

WATER

Chapter 57

WATER

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**ARTICLE III
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§ 57-23. Violations and penalties.

[HISTORY: Adopted by the Mayor and Council of the Borough of Helmetta 10-13-76. Amendments noted where applicable.]

Be it ordained by the Mayor and Council of the Borough of Helmetta, in the County of Middlesex and State of New Jersey:

ARTICLE I
Water Use and Rents

§ 57-1. Water Department established.

A Water Department is hereby established in and for the Borough of Helmetta.

§ 57-2. Connection to water main required; application; terms of agreement. [Amended 12-21-88]

- A. Connection to water main required. Any building used in whole or in part as a dwelling or which requires or uses a water supply, now or hereafter, on any lot abutting the street in which a water main is now or hereafter constructed, shall be connected with such water line as follows:
- (1) Existing building: within one hundred eighty (180) days after adoption of this section.
 - (2) New building: prior to occupancy thereof.
 - (3) Buildings on a street in which a water main is hereafter constructed: within one hundred eighty (180) days after the completion of the construction of such water main.
- B. All applications for the use of water must be made in writing on forms provided by the borough. The application and its acceptance by the borough shall constitute a contract between the borough and the applicant, obligating the applicant to pay the borough its rates as established from time to time and to comply with its rules and regulations.

§ 57-3. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

BOROUGH — The Borough of Helmetta, in the County of Middlesex and State of New Jersey.

CUSTOMER — The party contracting the service to a property as hereinafter classified, i.e.:

- A. A building under one (1) roof, occupied by one (1) family or one (1) business.
- B. Each apartment in a building of more than one (1) apartment.

§ 57-4. Service connections.

- A. Service connections from the street main to the curblin, including the meter yoke and box, will be made by the applicant in accordance with all existing regulations and standards. An exception will be made for applicants residing on streets with water mains in place prior to 1988 and who specifically request the borough to complete the necessary service connection; such an applicant will be billed for all necessary work charged the borough by its contractor plus five percent (5%) for administrative costs incurred by the borough. This procedure in no way shall relieve the applicant from payment of other required fees or other provisions of this chapter. [Amended 5-2-88].

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B. Connection fees.

- (1) The applicant shall pay a connection charge at the time of application for each connection to the Helmetta water system based upon a fee schedule established on an annual basis by resolution of the governing body. **[Amended 12-15-83]**
 - (a) Where a connection to a water main or water service connection is required, an application shall be made, on a form prescribed by the borough, by either the property owner or the plumbing contractor doing the plumbing work. The application shall be returned to the borough with the appropriate fee for the size connection proposed. The fee to be paid to the borough shall be determined annually by calculating the total past capital costs of the borough's water system to date and dividing that total cost by the number of equivalent connections made by the appropriate personnel of the Finance or Utility Department of the borough in order to enable the borough to receive the capital cost of its water system for users as they enter the system. The rates for the different size connections shall be posted annually in a conspicuous place where permits are issued. This fee shall be paid prior to making the connection of the building service to the service connection or water main. **[Added 5-8-85]**
 - (b) **[Added 5-8-85]** Equivalent units. The connection fee provided for in this subsection is based upon the flow from a three-fourths-inch diameter individual residential connection. Where a connection is to serve more than one (1) residential unit, the connection shall apply to each equivalent unit tributary to the connection. When larger connections are required for other than residential connections, the connection fee shall increase based upon the following table:

Connection Size (inches)	Equivalent Unit
3/4	1
1	1.7
1 1/4	2.8
1 1/2	3.8
2	6.3
3	13.9
4	23.9
5	37.1
6	53.4
7	72.7
8	94.9
Connection solely for use of approved fire sprinkler system or fire hydrant	2

(2) The charges previously stated will apply to all service connections constructed in earth excavations up to a maximum depth of eight (8) feet where opencut road crossings are permitted by the applicable agency having jurisdiction over the road being excavated. In cases where rock excavation is encountered or where additional material is needed as the Director of Public Works shall determine, or where the depth of excavation exceeds eight (8) feet or where opencut of roadway is not permitted, the applicant will be responsible for the payment of any additional costs which may result therefrom.

(3) Connection fees on connections made to the system by owners of subdivisions, townhouses, apartments and industrial parks shall be based upon the size of the line to be connected to the system, plus one hundred dollars (\$100.) per living unit for subdivisions, townhouses and apartments, and the size of the line to be connected to the system plus fifty percent (50%) of the fee schedule set forth above for each industrial unit after the first unit attached to the system prior to street dedication in industrial parks.

C. Initial service charge. Each new water user shall pay an initial service charge of ten dollars (\$10.) per unit at the

time of application for service to the borough. Thereafter, the herein-contained rates for water service shall apply.

- D. Service connections from the curblineline to the building shall be installed at the expense of the customer. All service lines shall be of at least three-fourths-inch Type K soft copper tubing. All joints underground must be made with flared or compression couplings. No soldered joints are permissible.
- E. There shall be placed in the service pipe, inside the wall line of the building supplied, and so located as to drain all of the pipes in the building, as well as the meter, a stop-and-waste cock, approved by the borough, easily accessible to the occupants for their protection in enabling them to turn off the water in case of leaks and to drain the pipes to prevent freezing.
- F. All leaks in the service pipes and fixtures in and upon the premises supplied beyond the curblineline must be properly repaired by the owner or occupant. On failure to make such repairs with reasonable dispatch, the borough, upon due notice, may turn off the water from the premises, and the water will not be turned on again until all necessary repairs are made and all bills, including a turn-on charge of twenty-five dollars (\$25.), are paid in full. The borough shall in no way be responsible for maintenance of or for damage done by water escaping from the service pipe or any other pipe or fixture on the outlet side of the curb cock.
- G. In case two (2) or more customers are supplied with water through one (1) service pipe under control of one (1) curb stop and if any of the parties so supplied shall violate water rules and regulations, the borough reserves the right to apply its shutoff regulations to the joint service line, except that such action shall not be taken until the innocent customer who is not in violation of the borough's rules has been given reasonable opportunity to attach the service pipe leading to his premises to a separately controlled service connection.
- H. The service pipe shall be located at least ten (10) feet from any septic tank, cesspool or drainage field.

- I. The water service line shall be inspected after installation and before being covered up. It shall be the responsibility of the contractor or owner to request such inspection from the borough. No certificate of occupancy for the building shall be issued except upon approval of the finished water installation by the borough after a second inspection of the completed installation. It shall be the responsibility of the owner or contractor to request such final inspection from the borough.
- J. No owner or contractor shall install or permit the installation of the service line under any driveway or walkway.
- K. No service connection or installation of curb service shall be made prior to the setting of approved finished grade stake, and no meter installation or curb service will be made until the service pipe from the building to the curb-line has been installed. The water service pipe shall be at right angles from the water main to the property line and shall be located a minimum distance of five (5) feet from the side line of the property.
- L. Water meters shall be installed in all service connections by the water user. All water meters shall be the same as or similar to those manufactured by Rockwell and shall be a minimum of three-fourths ($\frac{3}{4}$) inch and equipped with self-generating remote readouts. Readouts shall be installed where approved by the borough's Water Department and shall be easily accessible by the borough's meter reader. The meter shall be inspected by the borough's Plumbing Inspector upon installation upon payment by the owner of an inspection fee of ten dollars (\$10.). If a reinspection of such installation shall be required, the owner shall pay a reinspection fee of fifteen dollars (\$15.). [Added 7-10-85; amended 11-12-86]
- M. Where present water users within the borough are not serviced by meters, a meter must be installed no later than December 15, 1986. [Added 7-10-85; amended 11-12-86]

§ 57-5. Terms of payment.

- A. Billing. Commencing January 1, 1988, existing consumers will receive an estimated bill in advance, quarterly, in accordance with the borough's rate schedule and based on the consumer's individual prior usage history, and all new consumers will be billed quarterly at the close of each quarter for usage based on actual consumption. Commencing with the first billing period of 1989, all customers will be billed for usage based on actual consumption. Upon institution of billing for actual consumption, an additional one-time rate adjustment may be imposed by the Borough Council in order to successfully complete the transition from estimated billings to actual consumption. **[Amended 5-2-1988]**
- B. Payment.
- (1) Place of payment. Bills are payable at the water revenue office.
 - (2) Bills rendered and due.
 - (a) All bills are due and payable in quarterly installments on January 1, April 1, July 1 and October 1 of each year. **[Amended 5-2-1988]**
 - (b) All users connected to the water system shall pay, in each billing quarter, the minimum charge, plus any excess amount due over the minimum allowance.
 - (3) Delinquent bills. If a bill remains unpaid for a period of over 30 days after presentation, it shall be classed as delinquent. If a bill remains unpaid 12 days after being classed as delinquent, service may be disconnected at any time after having given not less than five days' notice. In the event that any quarterly bill is not paid within 30 days of its due date, then interest shall accrue thereafter and be due to the borough on the unpaid balance in

accordance with law. [Amended 2-24-1999 by Ord. No. 1-1999; 4-28-1999 by Ord. No. 3-1999]

- (4) Turn-on charge. When water has been turned off from any premises because of violation of this section, or for nonpayment of a bill, a charge of \$25, payable in advance, will be made for again turning on the water. No charge will be made for turning on the water for an original connection.
- C. Liens. The charges and rents shall draw interest and be a lien upon the premises until paid, and the borough shall have the right to exercise the remedies for the collection thereof with interest costs and penalties provided in N.J.S.A. 40:63-8 and 40:62-78¹ and as it has been established by law for the collection of taxes upon real estate. Charges for water shall be a lien upon the premises as provided by statute.
- D. Owners. Owner of premises will be held responsible for the water charges to their tenants.

§ 57-6. Lawn sprinkler and irrigation systems.

All built-in lawn sprinkler layouts are subject to the approval of the borough, and such service must be contracted for on an annual basis. Sprinkler lines must be so valved that the maximum discharge through all sprinklers is no greater than 40 gallons per minute.

§ 57-7. General regulations.

- A. Fire hydrants are provided for the sole purpose of extinguishing fires and are to be opened and used only by the

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¹ Editor's Note: N.J.S.A. 40:63-8 was repealed by L. 1991, c. 53; see now N.J.S.A. 40A:26A-12. N.J.S.A. 40:62-78 was repealed by L. 1989, c. 109; see now N.J.S.A. 40A:31-3.

Water Department and the Fire Company or by such persons as may be specially authorized by the borough and have procured written permission.

- B. The borough shall not be liable for any claim or damage arising from the shortage of water, the breaking of machinery or other facilities or any causes beyond its control.
- C. As necessity may arise in case of a break, emergency or other unavoidable cause, the borough shall have the right to temporarily cut off the water supply in order to make the necessary repairs, connections, etc., but the borough will use all reasonable and practicable measures to notify the customer in advance of such discontinuance of service. In no case will the borough be liable for any damage or inconvenience suffered by the customer, nor in any case for any claims against it anytime for interruption of service, lessening of supply, inadequate pressure, poor quality of water or any other cause beyond its control.
- D. The borough reserves the right to change or amend from time to time these rules and regulations and rates for the use of water, in accordance with the law and upon approval of the Mayor and Council of the Borough of Helmetta.
- E. Water service may be discontinued by the borough for violation of any of the rules and regulations contained herein.
- F. No agent or employee of the borough shall have the authority to bind the borough to any promise, agreement or representation not provided for in these rules and expressly authorized by Mayor and Council.
- G. All water service installations shall comply with the requirements of this chapter and with any special instructions issued by the borough at the time application is made for installation of service and the required fee therefor shall have been paid.
- H. Any costs incurred by the borough, in addition to the fees set forth in this chapter, for the installation of meters or

lines, including additional costs for road opening permits, shall be paid by the contractor or owner to the borough.

- I. Any damage caused by any person to borough water facilities or to any part of said system, including hydrants, meter boxes, meter water mains, valve boxes, etc., shall be repaired by the borough at the expense of the person causing such damage.
- J. Any changes to be made in the location of the meter box or other portions of the service system because of changes in the original finished grade of the property shall be made by the borough, and the cost thereof shall be paid by the contractor or owner in accordance with prescribed rates for the installation of said service.
- K. The costs of the installation of water mains or extensions thereof requested by any owner or contractor in order to provide water service to the property shall be paid by such contractor or owner at prevailing rates as determined by the borough.
- L. Any person intending to install a water service on any property shall first obtain from the borough a copy of instructions pertaining to the installation of water services and sign a receipt for such copy of instructions.
- M. It shall be unlawful for any person, whether contractor, owner or otherwise, to connect or permit the connection of more than one (1) property or dwelling, except as otherwise provided herein, to the borough water system. The contractors, owners or persons connected to or permitting the connection to the borough water system of any properties in violation of this section shall be deemed in violation thereof. In addition to the penalties otherwise prescribed in this chapter for violation of this chapter, the borough may terminate water service to all properties in violation of this section until such violation shall have been removed.
- N. No certificate of occupancy shall issue for any construction of any nature whatsoever within the borough unless said unit provides for the use of public water and for which the

appropriate connections and fees have been paid to the Borough. [Added 12-10-1980 by Ord. No. 12-3]

- O. The collector of water revenue shall cause to be read every water meter used in the Borough at such times as are necessary that bills may be sent to consumers for the appropriate billing period and also for the purpose of interim meter readings where a request for such a reading has been made by a consumer or his/her representative. [Added 12-21-1988]
- P. Between May 1 and September 15, no person shall make external use of water for any purpose, including but not limited to watering a lawn or landscaping, washing a car, filling a swimming pool or cleaning the exterior of a building, on an odd date unless he or she resides in a house having an odd number and no person shall make external use of water for any purpose, including but not limited to watering a lawn or landscaping, washing a car, filling a swimming pool or cleaning the exterior of a building, on an even date unless he or she resides in a house having an even number, except for newly installed or planted lawns or shrubbery. [Added 5-23-2001 by Ord. No. 8-2001]

§ 57-8. Rates and charges.

- A. There shall be a quarterly charge for water which shall be fixed from time to time by resolution of the governing body. [Amended 4-13-1977 by Ord. No. 3-1977; 12-15-1983; 5-2-1988]
- B. Private fire service. Annual charges for private fire service, sprinkler heads and fire hydrants shall be fixed on an annual basis by resolution of the governing body. [Amended 12-15-1983]
- C. Request for meter reading. There shall be an additional fee of \$10 payable to the collector of water revenue, upon a request by a consumer or his/her representative for a

meter reading at times other than the regular reading for a billing period. [Amended 12-15-1983; 12-21-1988]

- D. The owner of any residence or building shall be liable for the payment of the rates hereby fixed for the use of the water by the owner or occupant of such premises, and each charge shall be a lien upon such premises until all charges shall be paid and satisfied. In case prompt payment of any water charges shall not be made when the same become due, the water shall be shut off from such premises and shall not be again supplied until the arrears thereon shall be fully paid. The Borough of Helmetta shall also take the proceedings authorized by law for the enforcement of such water charge as a lien upon the premises by a sale of said premises in the manner prescribed by law; and, in addition to the remedies above provided, the Borough shall take such other remedies for the collection of said water charges as are authorized by law. The collector of water revenue shall make all collections of water rents and other charges, shall keep the books showing the individual accounts of the customers within the Borough and shall deposit any and all moneys collected on all water accounts, within 24 hours, in a depository designated by the Mayor and Council. [Amended 5-2-1988; 12-21-1988]

§ 57-9. Public fire protection service.

- A. This rate is applicable to public fire protection service throughout the entire territory served: \$100 per annum for each fire hydrant.
- B. All bills for public fire protection service furnished under this chapter are to be rendered annually.

§ 57-10. Discontinuance of service. [Added 8-16-1989]

- A. Request for discontinuance. Where it is desired to discontinue permanently the use of Borough water at any premises, a request in writing to the collector of water revenue must be made by the owner. Upon receipt of the request, the water shall be turned off at the curb stop, and thereafter no charges shall be made for water for the premises in question.
- B. Individuals requesting the razing of a property need to receive written authorization from the collector of water revenue prior to the discontinuance of service.
- C. Temporary discontinuance. In case of the temporary vacancy of any premises, the water will be turned off at the curb stop upon written request to the collector of water revenue, stating the period of discontinuance, and will be turned on again at the expiration of that period following the payment of required charges.
- D. Rebates prohibited. Where the premises are left vacant, no rebate will be allowed for water registered by the meter unless the water is turned off at the curb stop.

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E. Discontinuance by borough. Service may be discontinued by the borough in accordance with the administrative procedure for any of the following causes:

- (1) The use of water for any property or purpose other than that described in the application.
- (2) Waste of water through improper or defective pipes or fixtures.
- (3) Failure to protect the water meter and connections from injury or damage or for failure to properly maintain the service line and fixtures owned by the person being served.
- (4) Tampering with any service pipe, meter, curb stop, seal or other appliance of the borough.
- (5) Nonpayment of any charges or fees for water service.
- (6) Nonpayment of sewer charges as provided in N.J.S.A. 40:14A-1 et seq.
- (7) Refusing to permit the duly authorized representatives of the utility to have access to the property for reasonable inspections.
- (8) Making or refusing to sever any cross-connection between a pipe or fixture carrying water furnished by the water utility and a pipe or fixture carrying water from any other service.

ARTICLE II
(Reserved)

§§ 57-11 through 57-22. (Reserved)

ARTICLE III
Penalties for Violation

§ 57-23. Violations and penalties.

Unless otherwise specifically provided in this chapter, any person who shall violate any of the provisions of this chapter

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shall, upon conviction, be liable for a fine of not less than one hundred dollars (\$100.) nor more than five hundred dollars (\$500.) or imprisonment for a period not to exceed ten (10) days, or both fine and imprisonment.