.J.S.A. 40A:26A-11.2a. through e.

(b) Affordable housing projects – fees and credits. Pursuant to N.J.S.A. 40A:26A-11.3:

(1) Princeton shall provide for a fifty (50%) percent reduction in the connection fee to be charged in accordance with this section for new connections to the sanitary sewer system which is to be charged to public housing authorities, non-profit organizations building affordable housing projects, and any other affordable housing, including affordable housing units in inclusionary projects; and

(2) For units previously connected to the sanitary sewer system that were demolished or refurbished to allow for new affordable housing units and for which a connection fee was previously paid, Princeton shall provide a credit against the connection fee to be assessed for connection with the sanitary sewer system for public housing authorities, non-profit organizations building affordable housing projects and to any other affordable housing, including affordable housing units in inclusionary

developments. The credit shall be equal to the connection fee previously assessed and paid for connection of the units previously connected to the sanitary sewer system; and

(3) The connection fee assessed against a public housing authority, non-profit organization, or other affordable housing owner, for units previously connected to the sanitary sewer system that were demolished or refurbished to allow for new affordable housing units, including affordable housing units in inclusionary projects, shall be the lesser of the reduced rate provided for in subsection (b)(1) of this section, or the current non-reduced rate applicable to other types of housing developments minus the credit provided under subsection (b)(2) of this section for units for which a connection fee was previously paid, provided that such public housing authority, non-profit organization, or other affordable housing owner can establish the connection fee was previously assessed and paid for connection with the sanitary sewer system. If such previous assessment and payment cannot be established, the reduced rate provided for in subsection (b)(1) of this section shall be assessed.

Sec. 34-13. Rate, calculation of fees and annual review.

In accordance with N.J.S.A. 40A:26A-11 et seq., the sewer connection fee charged to an owner (in dollars) shall be the cost incurred by Princeton for the physical connection, including administrative and inspection costs, plus an amount representing a fair payment towards the cost of the sanitary sewer system, calculated as follows:

(a) The amount representing a fair payment towards the cost of the sanitary sewer system (in dollars) shall be calculated by multiplying the sewer connection fee rate set forth in subsection (b) by the anticipated daily volume of sewage, in gallons per day. The anticipated daily volume of sewage used for this calculation shall be determined using the method promulgated in N.J.A.C. 7:14A-23.3 based on the establishment type and number of measurement units thereof, where applicable.

(b) The sewer connection fee rate is forty-eight dollars and forty-one cents (\$48.41) per gallon per day. The sewer connection fee rate shall be recomputed at the end of each fiscal year by the municipal chief financial officer, in consultation with the sewer engineer and municipal engineer, as necessary. Any fee changes shall be adopted by the council following a public hearing.

Article VII. Annual Sewer Service Charge.

Sec. 34-14. Annual sewer service charge established.

There is hereby established in and for Princeton an annual sewer service charge for each service year hereafter in accordance with the provisions below.

Sec. 34-15. Rates.

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

(a) Six dollars and 60/100 (\$6.60) of metered water for the first 2,000 Hundred Cubic Feet (CCF).

(b) Nine dollars and 25/100 (\$9.25) of metered water for usage between 2,001 and 5,000 CCF.

(c) Eleven dollars and 30/100 (\$11.30) of metered water for usage in excess of 5,000 CCF.

The amount so allocated shall be the lesser of the amount of metered water charged to each such owner during the calendar year preceding the service year, or if a winter quarter meter reading is available, a sum equal to four times the amount of metered water charged to such owner during the winter quarter. If the winter quarter is zero, then the amount charged would be the amount of metered water charged to each such owner during the calendar year preceding the service year. The sewer service charge for properties serviced by a private water well shall be calculated as above, using a volume of 77 CCF per sewer connection.

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

Sec. 34-16. Payment by installments.

The annual sewer service charge shall be payable in four (4) installments, each of which shall be for a calendar quarter. The installments shall be due and payable on the first day of the second month of each calendar quarter, i.e., the first installment shall be due and payable on February 1, the second installment on May 1, the third installment on August 1, and the fourth installment on November 1.

Sec. 34-17. Billing.

The tax collector shall prepare and mail or otherwise deliver sewer service charge bills to the persons charged not later than July 1st of each year hereafter. Such bills shall contain the third and fourth installments for the current service year and the first and

second installments for the succeeding service year. Inasmuch as the bills for the first and second installments will be sent out before the true amount of such installments is determined, the amount of each of those installments shall be one-quarter of the total sewer service charge finally determined for the same property for the preceding calendar year, and the amount of the third and fourth installments shall be the full sewer service charge determined for the current service year less the amount charged as the first and second installments. The amount thus determined for the last two installments shall be divided equally between those installments. Bills may be shown on and included and distributed with Princeton's regular tax bills.

Sec. 34-18. Collection and enforcement.

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

Article VIII. Surcharge for High Strength Sewage and Special Waste.

Sec. 34-19. Purpose of article.

The purpose of this article is to establish a surcharge with respect to high strength sewage and special waste discharged into the sanitary sewer system, in accordance with the requirements of federal and state laws and regulations and user charge agreements between Princeton and SBRSA.

Sec. 34-20. Annual surcharge for high strength sewage and special waste established.

There is hereby established an annual surcharge for each service year hereafter with respect to high strength sewage or special waste found by Princeton to have been discharged into the sanitary sewer system. The surcharge shall be in addition to the annual sewer service charge pursuant to this chapter. The surcharge shall be calculated at one hundred five percent (105%) of the high strength sewage or special waste charge allocated to the user and billed to Princeton by SBRSA.

Sec. 34-21. Payment, billing, collection and enforcement of surcharge.

The annual surcharge for high strength sewage and special waste shall be paid in installments, billed, collected, and enforced in the same manner as is provided for the annual sewer service charge.

Article IX. Sewers and Drains Generally.

Sec. 34-22. Disposal of certain substances or liquids in public sewers or plumbing connections prohibited; permits for disposal of certain substances.

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

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

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

(3) Waste from a mechanical garbage disposal or grinder used in the operation of any restaurant, market, supermarket, mortuary, hotel, hospital or any other mercantile or business establishment, or multi-family dwelling of three or more units, except by written permission of the sewer engineer.

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

(5) Any waste at temperatures above one-hundred forty (140°) degrees Fahrenheit.

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

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

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

conditions are met by the user, a written permit to use the sanitary sewer system for such disposal subject to the conditions imposed by the sewer engineer, shall be issued by the sewer engineer, and failure to comply with such conditions shall constitute a violation of this article.

Sec. 34-23. Grease traps.

(a) Grease traps shall be provided by the owner, landlord and/or tenant of all existing and new retail food establishments, delicatessens, restaurants, take-out food establishments, hotel kitchens, bars, factory cafeterias, clubs or other eating establishments (collectively referred to in this section as “establishments”), to prevent the discharge of FOG into the sanitary sewer system.

(b) Appropriately sized grease traps shall be installed in accordance with the applicable provisions of the UCC. Notwithstanding the provisions of the UCC, the wash and rinse compartments of a three (3) compartment sink in a food establishment shall be connected to a grease trap. If, due to a change of use or expansion of facilities, an existing grease trap is undersized, the trap must be replaced with an appropriately sized unit.

(c) Establishments shall adhere to best management practices dealing with FOG disposal. Each establishment is responsible for ensuring their employees’ adherence as well. Best management practices include, but are not limited to, the following:

(1) Scraping or dry-wiping FOG and food from pots, pans, utensils and dishware before washing.

(2) Using drain screens, as appropriate, to reduce the amount of FOG and other solids entering the grease trap.

(3) Disposing of food waste in the garbage or compost, or by other permitted means which do not include disposal in the sanitary sewer system.

(4) Ensuring that water hotter than one-hundred forty (140°) degrees Fahrenheit does not enter the grease trap.

(5) Ensuring that any surfactant, solvent, or emulsifier does not enter the grease trap.

(d) Maintenance of grease traps.

(1) The walls, baffles, gaskets, and other appurtenances of a grease trap shall be in good working condition. Any grease trap or part thereof that has deteriorated due to corrosion, mechanical distress, or any other cause shall be repaired or replaced if the condition negatively impacts the function of the grease trap as determined

by the sewer engineer. Repairs shall be conducted within thirty (30) days of notice from the sewer engineer that said grease trap or one or more parts thereof are defective.

(2) Grease traps shall be cleaned as frequently as necessary to ensure the unit is working effectively. At a minimum, grease traps shall be cleaned after seventy-five (75%) percent of the design storage capacity is reached or once every three (3) months, whichever is more frequent. Grease traps shall be cleaned by fully evacuating the trap of all FOG and other liquids and solids. Side walls and baffle(s) will be scrapped as necessary to remove accumulated debris. FOG shall be disposed of in accordance with applicable local, state, and federal laws and regulations. Care must be taken during cleaning to prevent any FOG from entering the sanitary sewer system. After cleaning, the trap shall be filled with fresh cool water prior to operation. Hot water and enzymatic cleaners shall not be used in the trap as they may cause FOG to bypass the trap and enter the sanitary sewer system.

(d) Inspections.

(1) The sewer engineer or the engineer's designee shall perform grease trap inspections as often as the engineer or designee deem appropriate, but at least once annually. Upon the request of the sewer engineer or designee, a representative of the establishment must open the grease trap and make accessible the trap and any areas of the facility which may handle FOG.

(2) The establishment shall use a cleaning log to document when a grease trap is cleaned, who the grease trap was cleaned by, and the volume of solids removed. At a minimum, the establishment shall maintain records for the preceding twelve (12) month period. If a third party company is contracted to clean the grease trap, receipts or other proof of service must be kept with the cleaning log. The cleaning log and all applicable receipts must be submitted to the sewer engineer or designee upon request.

(3) The sewer engineer or designee may, from time to time, conduct video inspections of sewer mains and sewer laterals. If excess accumulation of FOG is observed in the lateral servicing an establishment, that establishment shall be in violation of this section.

Sec. 34-24. Connection of cesspool or septic tank to public sewer.

No cesspool or septic tank shall be allowed to connect to or discharge into the sanitary sewer system.

Sec. 34-25. Sewer laterals.

The owner of the real property which is, has, or will be served by a sewer lateral is fully responsible for all capital, operational, and maintenance costs and activities necessary for the proper installation, use, and abandonment of the sewer lateral. For

properties connected to the public sanitary sewer, such responsibility includes the entire length of the lateral from the building to its point of connection to the public sanitary sewer, inclusive of the fitting connecting the lateral to the public sanitary sewer, and including portions of the lateral located within in the municipal right-of-way or sewer easement, as applicable. For properties connected to a private sanitary sewer, limits of responsibility shall be in accordance any agreement(s) between the property owner and the owner of the private sanitary sewer.

Sec. 34-26. Mandatory repair of leaking laterals and private sewers.

(a) Whenever it is determined by the sewer engineer that excessive flow exists in the sanitary sewer system that is not attributable to water usage and such excessive flow is exacerbated by leakage in defective laterals or private sewers, the sewer engineer or designee may inspect the laterals or private sewers. If, on the basis of this inspection, the sewer engineer or designee finds that the excessive flow is caused by a leaking or defective lateral or private sewer, the property owner shall be responsible for repairs or alteration as further set forth in this section.

(b) The sewer engineer shall submit to the property owner in writing a detailed specification of work which said engineer deems necessary to reduce or eliminate excessive flow. If the property owner accepts this specification of necessary work, the owner shall (1) perform the work at the owner's own expense or (2) authorize Princeton to perform the work at the owner's expense, subject to collection as further set forth herein.

(c) All work required by this section shall be completed no later than ninety (90) days after receipt by the property owner of a written specification of work from the sewer engineer. The running of the ninety (90) day period shall be suspended for the months of December, January and February. All such work shall be subject to written approval by the sewer engineer; and no work shall be covered until so ordered by said engineer. Any part of the work covered without the prior consent of said engineer shall be uncovered for examination if so ordered by said engineer.

(d) If the property owner refuses or fails to undertake the work, as set forth in the written specification of necessary work, then the sewer engineer shall, on notice to the property owner, undertake such work and assess costs as set forth in subsection (e) below.

(e) The costs of any work performed by Princeton or under the direction of the sewer engineer hereunder shall be certified by the sewer engineer to the property owner and to the council. The property owner shall be advised in writing that the certified costs shall be subject to confirmation in the nature of a local improvement at a hearing of the council at a specified date and time. If the certified cost is confirmed by the council to be correct and reasonable, the amount so certified shall, until paid in full by the property owner, become a lien upon the land and shall be added to the taxes to be assessed and levied thereon; and each year thereafter, until the entire amount is paid, one-tenth of such

amount with legal interest thereon shall be enforced and collected from the owner of the land, by the same officers and in the same manner as taxes in Princeton. Princeton shall have the same remedies for the collection thereof with costs and penalties as it has by law for the collection of taxes upon real estate.

Sec. 34-27. Illicit Connections.

(a) Sump pumps, foundation drains, roof drains, downspout leaders, area drains, and other sources of inflow from groundwater or stormwater shall not be connected in any way, directly or indirectly, to the sanitary sewer system.

(b) Upon order of the sewer engineer or designee, the owner of the property on which there is any illicit connection shall take such action as may be reasonably necessary to immediately and permanently disconnect the same, at the owner's sole cost and expense.

(c) Prior to the transfer of title of any real property containing a building in which there is a sump pump, foundation drain, roof drain, downspout leaders or area drain, the owner shall obtain a certificate of inflow compliance from the sewer engineer. The certificate may be granted following an in-person inspection of the property by the sewer engineer or the sewer engineer's representative to confirm the absence of illicit connections to the sewer. Ample notice must be given to the sewer engineer to enable the sewer engineer or the sewer engineer's representative to schedule said inspection. The fee for the inspection shall be fifty (\$50.00) dollars, which shall be paid by the property owner prior to the inspection. Alternatively, the property owner may elect to submit an affidavit of compliance that the sources of inflow are permanently disconnected from the sanitary sewer system. This affidavit of compliance shall be on forms provided by the sewer engineer's office. The fee for processing said affidavit shall be twenty (\$20) dollars, which shall be paid by the property owner prior to the issuance of the certificate of inflow compliance.

Section 2. Chapter 34 of the Borough Code is hereby amended by moving and re-numbering existing Article I, "Regional Sewerage Authority," as NEW Article X, and further by re-numbering the sections within NEW Article X as sections 34-28 through 34-33, inclusive.

Section 3. Chapter 34 of the Borough Code is hereby amended by removing therefrom existing Article V, entitled "Water Emergencies," and moving said article into a NEW chapter of the Borough Code to be entitled "Emergencies," which shall read as follows:

CHAPTER 35. EMERGENCIES

Article I. Water Emergencies.

Sec. 35-1. Purpose; intent.

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

Sec. 35-2. Declarations of water emergencies.

In case of an emergency where the available supply of water becomes dangerously low, the mayor, or in his or her absence, the acting mayor, is hereby authorized to declare the existence of a water emergency. The declaration of emergency shall state that an emergency exists requiring the implementation of such measures for the conservation of water for domestic and sanitary purposes and fire protection as are specified in section 35-3.

Sec. 35-3. Terms of declaration.

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

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

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

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

Sec. 35-4. Notice of declaration.

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

Sec. 35-5. Effect of declaration.

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

Sec. 35-6. Termination of declaration.

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

Sec. 35-7. Inspections.

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

Sec. 35-8. Use during emergency to be a violation.

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

Sec. 35-9. Continued usage deemed health hazard.

In the event that there is on any premises a continuing usage of water from the water company distribution system by any person in a manner prohibited by any declaration issued pursuant to this article, such continuing usage is hereby declared to be a health hazard. The owner, occupant and/or operator of the premises whereon the violation is occurring shall first receive an oral warning if any such owner, occupant and/or operator or the agent or employee of any of same is actually on the premises. If no

such person is present a written notice shall be posted on the premises. If, after the passage of one hour from the delivering or posting of such notice, the health hazard has not been abated, any authorized employee of the municipality, including appropriate personnel from the Princeton Fire Department or the water company, is hereby authorized to enter upon the premises to abate the health hazard. Thereafter, the municipality or water company, as the case may be, shall assess the costs of such abatement against the owner, operator and/or occupant of the premises.

Sec. 35-10. Water use restrictions.

(a) After receiving a warning as specified in section 35-9, any person found guilty of violating section 35-8 shall be subject to the penalties set forth in section 1-6; and

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

Article II. Civil Emergencies.

Sec. 35-11. When civil emergency deemed to exist.

In accordance with the provisions of N.J.S.A. App. A:9-40.5, whenever Princeton's municipal emergency management coordinator, in consultation with or at the request of the chief of police, shall determine that a state of local disaster emergency within the municipality exists, or will exist, as a result of mob action, riots or other civil disobedience which may cause, or is causing, danger of injury to or damages to persons or property, said coordinator shall have power to impose by proclamation, regulations necessary to preserve the peace and order of the municipality.

Sec. 35-12. Regulations imposed during emergency.

(a) A curfew may be imposed upon all or any portion of the municipality thereby requiring all persons in such designated curfew areas to forthwith remove themselves from the public streets, alleys, parks or other public places or lands abutting the same; provided, however, that physicians, nurses and ambulance operators performing medical services, utility personnel maintaining essential public services, firefighters and municipally-authorized or requested law enforcement officers and personnel may be exempted from such curfew.

(b) The closing of any business establishments anywhere within the municipality for the period of the emergency or such other limitations on business activities or sales as may be necessary may be imposed.

(c) Any public street, thoroughfare or vehicle parking areas may be closed to motor vehicles and pedestrian traffic.

(d) Regular and auxiliary law enforcement agencies and organizations within or without the municipality may be called upon to assist in preserving and keeping the peace within the municipality.

(e) Such other similar rules and regulations as may be necessary to implement and carry out emergency control operations and to protect the health, safety and welfare of the citizens and residents of the municipality may be imposed.

Sec. 35-13. Effective date of emergency proclamation.

The proclamation of emergency provided herein shall become effective upon its issuance and dissemination to the public.

Sec. 35-14. Amendment of regulations; termination of emergency.

Any rules and regulations proclaimed hereunder shall remain in full force and effect until amended by the municipal emergency management coordinator.

Sec. 35-15. Violations.

The violation of the rules or regulations proclaimed hereunder, or of an order imposed pursuant to said rules or regulations, shall be punishable by one or more of the following: a fine not exceeding two thousand (\$2,000.00) dollars, imprisonment for a period not to exceed ninety (90) days; or performance of community service for a period not exceeding ninety (90) days.

Sec. 35-16. Authority.

These powers shall be pursuant to, and not in contravention of, the authority given to the municipal disaster control-civil defense director under N.J.S.A. App. A:9-40.5. In the event of a conflict between this article and the provisions of N.J.S.A. App. A:9-40.5, the latter shall prevail.

Section 4. The Borough Code is hereby amended by adding a NEW Chapter 33 thereto, entitled “Municipal Separate Storm Sewer System,” as follows:

CHAPTER 33. MUNICIPAL SEPARATE STORM SEWER SYSTEM.

Article I. Generally.

Sec. 33-1. MS4 generally; purpose of chapter.

Princeton has constructed, and shall continue to maintain, operate, and improve works, known as the Municipal Separate Storm Sewer System (MS4), as may be necessary for the collection and conveyance of stormwater runoff.

The purpose of this chapter is to set forth Princeton's regulations, requirements and obligations in relation to the MS4.

Article II. Definitions.

Sec. 33-2. Definitions.

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

“Domestic sewage” shall mean waste and wastewater from humans or household operations.

“Illicit connection” shall mean any physical or nonphysical connection that discharges domestic sewage, non-contact cooling water, process wastewater, or other industrial waste (other than stormwater) to the MS4 operated by the municipality, unless that discharge is authorized under the NJPDES permit other than the Tier A Municipal Stormwater General Permit (NJPDES Permit Number NJ0141852). Nonphysical connections may include, but are not limited to, leaks, flows, or overflows into the municipal separate storm sewer system.

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

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

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

“Non-contact cooling water” shall mean water used to reduce temperature for the purpose of cooling. Such waters do not come into direct contact with any raw material, intermediate product (other than heat) or finished product. Non-contact cooling water

may however contain algaecides, or biocides to control fouling of equipment such as heat exchangers, and/or corrosion inhibitors.

“Person” shall mean any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

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

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

“Waters of the state” shall mean the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

Article III. General Provisions.

Sec. 33-3. Prohibition of Illicit Connection to the MS4.

(a) Purpose. The purpose of this section is to prohibit illicit connections to the MS4, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

(b) Prohibited conduct. No person shall discharge or cause to be discharged through an illicit connection to the MS4 any domestic sewage, non-contact cooling water, process wastewater, or other industrial waste (other than stormwater).

Sec. 33-4. Private storm drain inlet retrofitting requirements.

(a) Purpose. This section of the Code requires the retrofitting of existing storm drain inlets which are in direct contact with repaving, repairing, reconstruction, or resurfacing or alterations of facilities on private property, to prevent the discharge of solids and floatables (such as plastic bottles, cans, food wrappers and other litter) to the MS4 so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

(b) Prohibited conduct. No person in control of private property (except a residential lot with one single-family house) shall authorize the repaving, repairing (excluding the repair of individual potholes), resurfacing (including top coating or chip sealing with asphalt emulsion or a thin base of hot asphalt), reconstructing, or altering

any surface that is in direct contact with an existing storm drain inlet on that property unless the storm drain inlet either:

(1) Already meets the design standard in subsection 33-4(c) below to control passage of solid and floatable materials; or

(2) Is retrofitted or replaced to meet the standard in subsection 33-4(c) below prior to the completion of the project.

As used in this section 33-4, “storm drain inlet” shall mean an opening in a storm drain used to collect stormwater runoff and includes, but is not limited to, a grate inlet, curb-opening inlet, slotted inlet and combination inlet.

(c) Design standard. Storm drain inlets identified in subsection 33-4(b) above shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" shall mean sediment, debris, trash and other floating, suspended or settleable solids. For exemptions to this standard see subsection 33-4(c)(5) below.

(1) Design engineers shall use either of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:

a. The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines; or

b. A grate with individual clear spaces no more than seven square inches and no greater than one half inch across the smallest dimension.

(2) Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer maintenance holes, ditch grates, trench grates and grates of spacer bars in slotted drains.

(3) Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels and stormwater basin floors.

(4) Whenever design engineers use a curb-opening inlet, the clear space in that curb opening (or each individual clear space, if the curb opening has two or more clear spaces) shall have an area of no more than seven inches or be no greater than two inches across the smallest dimension.

(5) This standard does not apply:

a. Where the municipal engineer agrees that this standard would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets that meet these standards;

b. Where flows are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one (1) of the following:

i. A rectangular space four and five-eighths ($4 \frac{5}{8}$) inches long and one and one-half ($1 \frac{1}{2}$) inches wide (this option does not apply for outfall netting facilities); or

ii. A bar screen having a bar space of one-half ($1/2$) inches.

c. Where flows are conveyed through a trash rack that has parallel bars with one (1) inch spacing between the bars; or

d. Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

Sec. 33-5. Prohibition of dumping, etc. to the MS4.

(a) Purpose. The purpose of this section is to prohibit the spilling, dumping, or disposal of materials other than stormwater to the MS4, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

(b) Prohibited Conduct.

(1) The spilling, dumping, or disposal of materials other than stormwater to the MS4 is prohibited.

(2) The spilling, dumping, or disposal of materials other than stormwater in such a manner as to cause the discharge of pollutants to the MS4 is also prohibited.

(3) No water cooled air conditioner shall be connected with the MS4. In lieu of draining into the MS4, water cooled air conditioners shall be provided with circulating water towers or alternative means of water disposal other than use of the MS4.

(c) Exceptions to prohibition:

- (1) Water line flushing and discharges from potable water sources.
- (2) Uncontaminated ground water (e.g., infiltration, crawl space or basement sump pumps, foundation or footing drains, rising ground waters).
- (3) Air conditioning condensate (excluding contact and non-contact cooling water).
- (4) Irrigation water (including landscape and lawn watering runoff).
- (5) Flows from springs, riparian habitats and wetlands, water reservoir discharges and diverted stream flows.
- (6) Residential car washing water, and residential swimming pool discharges.
- (7) Sidewalk, driveway and street wash water.
- (8) Flows from fire-fighting activities.
- (9) Flows from rinsing of the following equipment with clean water:
 - a. Beach maintenance equipment immediately following their use for their intended purposes; and
 - b. Equipment used in the application of salt and de-icing materials immediately following salt and de-icing material applications. Prior to rinsing with clean water, all residual salt and de-icing materials must be removed from equipment and vehicles to the maximum extent practicable using dry cleaning methods (e.g., shoveling and sweeping). Recovered materials are to be returned to storage for reuse or properly discarded. Rinsing of equipment, as noted in the above situation is limited to exterior, undercarriage, and exposed parts and does not apply to engines or other enclosed machinery.

Sec. 33-6. Drainage across sidewalks or into gutters or streets.

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

Where, by reason of close proximity of a catchbasin, the proposed use of a gutter for storm water and surface water drainage will not cause a significant loss of use of the gutter to other persons or for other purposes, the municipal engineer, upon written

application therefor, may issue a permit for the drainage of storm water or surface water under a sidewalk and into the gutter. Any such permit shall be revocable by the municipal engineer upon ninety days' notice.

Sec. 33-7. Sump pump and drainage discharge

A sump pump, roof drain or area drain shall discharge in accordance with the following requirements:

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

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

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

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

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

Sec. 33-8. Protection of sanitary sewer system from infiltration.

No stormwater management practice which is designed for the infiltration of stormwater runoff into the ground shall be permitted to be constructed within ten (10) feet of any sanitary sewer system pipe, structure, lateral, or other appurtenance. A groundwater mounding analysis must be conducted for proposed stormwater management practices designed to infiltrate runoff. If said mounding analysis indicates that groundwater will rise within one (1) foot of a sanitary sewer system pipe, structure, lateral, or other appurtenance, the stormwater management practice design must be altered or the sanitary sewer system must be otherwise protected from infiltration of groundwater into the sanitary sewer system, including means of preventing groundwater from flowing along the sanitary sewer system trench.

Article IV. Enforcement and Penalties.

Sec. 33-9. Enforcement.

This chapter shall be enforced by the municipal engineer, superintendent of public works and/or police department.

Sec. 33-10. Penalties

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

Section 5. Section 2-81 of the Borough Code, entitled “Sewer Operating Committee” shall be amended as follows (additions are underlined; deletions are [bracketed]):

Sec. 2-81. Sewer [~~Operating C~~]committee .

There is hereby established a [~~Sewer Operating Committee~~sewer committee consisting of two regular members, at least one of which with civil engineering or municipal waste experience, and two voting liaison members from the governing body. Of the two regular members, initially one shall be appointed for two years and one shall be appointed for three years. Thereafter, each appointment shall be for a term of three years. The liaison representatives shall be appointed annually by the governing body and serve a one-year term.

Section 6. Section 2-108 of the “Code of the Township of Princeton, New Jersey, 1968,” entitled “Sewer Operating Committee,” shall be repealed.

Section 7. All ordinances and resolutions or parts thereof inconsistent with this ordinance are repealed.

Section 8. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portion thereof.

Section 9. The provisions of this ordinance shall be applicable within Princeton upon final adoption and shall become a part of the new Princeton Code once completed and adopted. In addition, the annual sewer service charges set forth in section 34-16(a), (b) and (c) of Section

1 of the ordinance, shall be retroactive to the effective date of Ordinance # 2017-44 adopted by Princeton Council on June 26, 2017.

Delores A. Williams, Clerk

Mark Freda, Mayor

Ordinance Introduced: November 22, 2021
Ordinance Adopted: December 13, 2021

NEWSPAPER PUBLICATIONS:

First Insertion: November 30, 2021
Final Insertion: December 17, 2021

This ordinance revises and reorganizes Chapter 34 of the “Code of the Borough of Princeton, New Jersey, 1974” to update and amend the regulations and standard governing the sanitary sewer system in Princeton. Chapter 34 is re-titled “Sanitary Sewer Systems.” The ordinance removes the provisions governing “Water Emergencies” from Chapter 34 and places them in a new chapter entitled “Emergencies;” this new chapter is also amended to add a new article thereto to set forth the basic standards in Princeton governing civil emergencies and impose penalties for violations of those standards.

This ordinance further amends Chapter 34 by removing the provisions governing Princeton’s municipal separate storm sewer system from Chapter 34 and placing them in a new chapter entitled “Municipal Separate Storm Sewer System.”

Finally, this ordinance amends Chapter 2 of the Borough Code by renaming the “Sewer Operating Committee” to “Sewer Committee,” and by repealing the corresponding provision in Chapter 2 of the “Code of the Township of Princeton, New Jersey, 1968,” as said latter provision is outdated.