

WATER/SEWER UTILITY

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WATER/SEWER UTILITY

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[HISTORY: Adopted by the Township Committee of the Township of Barnegat: Article I, 12-20-82 as Ord. No. 1982-34; Article H, 10-15-84 as Ord. No. 1984-26. Amendments noted where applicable.]

(Cont'd on page 7402.1)

Be it ordained by the Township Committee of the Township of Barnegat in the County of Ocean and State of New Jersey:

§ 74-1. Authority.

The Township of Barnegat is hereby establishing certain sewer use rules and regulations and methods for user charges within the Township of Barnegat, County of Ocean, State of New Jersey as provided and authorized by N.J.S.A. 40:63-1 et seq

§742. Purpose

The purpose of this ordinance is to establish sewer use rules and regulations and to establish a system of user charges for those to be serviced by the construction of the Barnegat Township Municipal Sewerage Collection system within a certain portion of the municipality. Said rules and regulations shall not only govern who shall connect and under what circumstances they shall connect to the sewerage system but also shall provide a system of rules and regulations in accordance with County, State and Federal regulations and requirements. This ordinance shall further establish a method for the imposition of sewer charges within the Township of Barnegat.

§ 74-3. Unit charges. [Amended 4-4-83 by Ord. No. 1983-5; 5-16-83 by OH. No. 1983-11]

All residential, commercial, industrial, institutional and governmental users shall be charged at a uniform rate per

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"dwelling unit". In the case of commercial, multi-family residential units, industrial, institutional, or governmental, the charge shall be based upon "equivalent dwelling units".

The following table shall constitute the basis for said charges.

SCHEDULE OF EQUIVALENT DWELLING UNITS

<i>Equivalent Type</i>	<i>Number of Dwelling Units</i>
A. Single family dwelling	1
B. Multi-family:	
First family	1
Each additional family	1
C. Motel, hotel, cottage, rooming or lodging:	
2	1/2
Plus, for each room designed for occupancy	1/2
Plus, for each washing machine available for use by owners, occupants, or other persons	1/2
Plus, for each unit with a kichenette	1/2
D. Commercial, business, shopping centers, and professional office:	
Each multiple of 3,200 square feet of gross floor area or part thereof as described above.	
E. Restaurant, tavern or soda fountain:	
With accommodations for 20 or less patrons:	1
Each accommodation over 20 seats	1/30
Each banquet room	1
F. Theater	
1 Plus, for each 20 seats or portions thereof	1/2

<i>Equivalent Type</i>	<i>Number of Dwelling Units</i>
G. Dental offices	1
Plus, for each dental chair	1/2
H. Medical offices	1
Plus, for each examining room	1/2
I. Bowling alleys	1
Plus, per 10 lanes or portion thereof	1/2
J. Dry cleaners	1
K. Municipal buildings:	
With 10 or less employees or occupants	1
Plus, for each persons in excess of 10	1/10
L. Municipal bathhouses	1
M. Schools:	
(1) No cafeteria or showers, each group of 50 or part thereof of occupants, including students, teachers; administrators, custodians and other personnel	1
(2) With cafeteria and no showers, each group of 25 or part thereof as described above	
(3) With cafeteria and showers, each group of 20 or part thereof as described above	
N. Marinas:	
With 25 or less boat slips	1
Plus, for each additional slip over 25	1/50
Note: All pump out facilities of the marinas must be serviced by private removal companies,	

<i>Type</i>	<i>Number of Equivalent Dwelling Units</i>
0. Camps:	
With 10 or less campsites	2
Plus, for each campsite in excess of 10	1/5
P. House of worship, fire company, first aid squad, or non-profit club or organization	1
Q. Hospitals, nursing homes, rest or convalescent homes: Each bed	1/2
R. Laundromat: Each washing machine	1
S. Beauty parlors, stylists, (other than barber shop): For first chairs For each additional chair	
T. Clubhouses or other structures containing plumbing fixtures and used for the benefit of community members shall be considered as one (1) equivalent dwelling unit for the first five thousand (5,000) square feet of floor space.	
Additional equivalent dwelling units shall be assigned for each fractional increase in excess of five thousand (5,000) square feet of floor space.	
[Added 349-01 by Ord. No. 2001-121	

- | <i>Type</i> | <i>Number of
Equivalent
Dwelling Units</i> |
|---|--|
| U. When multiple users, enterprises or business/residential combinations exist within a single system user or on a single property, separate unit user charges shall be applied to each applicable type or use contained therein, as set forth in this schedule. | |
| V. Types of users not herein described in this schedule or of an unusual nature in the judgment of the township shall be charged based on an estimated sewage flow. When the estimated average daily flow exceeds 400 gallons per day, then each 400 gallons shall be considered as one "equivalent dwelling unit." Estimated sewage flow shall be submitted in a report acceptable to the Township Engineer for review. Upon receipt of the report, the township may elect as an option to require a manhole for purposes of monitoring the actual flow. | |
| W. Users in excess of 60 "equivalent dwelling units" may in addition to subsection V. above, be required to provide a meter chamber: daily charts for continuous recording and totalizer: an automatic sampling device, electric pH meter with a daily chart for continuous readings. The devices herein described shall be used to determine the strength, volume and delivery flow rate characteristics, | |

<i>Type</i>	<i>Number of Equivalent Dwelling Units</i>
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- X. Users in excess of 60 "equivalent dwelling units" shall address in the report described in Subsection V. above data on the discharge delivery flow rate. Users are required to dampen surge loading in accordance with the Ocean County Utilities Authority's requirements.

§ 74-4. User charge, connection review and inspection fees.

User charge for sewage wastes for the initial year of operation of the treatment works shall be based upon the estimate of the total annual operating and maintenance costs treatment of fees, plus debt services, divided by the estimated number of "equivalent dwelling units" connected to the system. User charges for sewage wastes shall be reviewed and revised at least annually to reflect the annual operating and maintenance costs and changes in the Ocean County Utilities Authority's treatment fees. A public hearing shall be held by the Township Committee prior to the establishment of the initial user charge and prior to the establishment of the initial user charge and prior to any subsequent revision thereof pursuant to Title 40 of the New Jersey Statutes.

Excess revenues collected, if any, shall be applied to the next year's operating and maintenance costs.

The user charge shall be hereafter adopted and set forth in a fee schedule by ordinance and shall be based on a per annum "dwelling unit" or charge per "equivalent dwelling unit." These charges shall not be established until such time as the township has completed construction and determined its actual costs in connection with the installation of the Barnegat Township Sewerage Collection System. Additionally, the

connection fee shall also be established on the basis of the per "dwelling unit" or "equivalent dwelling unit" basis.

§ 74-5. Toxic pollutants.

Any user of the Barnegat Township Municipal Sewer Utility Collection System which discharges pollutants that cause an increase in the cost to the Ocean County Utilities Authority for handling the user's discharge or results in additional sludge treatment costs, shall be surcharged for the increased cost by the Barnegat Township Municipal Sewer Utility in addition to the annual charge rate.

The increased cost shall be determined by the Ocean County Utilities Authority.

§ 74-6. Strength of sewage characteristics

Discharges which exceed the maximum strength sewage requirements established by the Ocean County Utilities Authority shall be surcharged for the amount of the excess strength times the unit cost as established by the Ocean County Utilities Authority in addition to the annual charge. The surcharge shall be levied to the user by the Barnegat Township Municipal Sewer Utility.

§ 74-7. Sewer use charges, connection fees, and development inspection fees. [Amended 4-4-83 by Ord. No. 1983-5; 5-16-83 by Ord. No. 1983-11; 9-4-84 by Ord. No. 1984-21; 10-15-84 by Ord. No. 1984-25; 1-22-85 by Ord. No. 1985-1; 9-21-87 by Ord. No. 1987-27]

- A. User charge. There is hereby established an annual user charge for each "dwelling unit" or "equivalent dwelling unit" within the Barnegat Township Municipal Sewerage Collection system in the amount of three hundred sixty dollars (\$360.) per annum. Sewer user

charges shall be payable quarterly in advance and no later than January 1, April 1, July 1, and October 1 of each year. [Amended 12-20-93 by Ord. No. 1993-46; 12-18-95 by Ord. No. 1995-52]

B. Connection fee.

- (1) Fees for connection to the Barnegat Township Sewerage Collection System shall be six hundred dollars (\$600.) per dwelling unit or equivalent dwelling unit. In the event any sewer user is required to pay more than one (1) connection fee for one (1) sewer connection based upon the "per dwelling unit" formula then each additional connection fee assessment shall be in the amount of three hundred dollars (\$300.) or appropriate portion thereof.
- (2) Where a developer installs the sewer mains and lateral then the connection fee shall be four hundred dollars (\$400.) per unit.
- (3) In the case of vacant lot owners where the owner previously requested and paid for the construction of a sewer lateral the connection fee shall be three hundred dollars (\$300.) plus inspection fee.
- (4) In the case of vacant lot owners where the lot owner did not request and pay for a lateral at the time of main line construction then the lot owner shall be responsible for the cost of the physical connection to the sewer main as well as and in addition to paying the township the normal connection fee plus two hundred fifty dollars (\$250.) for inspection fees. [Amended 9-21-87 by Ord. No. 1987-27; 6-3-91 by Ord. No. 1991-24]

C. Development inspection fees. [Amended 8-17-98 by Ord. No 1998-19; 9-4-01 by Ord. No. 2001-33; 10-1 by Ord- No. 2001-35; 10-15-01 by Ord. No. 2001-

- (1) The developer must deposit with the township an inspection fee pursuant to N.J.S.A. 40:55D-53 an amount not to, exceed the greater of five hundred dollars (\$500.) or five percent (5%) of the cost of the improvements as estimated by the Municipal Engineer pursuant to N.J.S.A. 40:55D-53.4.
- (2) For those developments for which the inspection fees are less than ten thousand dollars (\$10,000.), fees may, at the option of the developer, be paid in two (2) installments. The initial amount deposited by a developer shall be fifty percent (50%) of the inspection fees. When the balance on deposit drops to ten percent (10%) of the inspection fees because the amount deposited by the developer has been reduced by the amount paid to the Municipal Engineer for inspection, the developer shall deposit the remaining fifty percent (50%) of the inspection fees. For those developments for which the inspection fees are ten thousand dollars (\$10,000.) or greater, fees may, at the option of the developer, be paid in four (4) installments. The initial amount deposited by a developer shall be twenty-five percent (25%) of the inspection fees. When the balance on deposit drops to ten percent (10%) of the inspection fees because the amount deposited by the developer has been reduced by the amount paid to the Municipal Engineer for inspections, the developer shall make additional deposits of twenty-five percent (25%) of the inspection fees. The Municipal Engineer shall not perform any inspection if sufficient funds to pay for those inspections are not on deposit.

§ 74-8, Ordinances,

Connection will be made in accordance with the requirements of the Barnegat Township Board of Health Ordinance covering the same.

§ 74-9. Rate appeals.

Appeals on rate determinations may be made in writing to the Barnegat Township Committee.

§ 74-10. Industrial cost recovery.

In the event that an applicant for sewer service is classified as an industrial user as defined by the U.S. Environmental Protection Agency, the applicant will be required to make additional payments conforming to an Industrial Cost Recovery System required by the U.S. Environmental Protection Agency.

§ 74-11. Sewer use rules and regulations.

Detailed rules and regulations for the Barnegat Township Municipal Sanitary Sewer System are set forth in the bound volume entitled "Rules and Regulations for the Barnegat Township Sanitary Sewer System" prepared by Charles H. Mackie & Associates, Inc. under date of November, 1982. Copies of said rules and regulations may be inspected at the office of the Barnegat Township Clerk, 900 W. Bay Avenue, Barnegat Township, New Jersey during normal business hours of that office. Additionally, individuals desiring copies of said rules and regulations may acquire those by paying the cost of reproduction thereof to the Barnegat Township Clerk. These rules and regulations require all *property* owners, subdividers and developers to submit applications for all phases of

planning, design and construction of sanitary sewerage facilities. Detailed requirements are enumerated in the above referenced documents.

A R T I C L E I I
Water/Sewer Utility

§ 74-12. Authority.

The Township of Barnegat is hereby establishing certain water use rules and regulations and methods for user charges within the Township of Barnegat, County of Ocean, State of New Jersey as provided and authorized by Title 40 of the New Jersey Statutes.

§ 74-13. Purpose.

The purpose of this ordinance is to establish water use rules and regulations and to establish, a system of water user charges for those to be serviced by the Barnegat Township Municipal water system which is being purchased from the Barnegat Water Company, a private utility. The rules and regulations shall not only govern who shall connect and under what circumstances they shall connect to the water system but also provide a system of rules and regulations in accordance with County and State regulations and requirements. This ordinance shall further establish a water/sewer utility for the Township of Barnegat which presently has a sewer utility.

§ 4. User charges. [Amended 3-21-94 by Ord. No. 1194-7]

- A. [Amended 12-20-93 by Ord. No. 1993-46; 7-26-99 by Ord. No. 1999-22] All residential, commercial, industrial, institutional and governmental users shall be charged a minimum fee (except as provided by Section 74-14C) based upon the size of the meter and a uniform excess usage charge based upon gallons used.

The minimum charges for each water user shall be based upon the size of the meter as follows:

- (1) Five eighths ($\frac{5}{8}$) of an inch or three quarters ($\frac{3}{4}$) of an inch – A minimum quarterly charge of thirty-seven dollars (\$37.).
- (2) One (1) inch meter – A minimum quarterly charge of seventy-one dollars (\$71.).
- (3) One and one-half ($1\frac{1}{2}$) inch meter – A minimum quarterly charge of one hundred seven dollars (3107.)
- (4) Two (2) inch meter – A minimum quarterly charge of one hundred forty-three dollars (\$143.).
- (5) Three (3) inch meter – A minimum quarterly charge of one hundred forty-three dollars (\$143.).
- (6) Four (4) inch meter – A minimum quarterly charge of one hundred forty-three dollars (\$143.).

B. Excess water user charges. [Amended 12-20-93 by Ord. No. 1993-46] All users shall be charged a uniform excess gallonage charge in addition to the minimum billing charge for all water usage which exceeds fifteen thousand (15,000) gallons per quarter. The excess charges shall be as follows:

- (1) Excess over fifteen thousand (15,000) gallons to and including twenty-five thousand (25,000) gallons, one dollar (\$1.) per one thousand (1000) gallons.
- (2) Excess over twenty-five thousand one (25,001) gallons to and including fifty thousand (50,000) gallons, two dollars (\$2.) per one thousand (1000) gallons.
- (3) Excess over fifty thousand one (50,001) gallons to and including one hundred thousand (100,000) gallons, three dollars (\$3.) per one thousand (1000) gallons,

- (4) Over one hundred thousand one (100,001) gallons, four dollars (\$4.) per one thousand (1000) gallons.

C. Reduced rates for senior citizens and the permanently and totally disabled. Effective January 1, 2000, all residential users who meet the criteria established in N.J.S.A. 40A:31-10.1 shall be charged a reduced minimum fee based upon the size of the meter and the uniform excess usage charge based upon gallons used as provided by Section 74-14B. The minimum charge for each qualified residential user shall be based upon the size of the meter as follows:

- (1) Five eighths (5/8) of an inch or three quarters (3/4) of an inch - A minimum quarterly charge of thirty dollars (\$30.).
- (2) One (1) inch meter - A minimum quarterly charge of sixty dollars (\$60.).
- (3) One and one-half (1 1/2) inch meter - A minimum quarterly charge of ninety dollars (\$90.).
- (4) Two (2) inch meter - A minimum quarterly charge of one hundred twenty dollars (\$120.).
- (5) Three (3) inch meter - A minimum quarterly charge of one hundred twenty dollars (\$120.).
- (6) Four (4) inch meter - A minimum quarterly charge of one hundred twenty dollars (\$120.).

D. Late charges. All water billing shall be done quarterly and shall be due and payable on January 15, April 15, July 15 and October 15 of each year. Delinquency charges shall commence at the expiration of a ten (10) day grace period from the due date and shall be calculated on the same basis as delinquent real estate property taxes. [Added 3-18-85 by Ord. No. 1985-91

E. Turn-on and turn-off charges. All customers shall be required to pay a forty dollar (\$40.) charge to turn-on and turn-off a water service. [Added 3-18-85 by Ord. No. **1985-9**; amended **8-5-96** by Ord. No. 1996-32]

- F. Estimated charges. In the event the township cannot obtain a water reading from excess water usage, an estimated bill may be sent to the water customer by the township. [Added 3-18-85 by Ord. No. 1985-9]
- G. Fire hydrant charges. There is hereby established a fee of one hundred thirty-five dollars (\$135.) per annum for each fire hydrant serviced by the Barnegat Water/Sewer Utility. The township owned fire hydrants shall be exempt from the within fire hydrant charges. [Added 4-1-85 by Ord. No. 1985-10; amended 3-7-88 by Ord. No. 1988-8]
- H. Minimum charges. The minimum charges for water usage and the base rate for sewer charges shall be due and payable from the customers of the water/sewer utility whether or not said customer is actually using the utility service. This requirement is based upon the fact that the utility must continually operate and size its facilities to accommodate any and all customers whether or not their systems are actually in use. However, in the event that a dwelling or structure is destroyed and its occupation is condemned, then the customer shall apply to the utility for discontinuation of its water and/or sewer charges. Additionally, if a customer has totally removed all water and sewer facilities from a dwelling or structure, said application may be made and upon inspection similar relief may be granted. [Added 6-3-85 by Ord. No. 1985-18]
- I. Commencement of billing. In the event that a new customer is added to the "Water/Sewer Utility" billing shall commence from the date that the Certificate of Occupancy is issued for the structure or dwelling. If this occurs during the quarterly billing period, then said quarterly billing shall be prorated. [Added 5-16-88 by Ord. No. 1988-19]

§ 74-15. Water/sewer utility created.

There is hereby created for the Township of Barnegat a Water/Sewer utility commencing January 1, 1985 and to replace the present sewer utility. The purpose of this is to combine the present sewer utility with the new water/sewer utility company being purchased by the Township of Barnegat.

§ 74-16. Connection fees.

Fees for connection to the Barnegat Township Water Distribution System shall be nine hundred dollars (\$900.) per unit for connection. Where a developer installs the water mains and lateral then the connection fee shall be six hundred dollars (\$600.) per unit or connection.

§ 74-17. Water use rules and regulations.

There is hereby adopted for the Township of Barnegat rules and regulations entitled "Rules and Regulations for the Water Supply and Distribution System, Township of Barnegat, prepared by Charles H. Mackie Associates, October, 1984." Said rules and regulations are on file in triplicate in the office of the Township Clerk, 900 W. Bay Avenue, Barnegat Township, *New Jersey* and are available for inspection during normal business hours.

A. Common meter irrigation system in the Mirage Development. [Added 12-19-05 by Ord. No. 2005-63]

- (1) The meter number for each residential unit shall be connected to the common two (2) inch meter that provides water irrigation to the residential unit.
- (2) Each residential unit shall be billed for its share of water consumption at the current water usage rate.

- (3) Responsibility for the installation and maintenance of the common water irrigation system, including the costs associated with installation and maintenance of conservation controls for the system, shall be as established by agreement between the Township of Barnegat and the developer and/or homeowners association. Copies of the agreement(s) shall be kept on file in the office of the Municipal Clerk and available for public inspection during normal business hours.
- (4) There shall be a charge of one hundred forty-three dollars (\$143.) per meter payable by the Mirage Homeowner Association.

§ 74-17.1. Failure to pay beyond sixty (60) days. [Added 8-5-96 by Ord. No. 1996-32]

Failure to pay billed water usage charges for a period of sixty (60) days beyond the due date may result in the water service furnished to the delinquent user being shut off from any house, tenement, building or lot where the same is connected and water shall not again be supplied until the arrearage with interest and penalties, together with a water shut-off fee of forty dollars (\$40.) and a water turn-on fee of forty dollars (\$40.) shall have been fully paid. Water shall not be shut-off unless a delinquent notice is forwarded by ordinary mail to the delinquent user at the billing address at least twenty (20) days before shut-off.

§ 74-17.2. Development application fees. [Added 8-by Ord. No. 1998-19]

- A. Purpose. in order to defray engineering, legal, and administrative costs in reviewing, processing, inspecting and approving new water supply facilities, the following fees shall be paid to the township by the applicant.

(1) Preliminary water review fees. The following preliminary water review fees are hereby established:

Total number of Units	Fee Formula
0 - 30	500. plus \$50. per lot
31-100	\$2,000. plus \$20. per lot over 30
101 plus	\$3,400. plus \$10. per lot over 100

- (2) Final water review fee: Two percent (2%) of estimated cost of construction based on an estimate prepared by the Water and Sewer Utility Engineer.
- (3) There is hereby established a water inspection construction fee of eight percent (8%) of the estimated cost of construction.

§ 74-17.3. Cross-Connection Control Program. [Added 4-4-05 by Ord, No. 2005-141

A. The water rules and regulations (Section 74-17) of the Township of Barnegat are hereby amended to include the Cross-Connection Control Program. A copy of the

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public water supply system, a water emergency, as defined herein, is determined to exist, said Mayor shall forthwith proclaim in writing the existence of such water emergency.

§ 74-20. Use of water restricted.

After the declaration of a water emergency by the Mayor, he may order the cessation of use of water from the municipal or public water supply system, except for cooking, for necessary sanitary purposes and for fire or other emergencies for which water is needed.

A. Pursuant to such declaration, the Mayor may order the cessation of the use of municipal or public water supply for the following uses and purposes:

- (1) The sprinkling, watering or irrigation of shrubbery, trees, lawns, grass, ground, ground covers, plants, vines, gardens, vegetables, flowers or any other vegetation.
- (2) The washing of automobiles, trucks, trailers, trailer houses, railroad cars, buses or other types of mobile equipment.
- (3) The washing of sidewalks, driveways, filling station aprons, porches and other outdoor services.
- (4) The washing of the outside of dwellings and the washing of the inside and outside of office buildings and business establishments of any type.
- (5) The washing and cleaning of any business or industrial equipment and machinery.
- (6) The operation of any ornamental fountain or other structure making a similar use of water.
- (7) Swimming and wading pools and bathhouses and bathing establishments of any nature whatsoever.

- B. In the alternative, the Mayor may adopt regulations which will promote conservation of water by limiting the nonessential use of the municipal or public water supply at certain hours and on certain days, according to schedules to be established by the Mayor.

§ 74-21. Issuance and enforcement of regulations.

The Mayor is hereby empowered to issue and enforce such other orders and regulations as may be necessary to implement and carry out the purposes of this chapter and to protect the health, safety and resources of the residents of this municipality.

§ 74-21.1. Wasting water. [Added 8-5-96 by Ord. No. S-33]

- A. Prohibited. No person shall permit water to flow unnecessarily from any part of a private pipe or fixture, even to prevent freezing, or shall permit any waste of water on his premises or the premises occupied by him, either within a building or upon any yard, street or alley.
- B. Correction of leaks. Any person authorized by the Director of Public Works to inquire at any dwelling or other place where any unnecessary waste of water proceeds into the cause of the same, and if the waste arises from the want of repair and the pipes or fixtures, and that the owner or occupant of the premises shall neglect or refuse, upon twenty-four (24) hours notice being given, to have the necessary repairs made forthwith, the authorized person is hereby authorized and empowered to shut off the water leading to such place or premises. Any person who shall turn on the water before the necessary repairs are made shall be subject to a penalty as established in Section 74-23 herein.

§ 74-21.2. Outdoor water use. [Added 8-5-96 by Ord. No. 1996-33]

The right to use the township supplied water through a hose or sprinkler for the watering of lawns, gardens or shrubbery is expressly held subject to the right of the township to revoke that right at any time, when in the opinion of the township and the Director of Public Works that the supply of water is too low to admit to the right to exercise such right. The use of any hose or sprinkler shall be restricted to use on the premises of the taker and shall be used during the following days and hours only:

- A. From May 15th to September 15th of the calendar year, from 6:00 p.m. to 10:00 a.m. From September 16th to May 14th, without limitation.

§ 74-21.3. Outdoor water use: Irrigation restrictions. [Added 5-21-01 by Ord. No. 2001-22; amended 3-17-03 by Ord. No. 2003-08]

It shall be unlawful for any person to irrigate any area in Barnegat Township from April 15 through September 30 of each calendar year except as specified in this subsection:

- A. Residences, houses or other structures with even number street numbers may irrigate on every Sunday, Wednesday and Friday. [Amended 6-20-05 by Ord. No. 2005-40]
- B. Residences, houses or other structures with odd number street numbers may irrigate on Tuesday, Thursday and Saturday. [Amended 6-20-05 by Ord. No. 2005-42]
- C. Any person convicted of violating the provisions of this subsection shall be subject to a fine of up to five hundred dollars (\$500.) for each incident.
- D. The purpose of this subsection is to promote and affect water conservation in the Township of Barnegat.

§ 74-22. Posting and publishing of regulations.

All regulations and orders authorized by the chapter and adopted pursuant to this chapter by the Mayor shall be promulgated by posting copies of such orders and regulations on the official bulletin board of the Township of Barnegat and in such other public places as the Mayor may deem appropriate and by publishing a copy of such orders and regulations once each week in an official newspaper of the township during the existence of such water emergency situations.

§ 74-23. Violations and penalties.

Any person who violates any one (1) or more of the provisions of this chapter shall be subject to a fine of not more than five hundred dollars (\$500.) for each separate offense and or confinement in the Ocean County Jail for a period of not more than ninety (90) days. In the case of a continuing violation or violations, a fine of not more than five hundred dollars (\$500.) may be assessed for each day that said violation or violations continued unabated, until such time as said violation or violations are corrected. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

ARTICLE IV

**Mandatory Water Hook-Up
[Adopted 8-5-96 by Ord. No. 1996-3****§ 74-24.**

As used in this Article, unless a different meaning clearly appears in the context, the following terms shall have the meanings indicated:

BUILDING -- Any building or structure heretofore or hereafter constructed, designed or used for use or occupancy by persons, be it temporary or permanent.

CONNECTION DATE: [Amended 2-24-97 by Ord. No. 1997-2]

- A. Where used with respect to a building constructed prior to the date of initial operation of any water pipeline available to service said building, the one hundred eightieth (180th) day next ensuing the date of initial operation of such waterline as part of the water system to be owned or operated by the Township of Barnegat.
- B. When used with respect to a building constructed subsequent to the date of such initial operation, the one hundred eightieth (180th) day next ensuing the date of completion of construction or date of occupancy of such building, whichever date shall first occur.

WATER PIPELINE — Any water pipeline or main designed or used for the distribution of potable water and located in any public street in the township.

(Cont`d on page 7421)

§ 74-25. Connection to existing lines required; exceptions.

- A. The owner of any building in the Township of Barnegat shall connect such building and all water facilities therein to the public community water system if an adequate public community water system is available, if such public community water system's water lines are within two hundred (200) feet of the property line on which the building is located, if connection can legally be made thereto and if such connection is practical. Exceptions to this requirement are as set forth in N.J.A.C. 7:1042.4(c). [Amended 3-20-00 by Ord. No. 2000-5]
- B. On lots where there are two (2) buildings, such building shall be separately connected to the waterline with its own water service line.
- C. All new buildings in the Township of Barnegat shall be required to connect to the public community water system if an adequate public community water system is available, if such public community water system's water lines are within two hundred (200) feet of the property line on which the building is located, if connection can legally be made thereto and if such connection is practical. Exceptions to this requirement are as set forth in N.J.A.C. 7:10-12.4(c). [ended 3-20-00 by Ord. No. 2000-5]
- D. Requests for exemptions may be made, in writing, to the Township Engineer and shall be supported by engineering and/or technical data. After a review of the exemption request and supporting documents, the Township Engineer shall render a decision to grant or deny the exemption. [Amended 3-20-00 by Ord. No. 2000-5]
- E. All buildings or other structures shall be subject to the following:
- (1) After connection to the waterline, each owner of the property connected thereto shall be notified by

the Township of Barnegat or its agent to immediately disconnect any water well located on the subject property.

- (2) All notices shall be addressed to the owners of said property as the names of said owners appear in the last tax duplicate of the Township of Barnegat; shall describe the property by lot and block designation as the same appears on the Tax Map of the Township of Barnegat and by the street address if a street address exists; and shall state that, by order of the Township of Barnegat, the owner is required to disconnect any water wells located on his or her property within thirty (30) days of service of such notice as hereinafter provided, and said notice shall also describe the penalty which may be imposed hereunder for failure to comply with said notice and order in accordance with the terms of this Article. Said notice may be served on the owner personally or by leaving it at his usual place of abode with a member of his family above the age of eighteen (18) years. Said notice may also be served within or without the limits of the Township of Barnegat by mailing the same, by certified mail, to the last known post office address of said owner as the same appears on the last tax duplicate of the Township of Barnegat.
- (3) Upon connection to the waterline and receipt of the notice under Section 74-25E(1) and (2), the property owner must discontinue and disconnect any water service from a water well located on his or her property or adjacent thereto. The Township of Barnegat Board of Health, or its designated agent, shall make the necessary inspections to ensure compliance with the requirement that any water well shall be disconnected.

F. In the event that an owner of the property has installed a new or replacement well within sixty (60) months

prior to the receipt of notice, that individual may apply to the Township of Barnegat for a one-time extension as to his or her connection date. The application for this extension may be granted for a period up to but not more than sixty (60) months from the date that the owner of the property installed a new or replacement well, so that the total time period within which the owner of the property may be allowed to await connecting to the water system of the township will not exceed sixty (60) months from the date that the owner of the property installed a new or replacement well. The

(Cont`d on page 7423)

application for extension shall also be supported by documented proof that the applicant has invested a substantial sum for installing a new or replacement well. After review of the application for extension the Township of Barnegat shall conduct a public hearing on the matter and render a decision to grant or deny the request for extension. The owner of the property shall pay the cost of the connection fee being charged at the time of the request for the extension. In the event that the property in question is sold prior to the expiration of the extension period, the connection must be completed prior to the issuance of a certificate of occupancy for the new owner.

- G. The installation of a bypass line around a water meter shall be strictly prohibited unless prior written approval by the Township of Barnegat has been granted. All permitted bypass lines must meet the design specifications of the Township of Barnegat.
- H. At the request of the property owner, the connection fee may be paid in installments. The first installment shall be one-third (1/3) of the connection fee paid upon submission of the request. The remaining two-thirds (2/3) of the connection fee shall be paid over a three (3) year period, plus interest at the rate of eight percent (8%) per annum. Payments shall be made semi-annually plus then accrued interest. In the event that the installment plan for payment of connection fees is utilized . by the property owner, the semi-annual payments shall begin six (6) months after the initial payment. In the event that the property is sold prior to the completion of the installment plan period, all remaining sums due and owing, including interest, shall be paid to the township upon transfer of title, and or upon issuance of a certificate of occupancy for the new owner. [Amended 2-24-97 by Ord. No. 1997-2]
- I. There shall be no inspection fees payable to the township for its services related to connections made

by property owners to the township water system.
[Added 2-24-97 by Ord. No. 1997-2]

§ 74-26. Meter set required.

Any new habitable structure or buildings shall be required to have a meter set installed when either public water is available or when dry lines have been installed and as further specified by the Township of Barnegat.

§ 74-27. Meters.

- A Meters required. All water taps made and services installed must be metered.
- B. No person, other than an employee or agent of the Township of Barnegat, shall remove, replace or, in any manner, interfere or tamper with a meter attached to a water pipe used or intended to be used to supply water to any building. This applies whether the meter is set within or without a building. Any plumbing configuration intended to bypass the meter is prohibited and shall be considered theft of service, as well as a violation of this section.

§ 74-27.1. Temporary water use/fire hydrant meters. [Added 4-15-02 by Ord. No. 2002-11]

- A Each developer of any property located within the Township of Barnegat is required to use a hydrant meter equipped with a reduced pressure zone backflow preventer and support stand. Each developer must pay to the township, in addition to water usage charges, a meter fee of two dollars (\$2.) per day for the use of the hydrant meter. The Barnegat Township Water and Sewer Utility shall provide such a .meter upon request by the developer. The developer shall be responsible for the condition of the meter and for the costs of any necessary repairs.

- B. Each developer shall be responsible for instructing all contractors and subcontractors performing work at the property being developed to use a designated hydrant equipped with a meter and backflow preventer.
- C. The township shall read hydrant meters issued to developers on a quarterly basis and shall bill developers for water usage at a rate of four dollars (\$4.) per one thousand (1,000) gallons.
- D. Each contractor requesting temporary water use (ninety (90) days or less) is required to use a hydrant meter equipped with a backflow preventer. The Barnegat Township Water and Sewer Utility shall provide such a meter upon request by a contractor. The township shall charge such contractors a hydrant meter fee of three dollars (\$3.) per day in addition to charges for water usage. The contractor to whom a hydrant meter is issued will be responsible for the condition of the meter and will be held liable for any damage to the meter while it is in his/her possession.
- E. While in use, hydrant meters shall be secured by the developer or contractor responsible therefor with lock and chains.
- F. During winter months, developers and contractors shall remove hydrant meters from the hydrants after each use to prevent freezing damage to the meters.
- G. The township shall read hydrant meters used by contractors at the end of the contractor's use of the township's water system. The township shall bill contractors for water usage at a rate of four dollars (\$4.) per one thousand (1,000) gallons.
- H. The township shall install a hydrant meter equipped with a backflow preventer at a location designated by the township for each contractor requesting a tank truck to be filled.

- I. The township shall bill contractors using tank trucks for water usage at a rate of four dollars (\$4.) per one thousand (1,000) gallons.
- J. Any developer or contractor who violates this section by failing to comply with any of its provisions will be subject to a fine of up to five hundred dollars (\$500.) per violation.

§ 74-28. Applicable ordinances and regulations.

Each connection required by the Article shall be made in accordance with the ordinances of the Township of Barnegat and the Township Board of Health, as well as the rules and regulations of the Township of Barnegat and the State Uniform Construction Code. The size of the waterline connecting the building with the water distribution line shall be in accordance with the requirements of the Township of Barnegat and the State Uniform Construction Code.

§ 74-29. Notice to make connection.

Upon the availability of any waterline to serve buildings on any property in the township, each owner of property affected thereby shall be notified of that fact by the Township of Barnegat and shall be directed in said notice to connect each building on said property with said waterline in accordance with the terms of this Article.

§ 74-30. Contents and service of notice.

All notices shall be addressed to the owners of said property as the names of said owners appear in the last tax duplicate of the Township of Barnegat, shall describe the property by lot and block designation as the same appears on the Tax Map of the Township of Barnegat and by street address if a street address exists; and shall state that, by order of the Township of Barnegat, the owner is required to connect each building on said property to the waterline, in accordance with the terms of this Article, on or before the connection date with respect to such building or, if such connection date shall have passed, within thirty (30) days of service of such notice as hereinafter provided; and said notice shall also describe the penalty which may be imposed hereunder for failure to comply with said notice and order in accordance with the terms of this Article. Said notice may be served on the owner personally or by leaving it at his usual place of abode with a member of his family above the age of eighteen (18) years. Said notice may also be served within or without the limits of the Township of Barnegat by mailing the same, by certified mail, to the last known post office address of said owner as the same appears on the last tax duplicate of the Township of Barnegat.

§ 74-31. Violations and penalties.

A Any person violating or failing to comply with any of the provisions of this Article shall, upon conviction thereof, be punishable by a fine of not more than one

thousand dollars (\$1,000.), by imprisonment for a term not to exceed ninety (90) days or by community service of not more than ninety (90) days, or any combination of fine, imprisonment and community service as determined in the discretion of the Municipal Court Judge. The continuation of such violation for each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuation of the violation may be punished as provided above for each separate offense.

- B. The violation of any provision of this chapter shall be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.

§ 74-32. Additional remedies.

In addition to the penalties hereinabove provided, if the owner of any property in the Township of Barnegat shall fail or refuse to make any connections or installation required by this Article within the time or times herein provided, the Township of Barnegat may proceed to make such connection or installation or cause the same to be made and assess the cost and charges against such property in accordance with the delinquency provisions of the rules and regulations of the Township of Barnegat as well as pursuant to the appropriate statutory authority.

A R T I C L E V

Sewer Extension Agreement with
Menk Corporation

[Added 1-19-99 by Ord. No. 1999-2;
mended 4-19-04 by Ord, No. 2004-09]

§ 74-33. Preamble.

The Township of Barnegat has entered into a Sewer Extension Agreement with Menk Corporation, a New Jersey corporation, which Agreement is dated November 5, 1998; and has executed an Addendum dated April 19, 2004 to the Sewer Extension Agreement.

The aforementioned Sewer Extension Agreement and the April 14, 2004 Addendum are on file with the office of the Township Clerk and can be reviewed by the public during normal business hours.

The Agreement, in part, provides that Menk will pay to the township up to one million one hundred seventy-five thousand dollars (\$1,175,000.) to fund the design and construction of certain sanitary sewer facilities, including but not limited to the facility known as the Fourth Street Pump Station.

The aforementioned Agreement provides, in part, a means by which Menk will be reimbursed for paying for the over-sizing of the system, which over-sizing is generally defined as a sanitary sewer system in excess of that which would be required to provide sanitary sewer facilities to a development being constructed by Menk in Barnegat Township known as "Mirage at Barnegat."

The Township believes it is necessary and proper to codify the terms of the aforementioned Sewer Extension Agreement and Addendum by ordinance, and furthermore to delineate and define the manner in which Menk could be reimbursed by future users as defined in the Sewer Extension Agreement as amended in the Service Area (not by the township or its taxpayers) when those developers seek developmental approval in the Service Area, and be permitted to utilize a portion of the off-site sanitary sewer facilities which have been funded by Menk.

§ 74-34. Method of calculation and requirement for payment of unit reimbursement amount.

- A. All terms and conditions set forth in the Sewer Extension Agreement entered into by the Township of Barnegat and Menk Corporation, a New Jersey corporation, dated November 5, 1998 and the Addendum dated April 19, 2004 are incorporated herein by reference as if set forth more fully herein and repeated at length. A copy of the aforementioned Sewer Extension Agreement and Addendum is on file with the

Township Clerk at the Municipal Building in Barnegat Township, New Jersey, and can be reviewed during normal business hours.

- B. In accordance with the aforementioned Sewer Extension Agreement and Addendum, future users of property in the Service Area, except for those who are exempted herein and in the aforementioned Sewer Extension Agreement or Addendum dated April 19th, 2004, are required to pay a unit reimbursement amount in order to partially repay Menk for monies paid by Menk to provide for the construction of the sanitary sewer facilities which are referenced in the aforementioned Sewer Extension Agreement and Addendum. The intent of assessing all developers in the Service Area the unit reimbursement amount is to reimburse and repay Menk excess monies paid by Menk for the oversizing of the sanitary sewer facilities, while not imposing on the township in any manner any obligation whatsoever to Menk to pay for or accept any financial responsibility for those payments made by Menk to oversize the sewer system.
- C. Every future user (other than as provided for in the aforementioned Sewer Extension Agreement or the Addendum dated April 19th, 2004) of any property located within the Service Area shall pay to Menk, via the township, an amount calculated by multiplying the unit reimbursement amount (in the amount of three hundred ninety-two dollars (\$392.) plus accrued interest) by the total amount of PAC (i.e. Planned Adult Community), or equivalent, units for which such developer attained major subdivision or major site plan approval. Such payment or payments shall act as a reimbursement against Menk's reimbursable amount.
- D. The total reimbursement pursuant to the provisions of paragraph 7.03 of the aforementioned Sewer Extension Agreement which may be due to Menk from other properties in the Service Area shall be four hundred

eleven thousand six hundred dollars (\$411,600.) plus accrued interest or, if applicable, shall not exceed a figure adjusted pursuant to the provisions of paragraph 7.03 of the aforementioned Sewer Extension Agreement.

E. All developers of subdivision and/or site plan approvals within the Service Area (other than as provided for in the aforementioned Sewer Extension Agreement or the Addendum dated April 19th, 2004 shall pay the aforementioned unit reimbursement amount to Menk, via the township, as follows:

- (1) (a) Twenty-five percent (25%) of the unit reimbursement amount shall be paid at the time of obtaining preliminary subdivision or site plan approval, or extensions and/or renewals thereof; and
 - (b) Seventy-five percent (75%) of the unit reimbursement amount shall be paid at the time of obtaining final subdivision or site plan approval, and prior to the execution of signing of the final subdivision plat or site plan, or extensions and/or renewals thereof; and
- (2) For those which had preliminary approvals as of November 5, 1998, but not final, as to which construction has not commenced as of the date of this ordinance, one hundred percent (100%) of the unit reimbursement amount shall be paid at the time of final approval; or
- (3) For those which had final approvals as of November 5, 1998, as to which construction has not commenced as of the date of this ordinance, one hundred percent (100%) of the unit reimbursement amount shall be paid at the time the building permit is issued; or

- (4) As an option to payments pursuant to the timeframes in the above, those not listed as having overdue payments on Exhibit A to the Addendum may choose to pay future unit reimbursement amounts, at least ten (10) business days prior to requesting signatures from the township on a plat for the purpose of plat filing. The payment required under this option shall equal the number of PAC units or equivalent shown on the applicable plat times the unit reimbursement amount including all interest which has accrued through to the month preceding the date when signatures are requested. If this option is chosen, sewer capacity shall not be deemed reserved for the affected subdivision plat until the required payment is made to the township.
- (5) Notwithstanding any provisions in the Agreement to the contrary, no unit reimbursement amount shall be collected from any individual residential lot which existed as of November 5, 1998 on an approved and improved township road or from the result of a development approval which creates a minor subdivision (three (3) lots or less) or minor site plan (as defined by the Township Land Use Ordinance). It being the intention that collection of the unit reimbursement amount shall apply to properties being commercially developed by means of major site plan application or receiving major subdivision approvals.

Pursuant to the provision of the Sewer Extension Agreement, the reimbursement requirements shall not apply to those developments which are referenced in paragraph 11.04(F) of the aforementioned Agreement inasmuch as sewer capacity has previously been reserved by the township for those developments and properties, which therefore do not need the benefit of the expanded and enlarged sewer facilities.

- G. The township is under no obligation to pay to Menk any of the township funds in order that Menk will recoup in full the reimbursement amount, as defined in the Agreement. All such payments shall come from other properties, pursuant to the provisions of the Agreement. The amount to be reimbursed to Menk by other properties will not exceed four hundred eleven thousand six hundred dollars (\$411,600.) plus accrued interest. Menk in accordance with the Agreement may be reimbursed by various methods, all of which are specified in the Agreement, including but not limited to a reimbursement from other properties within the Service Area on a pro rata basis, thereby requiring each developer to pay its pro rata share for construction of the over-sized pump station facility.
- H. Sewer connection fees paid by other properties to the township in accordance with Township Sewer and Water Facility Rules and Regulations shall be retained by the township and not credited to Menk, all in accordance with provisions of paragraph 11.04 of the Agreement.
- I. The township shall require unit reimbursement amounts to be paid on a timely basis, whether paid pursuant to the timeframe set forth in Section 11.04 of the Water Agreement or pursuant to the option set forth in Section 2.05 herein. All Planning Board resolutions for properties within the service area shall contain a condition requiring timely payment as per the Water Agreement, this Addendum and the applicable township ordinances. No subdivision plat shall be signed by a township official or employee unless full payment of unit reimbursement amounts attributable to that plat and all preceding plats in the affected development have been paid in full. "Paid in full" expressly includes all overdue interest as shown on the most recent monthly accounting provided by Menk to the township. The township shall also advise its Construction Code Official in writing that the failure to

pay in full all unit reimbursement amounts shall constitute a failure to obtain "prior approvals" required for the issuance of building permits and certificates of occupancy. The written notice to the Construction Code Official shall state that no further building permits or certificates of occupancy shall be issued until the township provides written notice of full payment of overdue amounts. Menk shall have the right to file an action in the Superior Court. Menk may seek relief in such action which may include but not necessarily be limited to, mandating action by the township and/or enjoining the signing of plats and/or issuance of building permits or certificates of occupancy. Menk may also seek relief against the affected developer. If Menk elects to pursue legal action against the affected developer, the township has recognized that Menk is an intended third party beneficiary under the applicable ordinance(s) and the Sewer Agreement and this Addendum.

ARTICLE VI
Water Facilities Agreement
with Menk Corporation
[Added 1-19-99 by Ord. No. 1999-3;
amended 4-19-04 by Ord. No. 2004-10]

§ 74-35. Preamble.

The Township of Barnegat has entered into an agreement entitled "Water Facilities Agreement" with Menk Corporation, a New Jersey corporation (hereinafter referred to as "WFA"), which WFA is dated November 5, 1998; and has executed an Addendum dated April 19th, 2004 to said WFA;

The abovementioned WFA and the April 19th, 2004 Addendum is on file with the office of the Township Clerk and can be reviewed by the public during normal business hours; and

Pursuant to the WFA, Menk has constructed a well, a water treatment plant and a water storage tank and has agreed to construct Well Number 6 (collectively referred to in the Agreement as the "Water Facilities") in order to provide water facilities not only for a development being constructed by Menk or its assigns in Barnegat Township known as "Mirage at Barnegat", but also will be oversized in order to provide water facilities for other developers throughout portions of Barnegat Township; and

The township believes it is necessary and proper to codify the terms of the WFA and Addendum by ordinance, and furthermore to delineate and define the manner in which Menk will be reimbursed by future users, as defined in the WFA as amended, (not by the township or its taxpayers) in the Service Area, which is defined in the WFA as constituting the territorial boundaries of the Township of Barnegat when future users seek developmental approval in the Service Area, and thereafter will be permitted to utilize a portion of the off-site water facilities which have been constructed and paid for by Menk.

§ 74-36. Method of calculation and requirement for payment of unit reimbursement amount.

- A All terms and conditions set forth in the WFA entered into by the Township of Barnegat and Menk Corporation, a New Jersey Corporation, dated November 5, 1998 and the Addendum dated April 19th, 2004 are incorporated herein by reference as if set forth more fully herein and repeated a length. A copy of the aforementioned WFA and Addendum is on file with the Township Clerk at the Municipal Building in Barnegat Township, New Jersey, and can be reviewed during normal business hours.
- B. in accordance with the aforementioned WFA and Addendum, future users of property in the Service Area, except for those who are exempted herein and in the aforementioned WFA or the Addendum dated April

19th, 2004, are required to pay a unit reimbursement amount in order to partially repay Menk for monies paid by Menk to provide for the construction of the water facilities which are referenced in the aforementioned WFA and Addendum. The intent of assessing all future users in the Service Area the unit reimbursement amount is to reimburse and repay Menk excess monies paid by Menk for the oversizing of the water facilities, while not imposing on the township in any manner any obligation whatsoever to Menk to pay for or accept any financial responsibility for those payments made by Menk to oversize the water system.

- C. Every future user (other than as provided for in the aforementioned WFA or the Addendum dated April 19th, 2004) of any property located within the Service Area shall pay to Menk, via the township, an amount calculated by multiplying the unit reimbursement amount of seven hundred thirty dollars and fifteen cents (\$730.15) plus accrued interest by the total number of PAC (i.e. Planned Adult Community), or equivalent, units for which such future users attained major subdivision or major site plan approval. Such payment or payments shall act as a reimbursement against Menk's reimbursable amount.
- D. The amount of the total reimbursement due to Menk by future users will be determined in accordance with paragraph 9 of the Agreement or if applicable pursuant to Section. 2.04 of the Addendum only for those costs defined as the installation costs therein.
- E. All future users receiving subdivision and site plan approvals within the Service Area shall pay the Unit Reimbursement Amount to Menk, via the township, as follows:
 - (1) (a) Twenty-five percent (25%) of the unit reimbursement amount shall be paid at the time of obtaining preliminary subdivision or site plan approval, or extensions and/or renewals thereof, and

- (b) Seventy-five percent (75%) of the unit reimbursement amount shall be paid at the time of obtaining final subdivision or site plan approval, and prior to the execution of signing of the final subdivision plat or site plan, or extension and/or renewals thereof; or
- (2) For any future users which had preliminary approvals as of November 5, 1998, but not final, on properties within the Service area, as to which construction has not commenced as of the date of this Agreement, one hundred percent (100%) of the unit reimbursement amount shall be paid at the time of final approval; or
- (3) For any future users which had final approvals as of November 5, 1998 on properties within the Service Area, as to which construction has not commenced as of the date of this Agreement, one hundred percent (100%) of the unit reimbursement amount shall be paid at the time building permits shall be issued; or
- (4) As an option to payments pursuant to the timeframes in the above, future users, not listed as having overdue payments on Exhibit A, to the Addendum may choose to pay future unit reimbursement amounts, at least ten (10) business days prior to requesting signatures from the township on a plat for the purpose of plat filing. The payment required under this option shall equal the number of PAC units or equivalent shown on the applicable plat times the unit reimbursement amount including all interest which has accrued through to the month preceding the date when signatures are requested. If this option is chosen, water capacity shall not be deemed reserved for the affected subdivision plat until the required payment is made to the township. This option shall be enforced with respect to the Ocean Acres development in the

manner set forth in section 2.05 of the Addendum dated April 19th, 2004.

- (5) Notwithstanding any provisions in the Agreement to the contrary, no unit reimbursement amount shall be collected from any individual residential lot which existed as of November 5, 1998 on an approved and improved township road or for any lot created as a result of a development approval granted which creates a minor subdivision (three (3) lots or less) or minor site plan (as defined by the Township Land Use Ordinance). It being the intention that collection of the unit reimbursement amount shall apply to properties being commercially developed by means of major site plan application or receiving major subdivision approvals.
- F. Pursuant to the provision of the WFA, the reimbursement requirements shall not apply to those development which are referenced in paragraph 11.04(F) of the aforementioned WFA inasmuch as water capacity has previously been reserved by the township for those developments and properties, which therefore do not need the benefit of the expanded and enlarged water facilities.
- G. The township is under no obligation to pay to Menk any of the township funds in order that Menk will recoup in full the reimbursement amount, as defined in the WFA as amended. All such payments shall come from other developers, pursuant to the provisions of the WFA as amended. The amount to be reimbursed to Menk by future users will not exceed the amount set by Section 2.01 of the April 19th, 2004 Addendum. Menk in accordance with the WFA may be reimbursed by various methods, all of which are specified in the WFA, including but not limited to a reimbursement from future users within the Service Area on a pro rata basis, thereby requiring future users to pay pro rata share for construction of the oversized pump station facility.

- H. Water sewer connection fees paid by future users to the township in accordance with Township Sewer and Water Facility Rules and Regulations shall be retained by the township and not credited to Menk, all in accordance with provisions of paragraph 11.04 of the WFA.
- I. The township shall require unit reimbursement amount, plus accrued interest, to be paid on a timely basis, whether paid pursuant to the timeframe set forth in Section 11.04 of the WFA or pursuant to the option set forth in Section 2.05 herein. All Planning Board resolutions for future users shall contain a condition requiring timely payment as per the WFA, this Addendum and this ordinance. No subdivision plat shall be signed by any township official or employee unless full payment of unit reimbursement amounts, plus accrued interest, attributable to that plat and all preceding plats in the affected development have been paid in full. "Paid in full" expressly includes all overdue interest as shown on the most recently monthly accounting provided by Menk to the township. The township shall also advise its Construction Code Official in writing that the failure to pay in full all unit reimbursement amounts shall constitute a failure to obtain "prior approvals" required for the issuance of building permits and certificates of occupancy. The written notice to the Construction Code Official shall state that no further building permits or certificates of occupancy shall be issued until the township provides written notice of full payment of overdue amounts. Menk shall have the right to file an action in the Superior Court, and may seek relief in such action which may include but not necessarily be limited to, mandating action by the township and/or enjoining the signing of plats and/or issuance of building permits or certificates of occupancy. Menk may also seek relief against the affected developer. If Menk elects to pursue legal action against the affected developer, the township

has recognized that Menk is an intended third party beneficiary under the applicable ordinance(s) and the Water Agreement and this Addendum,

ARTICLE VII
Meter Technician
[Added 5-21-01 by Ord. No. 2001-20]

§ 74-37. Position established.

The position of Meter Technician is hereby established for the Township of Barnegat.

ARTICLE VIII
Record Documents
[Added 3-17-03 by Ord. No. 2003-05]

§ 74-38. Required documents.

- A. As a condition of final sanitary sewer and/or water approval, and prior to final acceptance and release of performance guarantee, the developer/builder shall provide to the water and sewer engineer, as-built documents for the installed utility infrastructure. The record drawings shall be provided in both reproducible hard copy and electronic format. The hard copy shall be signed and sealed by a professional land surveyor licensed in the State of New Jersey. The electronic format shall be provided in AutoCAD and/or dxf format compatible with the municipal engineer's and water and sewer engineer's CAD system.
- B. Record data shall show horizontal coordinates (northings and castings) and elevations of all sanitary sewer and water utility structures (i.e., manholes, valves, inlets, outfall structures, well, etc.) and service stubs installed by the developer/builder. Horizontal data shall include coordinates referenced to the New

Jersey Plane Coordinate System 1983 NAD (North American Datum) or current horizontal datum standard in effect at the time of record drawing preparation. The vertical data shall be referenced to the 1988 NAVD (North American Vertical Datum) or the current vertical datum standard in effect at the time of record drawing preparation.

- C. All data shall be provided with a conversion factor to the 1988 NAVD and the 1929 NAVD. Also, all data and as-builts shall start from a known point, and shall be so referenced on the as-built and the final plans.

§ 74-39. Sanitary Sewer and Water Regulations to include requirements of this Article.

The Sanitary Sewer and Water Rules and Regulations established pursuant to Section 74-11 and Section 74-17 are hereby amended to include the requirements of providing the Record Documents as set forth hereinabove, all as a condition of final approval and acceptance of installation.

§ 74-40. Information to be in accordance with recommendations of Township Sanitary Sewer and Water Engineer.

The information requested shall be in accordance with reasonable recommendations made by the Township Sanitary Sewer and Water Engineer, in conjunction with the final approval granted by the Township Committee to the sanitary sewer and/or water application.