

**RULES AND REGULATIONS  
OF THE  
HARDYSTON TOWNSHIP  
MUNICIPAL UTILITIES AUTHORITY**



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Please note that the rules and regulations contained herein are subject to change. Please note the date of the last revision, above. It is your responsibility to make sure you are relying on the current rules and regulations. Revisions are not automatically forwarded to holders of copies of these rules and regulations.

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**SECTION I:**  
**FUNCTIONS AND DEFINITIONS**

**1.1 Origins of HTMUA**

The Hardyston Township Municipal Utilities Authority (“HTMUA”) was created by Ordinance adopted by the Mayor and Committee of Hardyston Township in 1985. One of the founding purposes of the HTMUA was to secure sewer allocation from the Sussex County Municipal Utilities Authority (“SCMUA”) for development projects located within Hardyston Township. The HTMUA was organized pursuant to the provisions of the “Municipal and County Utilities Authorities Law,” N.J.S. 40:14B-1 et seq.

**1.2 Organization of HTMUA**

The HTMUA is responsible for providing a potable water supply and public sewage collection for its customers. Treatment and final disposal of wastewater collected by the HTMUA is the responsibility of the SCMUA.

While the HTMUA has broad statutory powers to provide water and sewer services pursuant to New Jersey’s Municipal Utilities Authority Law, N.J.S.A. 40:14B-1 et seq., it also has certain obligations, as well. Its responsibilities include a service contract with the Sussex County Municipal Utilities Authority (“SCMUA”), federal and state laws governing pollution control, drinking water quality and quantity, bio-solids management, contractual undertakings and other applicable State and Municipal laws and ordinances.

The HTMUA consists of five members, called Commissioners, and up to two alternates, each serving a five (5) year staggered term. Commissioners of the HTMUA are responsible for setting policy, approving goals and objectives, overseeing HTMUA affairs and directing the activity of the staff. The HTMUA employs an administrative and operations staff and the services of consultants representing the accounting, engineering and legal professions.

The HTMUA’s administrative office is located in the Hardyston Township Municipal Building, 149 Wheatsworth Road, Hardyston, New Jersey 07419. It is open for business Monday through Friday from 8:30 a.m. to 4:30 p.m.

Regular meetings of the HTMUA are open to the public and are generally scheduled for the first Monday of each month at 7:00 p.m. at the Hardyston Township Municipal Building, subject to the schedule adopted annually by the HTMUA. Special meetings are scheduled and held as required. All meetings are held in accordance with the provisions of the Open Public Meetings Act, N.J.S. 10:4-6 et seq.

The fiscal year of the HTMUA is September 1 to August 31. The annual reorganization meeting of the HTMUA is held in February, pursuant to N.J.S. 40:14B-18.

### **1.3 Disqualification of Commissioner**

1.3.1 Disqualifying Interest. Any Commissioner of the Authority is disqualified from sitting on the consideration of any matter in which the Commissioner has a disqualifying interest such as, but not limited to, the following situations:

- A. Relation to an Applicant or principal of an Applicant within the fourth degree of consanguinity; or is spouse of any person so related;
- B. Applicant or Applicant's attorney is the employer, employee or partner of the Commissioner or is a corporation in which the Commissioner is a shareholder or has other financial interest;
- C. Commissioner has a personal or pecuniary interest in the proceeding.

1.3.2 Statutory Conflict. Pursuant to N.J.S. 40:14B-15, no Commissioner or officer or employee of the HTMUA "shall have or acquire any interest, direct or indirect, in the utility system or in any property included or planned to be included in the utility system or in any contract or proposed contract for materials or services to be furnished to or used by the municipal authority...."

1.3.3 Recusal. Any Commissioner so disqualified shall not sit with the Authority for participation in any executive session or conference during the hearing or determination of any matter in connection with said application.

### **1.4 Removal of Commissioner.**

(a) The removal of a Commissioner is governed by N.J.S. 40:14B-16.

(b) Attendance. Members shall be in attendance at all meetings of the Authority. In the event that a member will not be able to attend said meeting, he or she shall contact the Chairperson or Recording Secretary at least two (2) hours prior to said meeting. The unexcused absence of a member from two (2) consecutive meetings or four (4) total within a calendar year may constitute grounds for removal of such Member from the Board of Commissioners with just cause, pursuant to and in accordance with Section 1.4 hereof. If a Member cannot attend a meeting, but can participate in a meeting remotely, then such Member may request, at least twenty-four (24) hours prior to the meeting, that the Chairperson approve the Member's participation in the meeting via telephone.

**1.5 Record of Proceedings.** The HTMUA, in accordance with prior practice, shall provide for the electronic recording of its meetings. The recordings of said meetings shall be kept for a period of at least three months after written minutes have been adopted for said meetings.

**1.6 Definitions.** The HTMUA adopts the definitions set forth in N.J.S. 40:14B-3, as amended. Unless a different meaning clearly appears from the context of these Rules, the following words shall have the following meanings:

**Applicant** shall mean a property owner or property owners, or a partnership of corporation owning property or acting as authorized agent of the owner, certified

to the HTMUA as such, making application to the HTMUA for review and approval of plans for water and/or sewerage facilities and/or allocations of sewage flows within the Sewer Service Area.

**Authority** shall mean the Hardyston Township Municipal Utilities Authority (also referred to as HTMUA).

**Director** shall mean the Administrator of the HTMUA and may also include any assistant or acting director of the HTMUA.

**HTMUA** shall mean the Hardyston Township Municipal Utilities Authority.

**Main** or **Mains** shall mean all pipes other than service connections conveying water to or distributing water from the HTMUA's water supply, or all pipes or conduits other than service connections connecting with the sanitary sewer system.

**Occupant** shall mean any person other than the owner occupying or in possession of property which is supplied with water or sewer service.

**Owner** shall mean any person owning or claiming to own, or any mortgagee in possession of any property or premises which is supplied with water or sewer service.

**SCMUA** shall mean the Sussex County Municipal Utilities Authority

**Sewage** or **Wastewater** means the spent water of a sewerage system, being the liquid and water-carried waste from residences, commercial buildings, industrial plants and institutions together with any ground water, surface water and storm water which may be present unintentionally.

**Sewerage** means the facilities necessary to convey Wastewater or Sewage.

**Sewer Service Area** means the service area of the HTMUA within the political borders of Hardyston Township, consisting of certain properties within the Sussex County Wastewater Management Plan, designated on a map entitled, "Sussex County Wastewater Management Plan, Future Wastewater Facilities and Service Area" revised to November 7, 2007, as amended.

**1.7 Amendment of Rules and Regulations.** These Rules and Regulations may be amended at any time by a majority vote of a quorum of HTMUA Commissioners assembled at any properly-noticed public meeting of the HTMUA.

## **SECTION II:** **RATES and FEES**

**2.1 General Water Rate.** Except as specifically set forth in this Section II, the HTMUA has a general water rate per user, as adopted in the annual budget. The water rate is computed based upon two types of expenditures: (a) the operating, maintenance and administration charge of the HTMUA; and (b) contribution to the renewal and replacement cost of the water system. These expenditures are offset by: (a) interest on investments; and (b) income from the lease of an HTMUA water tower for cellular antennas. The net expenditures are divided by the number of users, resulting in a general water rate per user. At present, the general water rate is **\$254** per year per user.

2.1.1 Residential Water Rate. [reserved]

2.1.2 Commercial Water Rate. [reserved]

2.1.3 Potable Water Irrigation of Common Areas Rate. Commonly-owned areas of grass and plantings within the Indian Field development are irrigated with potable water. The rate, effective August 1, 2008, for such usage of potable water shall be as follows, per 1,000 gallons per month:

Charge per 1,000 gallons	Use equal to or greater than...	...but less than...gallons.
\$4.50	0	50,000
\$9.00	50,000	100,000
\$13.50	100,000	150,000
\$18.00	150,000	500,000
\$22.50	500,000	600,000
\$27.00	600,000	700,000
\$31.50	700,000	---

**2.2 General Sewer Rate.** Except as specifically set forth in this Section II, the HTMUA has a general sewer rate per user, as adopted in the annual budget. The sewer rate is computed based upon four types of expenditures: (a) an annual operating charge imposed by the SCMUA; (b) an annual debt service charge imposed by the SCMUA; (c) the operating, maintenance and administration charge of the HTMUA; and (d) contribution to the renewal and replacement cost of the sewer system. These expenditures are offset by interest on investments. The net expenditures are divided by the number of users, resulting in a general sewer rate per user.

2.2.1 Residential Sewer Rate. [reserved]

2.2.2 Commercial Sewer Rate. [reserved]

**2.3 Responsibility for Payment.** The owner of each building shall pay all rates, fees and / or charges related to its property, or be liable for such payments.

**2.4 Application and Review Fees and Escrow Fees.** The HTMUA shall collect, at time of application, the following fees from an applicant submitting an application to construct a water system or to construct a sewer system or for subdivision, site plan or other development involving a water supply system and/or sewerage facilities. These fees are in addition to any fees required pursuant to any written agreement between the applicant and the HTMUA. The HTMUA reserves the right to waive the following fees when it determines that the nature of the improvements are too small to warrant an engineering review and would have no impact on potable water and/or sanitary facilities.

A. **Construction of Water System:** ONE THOUSAND DOLLARS (\$1,000.00).

B. **Construction of Sewer System:** ONE THOUSAND DOLLARS (\$1,000.00).

- C. **Subdivision:** FIVE HUNDRED DOLLARS (\$500.00) plus FIFTY DOLLARS (\$50.00) per each lot.
- D. **Site Plan:** ONE THOUSAND DOLLARS (\$1,000.00) plus TWO HUNDRED DOLLARS (\$200.00) per each acre.
- E. **Wastewater Pumping Station:** ONE THOUSAND DOLLARS (\$1,000.00) plus FIVE HUNDRED DOLLARS (\$500.00) per pumping station.
- F. **Treatment Plant:**
- Up to 5,000 gpd, TWO THOUSAND DOLLARS (\$2,000.00);
  - 5,000 gpd to 20,000 gpd, THREE THOUSAND DOLLARS (\$3,000.00);
  - 20,000 gpd to 100,000 gpd, FOUR THOUSAND DOLLARS (\$4,000.00);
  - Over 100,000 gpd, FIVE THOUSAND DOLLARS (\$5,000.00).
- G. **Water Supply Wells:** ONE THOUSAND DOLLARS (\$1,000.00) plus FIVE HUNDRED DOLLARS (\$500.00) per additional well;
- H. **Booster Station:** ONE THOUSAND DOLLARS (\$1,000.00) plus FIVE HUNDRED DOLLARS (\$500.00) per additional booster station;
- I. **Water Pressure Tank:** ONE THOUSAND DOLLARS (\$1,000.00) plus FIVE HUNDRED DOLLARS (\$500.00) per additional water pressure tank.
- J. **Siphon:** FIVE HUNDRED DOLLARS (\$500.00) plus THREE HUNDRED DOLLARS (\$300.00) per additional siphon.
- K. **Fire Suppression System:** ONE THOUSAND DOLLARS (\$1,000.00).
- L. **Resubmitted Plans.** If an applicant resubmits an application encompassing the same land as its previous submission within SIX (6) months of the last HTMUA action on the previous submission, the resubmission fee shall consist only of TWENTY PER CENT (20.0%) of the original fee, but shall not be less than FIVE HUNDRED DOLLARS (\$500.00).
- M. **Escrow Fees.** Each applicant before the HTMUA shall pay all professional review fees through an initial escrow payment of FIVE THOUSAND DOLLARS (\$5,000.00). A lesser escrow amount shall be required if approved by the HTMUA Engineer in writing. Said escrow account must be replenished by the Applicant if its balance drops below ONE THOUSAND DOLLARS (\$1,000.00). Escrow accounts shall be held and disbursed in accordance with the provisions of P.L. 1999 c. 11 (N.J.S. 40:14B-74 et al.). All inspections for the installation of water or sewer facility improvements shall be in accordance with the developer's agreement entered into between the HTMUA and the developer. In the absence of such a written agreement, inspection fees shall be assessed subject to the applicable provisions of P.L. 1999 c. 11 (N.J.S. 40:14B-74 et al.).

**2.5 Water Connection Fee.** The water connection fee for any structure shall be the actual cost of labor and materials of the HTMUA plus any fee imposed by the SCMUA.

**2.6 Meter Fees.**

2.6.1 Testing. The fee for a meter test requested by a customer is ONE HUNDRED DOLLARS (\$100.00). This fee shall be waived if the meter is found to be inaccurate by more than THREE PER CENT (3.0%). This fee shall be waived if the meter is recording in excess of ONE HUNDRED AND TWO PER CENT (102.0%) of a full flow.

2.6.2 Repair. The fee for the repair or replacement of meters for damage caused by other than ordinary wear shall be the actual cost of materials and labor plus FIFTEEN PER CENT (15.0%).

## **2.7 Fire Suppression Fees. [reserved]**

## **2.8 Account Fees.**

2.8.1 Utility Search Charge. Upon the request of any person, the HTMUA shall furnish a utility search, which shall show the outstanding amount of water and/or sewer charges (and any delinquent charges) regarding any parcel of land or building served by the HTMUA. The request shall contain: (a) the lot and block number of each parcel, as designated on the tax map of the Township of Hardyston; (b) the street address of the property; (c) name of the customer. The fee for this search shall be TWENTY-FIVE DOLLARS (\$25.00) for each parcel, which is payable at the time the written request is made.

2.8.2 Account Transfer Fee. The fee for transfer of a water or sewer account, or both, to the name of another person is TWENTY-FIVE DOLLARS (\$25.00). Said fee shall be charged to the new account holder on the next succeeding service charge bill. This fee shall not be imposed for the initial establishment of an account for a particular piece of property.

**2.9 Performance and Maintenance Guarantees.** Any developer required to furnish a performance or maintenance guarantee in favor of the HTMUA shall deposit a sum for HTMUA inspections that is the greater of FIVE HUNDRED DOLLARS (\$500.00) or FIVE PER CENT (5.0%) of the cost of improvements, pursuant to N.J.S. 40:14B-73. In extraordinary circumstance this inspection fee deposit shall be reasonably established by the HTMUA.

**2.10 Returned Checks and Declined Electronic Payments.** There shall be imposed a charge in the amount of TWENTY-FIVE DOLLARS (\$25.00) for each check received and deposited by the HTMUA which is returned as uncollectible for any reason and a charge equal to the charge assessed to the HTMUA by its financial institution for any declined electronic payment for any reason. Said charges shall be imposed on each occasion when the check is returned to the HTMUA as uncollectible or if an electronic payment is declined for any reason. Said charges shall be imposed either by separate bill from the HTMUA to the appropriate person, which bill shall be considered in the same manner as any other service charge imposed by the HTMUA, or, at the HTMUA's discretion, may be included in the next succeeding regular billing. The imposition of these charges shall in no way constitute a waiver of any other rights the HTMUA may have under these circumstances.

**2.11 Interest on Unpaid Service Charges.** Whenever any billing for service charges for water and/or sewer service remain unpaid for THIRTY (30) days after the billing date, interest shall accrue and be due to the HTMUA on the unpaid balance at the maximum rate allowed

pursuant to N.J.S. 40:14B-41, as amended. This interest shall be simple and not compound. Interest shall begin to accrue on the thirty-first (31<sup>st</sup>) day following the billing date.

**2.12 Interest on Unpaid Developer Allocation Charges.** Whenever any developer allocation charge remains unpaid for THIRTY (30) days after the date upon which payment is due in accordance with the contractual arrangement with the developer, interest shall accrue and be due to the HTMUA on the unpaid balance at the maximum rate allowed pursuant to N.J.S. 40:14B:42, as amended, until the date payment is made. This interest shall be simple and not compound.

**2.13 Termination / Restoration of Water Service Fee.** Whenever it becomes necessary to turn on or to turn off water service to a customer for unpaid water and/or sewer rates or for any other reason (other than the HTMUA turning off water for its own purposes), the HTMUA shall collect a fee for said termination / restoration according to the following schedule:

- A. Flat Rate during Regular Business Hours (Monday through Friday 7 a.m. to 3 p.m.): FIFTY DOLLARS (\$50.00);
- B. Flat Rate during After-Hours and Weekends: SEVENTY-FIVE DOLLARS (\$75.00);
- C. Flat Rate during Holidays (Days when Hardyston Township municipal offices are closed): ONE HUNDRED AND TWENTY-FIVE DOLLARS (\$125.00).

**2.14 Inspection and Purchase of Government Records.** The HTMUA's obligation to produce public records for public inspection is governed by statute, N.J.S. 47:1A-1 et seq., as amended. The fees for such production are governed by statute, N.J.S. 47:1A-5.b, as amended

**2.15 Repair Fees - Labor.** The HTMUA shall bill a developer and/or customer for all repairs performed by HTMUA personnel or by HTMUA - designated agents on behalf of a developer or a customer. In the case of a customer, please refer to Section 3.1.4 for additional requirements. Labor costs for repairs performed by HTMUA personnel on behalf of a developer or a customer shall be charged to said developer or customer as set forth below, and labor rates for the HTMUA's designated agents on behalf of a developer or a customer shall be charged to said developer or customer at the rates in effect at that time the repair is undertaken (the "Effective Rate"). In addition, :

- A. Flat Rate for Meter Repair Labor shall be: ONE HUNDRED AND TWENTY-FIVE DOLLARS (\$125.00);
- B. Repairs during Regular Business Hours (Monday through Friday 7 a.m. to 3 p.m.) for HTMUA or operator staff shall be the hourly rate per man hour: Standard hourly rate for water / sewer operator by annual salary resolution of Hardyston Township;
- C. Repairs After-Hours and Weekends: for HTMUA or operator staff shall be 1.5 X regular business hours hourly rate with minimum charge of FOUR (4) such hours;
- D. Repairs during Holidays (Days when Hardyston Township municipal offices are closed): for HTMUA or operator staff shall be 2.5 X regular business hours hourly rate with minimum charge of FOUR (4) such hours.

**2.16 Repair Fees – Materials and Other.** The HTMUA shall bill a developer and/or customer for all repairs performed by HTMUA personnel or by HTMUA - designated agents on behalf of a developer or a customer. In the case of a customer, please refer to Section 3.1.4 for additional requirements. The material costs incurred by the HTMUA on behalf of a developer or customer for repairs shall be the actual cost to the HTMUA plus all professional fees and/or inspection fees incurred by the HTMUA.

**2.17 Tapping Fees.** The HTMUA shall collect a tapping fee for each water tap on a distribution main owned by the HTMUA by the owner arranging said water tap. The tapping fee shall be determined by the HTMUA in accordance with N.J.S. 40:14B-22. No tapping fee shall be required for any water tap when the tap has been installed by a developer or its agent prior to the acceptance of the distribution mains in the development by the HTMUA. Tapping fees charged by the HTMUA to public housing authorities and non-profit organizations building affordable housing projects shall be reduced FIFTY PER CENT (50.0%), pursuant to N.J.S. 40:14B-22.3.

**2.18 Water Loss Penalty.** A charge of SIXTY-SIX CENTS \$0.66 per hour per inch of pipe diameter shall be made against any property owner, developer, contractor or any other individual or corporation who is responsible for loss of water from the HTMUA line because of any breakage, act or omission of said party, unless evidence can be produced by the responsible party that the loss of water has a lesser value based upon a rate of FOUR DOLLARS AND FIFTY CENTS (\$4.50) per ONE THOUSAND (1,000) gallons. *Note: Assumed in the \$0.66 per hour rate is a water loss of 146.88 gallons per hour in a one-inch-diameter pipe with a water velocity of 1 foot per second at a basic water rate of \$4.50 per thousand gallons.*

**2.19 Water Supply During Construction.** A per lot fee shall be paid by any contractor or developer for use of HTMUA water during the construction phase in any single family residential structure. This fee shall be determined by the HTMUA at the time of application for a permit to construct. In the event any developer or contractor shall be using HTMUA water for construction in any other zone in connection with commercial, business, industrial, multi-family or any other use, said fee for water usage during construction shall be determined by the HTMUA at the time of application for a permit to construct.

**2.20 Hydrant Use Penalties.** The penalty for unauthorized use shall be FIVE THOUSAND DOLLARS (\$5,000.00) per violation. This penalty shall be in addition to costs for volume used and any penalties imposed by law for unauthorized use of water.

**2.21 Water Sampling – New Water Mains.** The HTMUA shall collect a fee of ONE HUNDRED DOLLARS (\$100.00) for each water sampling test from any person or entity requesting a water sampling test, which is required in connection with the construction of new water mains.

**2.22 Reduction in Rates for Customers Aged 65 and Over or Under 65 and Permanently Disabled.** [reserved].

**SECTION III:  
WATER SERVICE RULES**

**3.1 Service Connections.**

3.1.1 Tap. The HTMUA shall tap the main, but the service connection from the main to curb, curb stop-cock and curb box shall be furnished and placed by the owner of the property.

3.1.2 Service Connection. The service connection from the main to the meter and for three feet beyond the meter must be installed by the owner. It shall consist of type K copper tubing and shall be laid four feet below the surface. The minimum inside diameter of a service connection shall be ¾ inch. The diameter shall not be less than that of the tap controlling it. The service connection shall be run as far as practicable at right angles to the main and in a straight line to the meter. There shall be no attachment from which water can be drawn between the meter and the main.

3.1.3 Curb Box. The curb box shall be in sight on a level with the ground service and free from obstruction at all times. The owner shall repair any damage to a curb box within SEVEN (7) days of notice by the HTMUA and in the event of its failure to do so, the HTMUA may make the necessary repairs, charging the costs to the owner to be collected as other charges, except where the damage was the direct result of the negligence of the HTMUA or its agents.

3.1.4 Repairs. When tests made by the HTMUA indicate a leak in a service connection between the curb, curb stop-cock or curb box and the meter, notice to repair, pursuant with Section 5.8 of these Rules, shall be served upon the owner. If the notice is not complied with, the HTMUA may shut off the tap controlling the service connection, or in the alternative may, upon entering into a written agreement with the owner authorizing the HTMUA and HTMUA - designated agents to access the owners premises, make any necessary repairs and charge the costs of said repairs to the owner, to be collected as other charges for a period not to exceed five (5) years. Any agreement between the HTMUA and an owner that exceeds twelve (12) months shall be subject to statutorily permissible interest. The HTMUA shall not enter into any similar kinds of agreement with a home owners association. The HTMUA shall bear responsibility for repairing leaks detected in the following areas:

- A. If in a street, then the area from the main to either the curb box / curb stop or TEN (10) feet behind the curb / edge of pavement, whichever is less;
- B. If other than a street, then TEN (10) feet from the centerline of the main.

This shall not be interpreted to mean that the HTMUA is responsible for the construction or reconstruction of the service connection in these areas, but the HTMUA shall be responsible for the repair of leaks that may develop in that portion of the service connection.

3.1.5 HTMUA Inspection Required. All plumbing and other work from the main to the meter is subject to the inspection and approval of the HTMUA or its agents and all work shall be inspected and approved before the pipes are covered and the water supply furnished.

3.1.6 Water Meter Receipt Required for Certificate of Occupancy. Prior to the issuance of a certificate of occupancy and as a pre-condition thereto, the property owner must obtain a water meter receipt from HTMUA indicating HTMUA approval of the installed water meter.

### **3.2 Application for Water Service.**

3.2.1 Instructions. Applications for water supply must be made on the forms furnished by the HTMUA for that purpose. The application shall be made by the owner of the premises or property or his authorized agent; shall state to whom the bill for water rates and charges shall be rendered (either owner or agent); shall specify the purpose for which the water is to be used; the type and character of building and when used for construction or other special purposes; and it must be stated on the application and there shall be submitted any fees necessary to be paid in advance by these regulations. Persons desiring a ¾ inch or larger tap to be made on a specified day shall make application at least eight days prior to the date. The HTMUA shall not, however, guarantee to any applicant that any tap will be made on a specified date, but will reasonably attempt to do so.

3.2.2 Account Current. The HTMUA shall not accept applications for water supply or service to be furnished to premises against which there is an outstanding, delinquent account.

3.2.3 Tap Fee. All applications for installation, change in, or replacement of service connections shall be made in writing by the owner or its agent and, if a new tap on the main is necessary, shall be accompanied by the payment of the required tap fee (see Sec. 2.17).

### **3.3 Responsibilities of the Property Owner.**

3.3.1 Curb Box. The property owner shall maintain the curb box and shall ensure that the curb box is accessible at all times

3.3.2 Meter. The property owner shall maintain the water meter and shall ensure that the meter is accessible at all times and free from obstructions.

3.3.3 Tap. For all taps on HTMUA water mains, the HTMUA shall provide the tapping saddle and corporation cock. The owner shall provide all other materials and labor at its expense. The HTMUA shall have the right to refuse making taps beyond its capability.

3.3.4 Leak Repairs. The property owner is responsible for leak repairs up to either TEN (10) feet behind the curb / edge or pavement or to the curb box / curb stop, whichever is closer to the main.

### **3.4 Private Mains.**

3.4.1 HTMUA Approval Required. No private mains may be installed or maintained without the approval of the HTMUA. Private mains shall be installed at the expense of the applicant and shall consist of piping of a quality, type and size approved by the HTMUA's Engineer and be separately controlled by a valve to be placed where directed by the HTMUA. A meter shall also be installed a point along the main designated by the HMTUA, which point shall be between the tap and the point where the first branch goes off the private main.

3.4.2 Consent of Owner. Each branch or service connection from a private main shall be made only upon the written consent of the owners of the private main and shall be controlled at the connection by means of a stop-cock.

3.4.3 Owner Maintenance. Owners of the premises supplied from private mains or branch connections shall maintain the mains in good order, and when the private main is replaced by a public main, or when a private main or branch connection is abandoned, the owner shall be responsible for the closing of the controlling tap or for the disconnection of the stop-cock or for any other work deemed necessary by the HTMUA. Upon failure of the owner to properly maintain, disconnect or close a private main or branch, after three days written request by the HTMUA, the HTMUA may do the necessary work and charge the cost to the owner or owners to be collected as other charges.

3.4.4 Meter Required. The HTMUA shall require installation of meters upon the connections from the private main and its agents may go upon the premises for the purpose of reading or removing or servicing the meters and to regulate the use in the same manner that other meters are regulated, and the users of water through the meters shall be subject to the same charges as other users of water.

### **3.5 Discontinuance of Water.**

3.5.1 Reasons. The HTMUA may discontinue the service of water for any of the following reasons:

- A. Violation by any owner or occupant of any of the provision of these Rules or any ordinances of the Township of Hardyston relative to the use and sale of water, or for failure to pay any rate or charge of the HTMUA;
- B. Tampering with any service connections, pipe, line, meter, curb stop or other water or sewer service equipment or any other appliance belonging to the HTMUA.
- C. Refusing reasonable access to property for the purpose of inspection or for reading meters;
- D. Failing to maintain in good condition any private main or branch connection, any service pipe or service connection.

3.5.2 Fee. The HTMUA shall charge a fee for the turning off and for the turning on of water service, pursuant to Section 2.13 of these Rules.

3.5.3 Notice to HTMUA. No voluntary discontinuance of water service shall be effective unless the owner or occupant gives at least two days' written, advance notice to the

HTMUA. When a water service is disconnected and the owner has no plans to use the service within a period of one year from the discontinuance, the service shall be shut off at the main upon written request to the HTMUA.

### **3.6 General Water Regulations.**

3.6.1 Mandatory Tap. When a plumbed structure is located on a public street within 100 feet of an HTMUA water main that street, the owner will be required to tap the main, and only one meter per tap will be permitted.

3.6.2 Common Service / Separate Meters. When a plumbed structure does not front on a public street the structure may share common service and tap of a house fronting on the street, provided the service line is separated so that separate meter readings at each structure will be possible.

3.6.3 Common Tap. When a common tap is used, the owner shall be charged a tapping fee, pursuant to Section 2.17 of these Rules, for the second and each succeeding meter off the tap. These meters shall remain the property of the HTMUA and be installed by the owner at the owner's expense under the supervision of the Director.

3.6.4 Waste. Water must not be allowed to run to waste merely to prevent freezing in the service pipes or their attachments, or for any other purpose, except when taken through a meter and shall not be used for any other purpose than those indicated in the application and permit.

3.6.5 Meters. A meter shall be required in every house or building supplied with water from the mains. Meters shall be checked periodically for accuracy.

3.6.6 Tampering with Curb Box Stop. The stop at the curb shall not be used or tampered with other than by an authorized agent of the HTMUA.

3.6.7 Specified Use of Water Supply. No consumer shall supply water to any other person or family or entity or for use on any but its own premises or for any purpose not specified in the application, and no consumer shall, after water is introduced into its building or upon its premises, make any changes to the water supply, without first obtaining a written permit from the Director stating the particular changes to be made and purposes for which the water is to be used. No person shall use a service connection to supply premises or property other than that particularly described in the application approved by the HTMUA.

3.6.8 Hydrant Tampering. The HTMUA prohibits the opening or interference in any way with any fire plug or hydrant for any purpose whatever except under the direction of the Director or its agent. Hardyston Township Volunteer Fire Department and members of the department are authorized to use the hydrants and plugs for the purpose of extinguishing fires or cleaning their engines and hose, or department materials, or making trials of the hose or for drills, but all uses shall be under the direction and supervision of the chief or his assistants, and

in no event shall inexperienced or incompetent persons be permitted to manipulate or control in any way any hydrant, plug or other fixture.

3.6.9 Street Openings. Street openings for the purpose of installing or repairing water or sewer lines must be made only after issuance of a street opening permit by the Township of Hardyston, subject to inspection by representative of the Township and the HTMUA.

3.6.10 HTMUA Approval Required. No person shall attach, alter or extend any water pipe or make any alterations in any tap stop or other fixture nor do any work calculated to increase the facilities for using water, nor turn on or off the connection to the main at the curb without the consent of the HTMUA. No person shall tap or connect any water main or insert a stop-cock therein, except duly authorized agents or employees of the HTMUA. No person shall open or close any valve in the public main or tamper or interfere with any valve or valve box cover except duly authorized agents or employees of the HTMUA.

3.6.11 Inspections. No person shall prevent or hinder any HTMUA employees or duly authorized agents from making inspections at any reasonable time of all service connections, meters, taps and fixtures.

3.6.12 Hazardous Materials. No person shall keep or store any explosives, acids or other substances likely to injure or damage the water supply system within FIFTY (50) feet of any of the mains or appurtenances of the water supply or distribution system without first obtaining a permit from the HTMUA.

3.6.13 Joints. When the distance from the curb stop to the structure to be serviced is less than FIFTY (50) feet and the pipe is ONE (1) inch or less in diameter, no joints shall be permitted. No sweat joints shall be permitted between the main and the meter. Only flared and I.P.S. brass joints shall be allowed.

3.6.14 Pipe Trenches. No water service pipes or any underground water pipes shall be run or laid in the same trench with a sewer service or draining piping, unless: (a) the bottom of the water service pipe at all joints is at least TWELVE (12) inches above the tope of the adjacent sewer lines or drainage piping; (b) the water service pipe shall be placed on a firm foundation at one side of the common ditch; and (c) the number of joints in the water service pipe is kept to a minimum.

### **3.7 Fire Suppression.**

3.7.1 Application. Standpipes, sprinkler systems or other devises used for the suppression of fire shall be installed only after application is made to and approved by the HTMUA. The application shall show the existing or proposed system in sufficient detail satisfactory to the HTMUA Engineer or its agent to render an informed decision as to its sufficiency and compliance with fire suppression standards. A detector check system must be installed. Any approved system shall at all times be subject to inspection by the Authority and the Hardyston Township Volunteer Fire Department.

3.7.2 Restricted Use. No person shall make any connection to any improved independent system or permit the making of any tap or connection whereby water may be drawn from the system for any use other than fire suppression and testing of the system.

3.7.3 Notice Required. No alteration in or extensions to any approved system shall be made without first notifying the HTMUA.

3.7.4 Rates and Fees. Annual charges for standpipes, sprinkler systems or other devices used for the suppression of fire shall be made at a rate as provided in Section 2.7 of these Rules.

### **3.8 Water Meters.**

3.8.1 Seal. No person other than employees or duly authorized agents of the HTMUA shall break or remove any seal placed upon a meter by the HTMUA, its agents or employees.

3.8.2 Tampering. No person shall tamper with, deface or attempt to alter any meter.

3.8.3 Cost of Meter Repairs. The HTMUA shall maintain meters so far as ordinary wear and tear are concerned. The owner shall be responsible for the cost of all meter repairs occasioned by other than ordinary wear, including, but not limited to: freezing, hot water, external causes or negligent or willful conduct of any person other than an employee or agent of the HTMUA. Repair costs remaining unpaid for more than THIRTY (30) days after billing shall become a lien on the owner's property in accordance with N.J.S. 40:14B-42.

3.8.4 Who Repairs the Meters. All meter repairs must be completed by a duly authorized agent or employee of the HTMUA.

3.8.5 Meter Testing. Upon request of a customer, the meter shall be removed, tested and reinstalled by the HTMUA. The fee for this service is set forth in Section 2.6 of these Rules. In the event of meter inaccuracy exceeding THREE PER CENT (3.0%) due to ordinary wear, the HTMUA shall install a replacement meter at its cost.

3.8.6 Bill Adjustment for Malfunctioning Meter. If a meter test indicates that the meter is recording in excess of ONE HUNDRED AND TWO PER CENT (102.0%) of a full flow, the owner shall be entitled to an adjustment in his last quarterly bill on the basis of the percentage in excess of 102.0% . If a meter test indicates that the meter is recording less than ONE HUNDRED AND TWO PER CENT (102.0%) of a full flow, there shall be no adjustment in the owner's bill.

3.8.7 Other Bill Adjustments. No adjustment shall be made in any owner's bill because of leaks or for any reason except as explicitly set forth in these Rules.

3.8.8 Billing in the Absence of Meter Reading. Whenever, due to malfunction, a meter fails to record water consumption and a reading cannot be obtained, the owner shall be billed for the quarter an amount based upon the average of the readings for the four preceding quarters.

3.8.9 Inoperative Meters. The customer shall immediately notify the HTMUA of injury to a meter or the failure of a meter to work properly, as soon as known by the customer.

**3.9 Water Conservation Policy.** It is the policy of the HTMUA to encourage water conservation at all times. No water shall be permitted to run to waste for any reasons.

**3.10 Emergency Drought Conditions.** Whenever (a) a water emergency is declared by the Governor or any departmental unit of the State of New Jersey or the federal government; and/or (b) it appears that, because of general drought conditions in the area, a shortage of water may develop; the HTMUA shall implement such of the following provisions as it may deem necessary according to the seriousness of the drought conditions, according to the following order priority of implementation:

- A. The HTMUA may prohibit the use of water for:
  - 1. noncommercial washing of vehicles, except where there is a threat to public health;
  - 2. filling swimming pools;
  - 3. washing streets, driveways, sidewalks or paved areas;
  - 4. watering lawns and gardens;
  - 5. flushing hydrants;
  - 6. serving water in restaurants, clubs or eating places unless specifically requested by the patron;
  - 7. watering all plant growth;
  - 8. outdoor recreation purposes;
  - 9. use of fire hydrants for any purpose other than fire protection purposes;
  - 10. flushing sewers (with potable water) except as deemed necessary and approved in the interest of public health or safety by municipal health officials.
  
- B. The HTMUA may impose a surcharge on all customers who use in any quarter gallonage which exceeds the use in the preceding four quarters, except where: (a) it is shown that such use has resulted from some act over which the customer has no control; or (b) the HTMUA has granted a waiver of the surcharge to a customer due to unusual and extenuating circumstances. The amount of such surcharge shall be TWENTY-FIVE PER CENT (25.0%) of the customer's current quarterly billing unless the HTMUA decides upon a different amount after public hearing conducted with the formality required for establishment or amendment of a water or sewer rate.
  
- C. The HTMUA may establish such other special rules and regulations as are designed to conserve water during said drought period and shall cause copies of all said rules and regulations to be posted in each building served by the HTMUA or mailed to each customer by regular mail, postage prepaid.

**3.11 Irrigation System Restrictions.** No outside irrigation system that is connected to the HTMUA-Crystal Springs potable water system PWSID No. 1911006 located at Club House Road and Crystal Springs Road in Hardyston, shall be used until such time as the NJDEP has determined that adequate allocation exists to supply the demands of said system.

**3.12 HTMUA Leak Repair Responsibility.** The HTMUA’s responsibility for leak repairs extends TEN feet from the centerline of the main to the closer of: (a) the curb box / curb stop; or (b)TEN (10) feet behind the curb / edge of pavement.

**SECTION IV:  
SEWER SERVICE RULES**

**4.1 Sewer Service Availability**

A. The service area of the HTMUA does not extend beyond the political borders of Hardyston Township. The service area consists of certain properties within the Sussex County Wastewater Management Plan, designated on a map entitled, “Sussex County Wastewater Management Plan, Future Wastewater Facilities and Service Area” revised to November 7, 2007.

B. In 1987, the HTMUA entered into a Service Contract with the Sussex County Municipal Utilities Authority (SCMUA), the operator of an interceptor sewer system and sewage disposal plant serving the Upper Wallkill Basin. Under the terms of this 1987 Service Contract, the SCMUA agreed to accept and treat domestic, commercial, institutional and/or industrial sewage originating from the HTMUA’s territorial area in a volume not exceeding an annual average of **365,000** gallons per day. As payment for this allocation of sewage flow, the HTMUA pays to the SCMUA an annual charge consisting of: (a) an Operating Charge for HTMUA’s proportional share of the SCMUA’s operating, repair and maintenance expenses; and (b) a General Charge for HTMUA’s proportional share of the SCMUA’s related indebtedness and financial obligations.

C. Since 1987, the HTMUA has acquired additional sewer allocation from different sources, as follows:

- § 1999: **125,000** g.p.d. acquired from Franklin Borough for Sussex National Development, Inc.;
- § 2002: **25,000** g.p.d. of excess sewer capacity from Sussex Borough on behalf of High Ridge Properties, LLC;
- § 2003: **25,000** g.p.d. from Franklin Borough, previously reserved for Wallkill Valley Regional High School, for the benefit of said school and for Hardyston YMCA.

D. HTMUA’s total sewer allocation at the SCMUA treatment plant is currently **540,000** g.p.d.\* and is presently reserved for developers and developments, pursuant to written agreements, as follows:

- § Crystal Springs Builders, LLC (Crystal Springs): **327,500** g.p.d.;
- § HFH Development Corporation (Indian Field): **152,500** g.p.d.\*;
- § High Ridge Properties, LLC: **25,000** g.p.d.;
- § Wallkill Valley Regional High School: **17,000** g.p.d.;
- § Anton Pilz: **9,650** g.p.d.;

§ Hardyston YMCA: **8,000** g.p.d.;

§ Storage Solutions, Inc.: **350** g.p.d.

\* *HFH Development Corporation allocation changing as of date of printing*

## **4.2 Sewer Flow Allocation**

4.2.1 Limitation on Approvals. The HTMUA shall not allocate sewage flow to any Applicant except within the total gallonage allocation by the SCMUA to the Authority.

4.2.2 Priority - In General. At such time as the HTMA should acquire or reacquire, from whatever source, sewer flow capacity, the HTMUA shall offer said sewer flow capacity for sale to Applicants at public auction. The HTMUA shall allocate said sewer flow capacity to the Applicant that: (a) meets the terms and conditions of bidding at such auction, as established by the HTMUA; (b) is the highest bidder at said auction; (c) executes a developer's agreement with the HTMUA governing the sewage flow allocation in a form acceptable to the HTMUA.

### 4.2.3 Priority – Exceptions.

A. **Purchase of Allocation from Another Participant.** Recognizing that other municipalities which are participants in the SCMUA may have excess flow allocations that they may be willing to assign to the HTMUA upon payment of a consideration to such participating municipality for such assignment, any flow allocations so received by the HTMUA shall be subject to all terms and conditions of the documents, agreements, understandings, covenants and conditions relating to such assignment of flow which may limit the allocation of such rights by the HTMUA.

B. **Plant Expansion.** An Applicant contracting with SCMUA and agreeing to pay for expansion of the SCMUA treatment facilities, resulting in additional allocation to the HTMUA, shall be deemed to have priority for said additional allocation, provided that said Applicant executes a developer's agreement with the HTMUA for such allocation in a form acceptable to the HTMUA.

**4.3 Connection Procedures.** Any Applicant possessing HTMUA-acknowledged sewer allocation and seeking connection to the sewer system shall make application as follows:

4.3.1 Residential Application. Written application shall be submitted to the HTMUA by the property owner or its designated agent. The HTMUA must approve of an application before an Applicant makes a connection. Applicant must demonstrate available allocation and a portion of an existing sewerage system in the streets or rights-of-way abutting the premises to be served.

4.3.2 Commercial Application. In addition to making written application to the HTMUA, industrial and commercial Applicants shall furnish the following information to the HTMUA:

- detailed description of the type and size of buildings;
- nature of business to be conducted;
- number and type of fixtures to be served;

- volume and chemical characteristics of waste to be discharged;
- two copies of plans depicting property boundaries, finished grade, connection details.

4.3.3 Industrial Application. In addition to the information contained in section 4.3.2, industrial applicants shall submit complete data with respect to the following:

- average, maximum and minimum rates of flow to be expected daily and seasonally;
- flow diagram, showing points of application of chemicals,
- type and quantity of each chemical used per day and per shift;
- schedule of operations;
- expected chemical characteristics of the untreated wastes;
- point or points of connection to sewage system;
- separate points of connection for domestic sewage and industrial wastes from each industrial establishment (if required by the HTMUA).

4.3.4 Account Current. The HTMUA shall not accept applications for sewer service or allocation to be furnished to premises against which there is an outstanding, delinquent account.

4.3.5 Connection Fee. Connection fees within a subdivision and/or site plan where the developer is installing a sewer system at its own cost and is connecting such system to the SCMUA or to trunk lines in any other municipality served by the SCMUA shall consist of the total amount of all connection fees imposed by the SCMUA and such other municipality.

4.3.6 HTMUA to Supervise Connection. HTMUA will supervise connections to the mains of its local sewerage system.

4.3.7 Sewer Lateral Receipt Required for Certificate of Occupancy. Prior to the issuance of a certificate of occupancy and as a pre-condition thereof, the property owner shall obtain a sewer lateral receipt from HTMUA indicating that HTMUA has conducted a video inspection of the sewer lateral and has found same satisfactory.

4.3.8 Service to Public Buildings. Service connections to a public building, church, commercial establishment and/or industrial establishment shall be installed to conform to detailed plans and specifications submitted to and approved by the HTMUA.

#### 4.4 Service Connections.

4.4.1 Owner Responsibilities. The property owner is responsible for installation and maintenance and repair of its service lateral(s). All cost to construct service laterals, all surface restoration and all permit fees of any service lateral will be paid by the owner or customer. After installation of the owner's lateral, the maintenance and repair shall be the sole responsibility of the owner or customer, in accordance with these rules.

4.4.2 Size, Type and Location of Lateral. The Authority reserves the right to determine the size and kind and location of the service lateral from the main to the curb line, from the curb line to the property to be served, or from the main in a right-of-way to the property to be served. Where required by the Authority, the owner shall install a vent in the lateral of the kind and size approved by the Authority. The lateral (and vent, if required) must be installed in accordance with the approved diagrams and plans supplied to the Authority.

4.4.3 Licensed Plumber and Inspection Required. Any service lateral installed and approved by the Authority shall be installed by a registered plumber and be inspected and approved by the Authority's inspector prior to backfilling the trench. Any construction not so conducted and approved shall be immediately removed and reconstructed in an approved manner.

4.4.4 Separate Trench. No service lateral shall be laid in the same trench with any gas pipe, water service, or any other facility of any public service company, nor within three feet of an open excavation, vault, meter pit, nor shall the location be in conflict with any sidewalk or driveway.

4.4.5 Renewal of Service Lateral. Where the renewal of a service lateral is found to be necessary, the Authority will allow it to be replaced at the same location as previously used or relocated is desired by the customer as long as the old service lateral is disconnected and properly plugged at the sewer main. Costs for renewal or relocation, along with costs of restoration of streets, easements, etc. will be paid by the customer or property owner and performed by a registered plumber, under the inspection of the Authority.

4.4.6 Repairs Made by HTMUA. If HTMUA identifies a necessary repair to a service lateral, HTMUA shall notify the property owner. HTMUA has the option, but not the responsibility, of making said repairs itself and thereafter charging the costs of said repair to the owner.

4.4.7 HTMUA Supervision of Owner Repairs. All repairs undertaken pursuant to these rules by an owner must be properly noticed to and witnessed and inspected by the HTMUA. Any work not acceptable to the HTMUA shall be immediately removed and replaced by work that is acceptable to the HTMUA.

**4.5 Sewer Service Charges.** Sewer service charges are payable to HTMUA in accordance with the Schedule of Rates and Fees in Section 2. Any charges imposed by the HTMUA pursuant to a developer's agreement, including, *inter alia*, fees due the SCMUA which remain unpaid, shall be considered as creating a pro rata charge on each unimproved lot or parcel in the proposed development for which final subdivision approval has been obtained. Prior to the issuance of a building permit or the installation of any service connection to the lot and prior to the issuance of any certificate of occupancy for any unit constructed on said lot, the owner of said lot or unit shall pay the pro rata share of such charge assessed on said unimproved lot or unit; no water or sewer service shall be provided to any such lot or unit until such charge has been paid.

## **4.6 Prohibited Discharges.**

4.6.1 SCMUA Rules. The Rules and Regulations of SCMUA pertaining to the use of its sewage treatment works, as amended from time to time, are hereby adopted by reference as part of these rules and regulations as though fully set forth herein.

4.6.2 Cease and Desist. When HTMUA finds that a discharge of wastewater has taken place in violation of the prohibitions or limitations of these regulations, HTMUA may issue an order to cease and desist, and may direct those persons not complying to:

- A. Comply forthwith;
- B. Comply in accordance with a time schedule set forth by HTMUA;
- C. Take appropriate remedial or preventative action in the event of a threatened violation;
- D. Discontinue service.

4.6.3 Reconsideration. Any user affected by any decision, action or determination, including a Cease and Desist Order, made by HTMUA, may file with the HTMUA a written request for reconsideration within ten (10) days of such decision, action or determination, setting forth in detail the facts supporting the user's request for reconsideration.

4.6.4 Public Nuisance. Discharges of wastewater in any manner in violation of these regulations or any other order issued by the SCMUA is hereby declared a public nuisance and shall be corrected or abated as directed by the HTMUA. If said discharge(s) cause or threaten to cause a condition of contamination, pollution or nuisance, HTMUA may discontinue service and may petition the Superior Court for the issuance of a preliminary or permanent injunction, or both, as may be appropriate in restraining the continuance of such discharge.

**4.7 Liability.** HTMUA shall in no way be responsible for maintaining any portion of the sewer system owned by the property owner. HTMUA shall not be responsible for blockages in a portion of the sewer system owned by the owner nor for damage done by sewage escaping therefrom, nor for lines or fixtures on the owner's property.

## **4.8 General Sewer Rules.**

4.8.1 Infiltration. In the event of infiltration or inflow caused by a broken pipe, open joints or some other problem with the user's piping, said condition shall be reported and repaired immediately by the user.

4.8.2 Prohibited Connections. Under no circumstances shall any of the following be connected to the sanitary sewers, either directly or indirectly:

- A. Floor drain, area drain or yard drain, except floor drains are permitted in food service establishments and public rest rooms.
- B. Rain conductor or downspout or sump pumps.
- C. Grease pit unless pit is cleaned by methods not using sewers.
- D. Air conditioning equipment.
- E. Storm water inlets or catch basins.

- F. Drains from equipment or manufacturing unless specifically authorized under the provisions of this section.
- G. Garbage grinders.

4.8.3 Interceptors. When required by the HTMUA, grease, oil and sand interceptors or oil reclaimers shall be provided and maintained at the user's expense, in continuing efficient operation. Design and pertinent data shall be submitted to HTMUA for review and approval prior to installation.

## **SECTION V: GENERAL RULES**

### **5.1 Applications.**

5.1.1 Form. An application for HTMUA approval for acceptance, construction, expansion, connection to and/or alteration of any water system, sewer system and/or fire suppression system, whether operated by the HTMUA or by a private utility, shall be submitted to the HTMUA in writing in the form set forth in Appendix A of these Rules.

5.1.2 Fee. Every application shall be accompanied by a non-refundable fee, as set forth in Section 2.22 of these Rules.

5.1.3 Water System Applications. The following information shall additionally be required for all applications regarding water systems:

- A. Engineering estimate of number of units proposed to be constructed, based upon pending or proposed application to the appropriate land use board;
- B. Location and number of wells required;
- C. Average, estimated gallons per day of water required to serve the development.

5.1.4 Factors to Be Considered in Accepting or Rejecting Applications. In considering an application to accept a new or existing water system, the HTMUA shall consider, at a minimum, the following factors:

- A. Economic viability of the system;
- B. Whether the system is constructed in accordance with current local, state and federal requirements;
- C. Likelihood that the system can eventually be integrated with other systems operated by the HTMUA;
- D. Public health, fire and safety conditions;
- E. Whether alternative water, sewer and/or fire suppression resources are reasonably available;
- F. Whether water yield or sewer allocation is sufficiently available;
- G. Such other factors as the HTMUA may deem appropriate.

5.1.5 HTMUA Approval Comes First. No application shall be made to any county, state or federal agency or department until said application has been approved by the HTMUA.

**5.2 Conditions of Approval of Applications.** Any applicant seeking required HTMUA approval for connection to the HTMUA water or sewer system agrees to the following conditions, should its application be approved.

- A. Payment of all application fees, as set forth in Section 2.22 of these Rules;
- B. Compliance with all rules, regulations and rates adopted by the HTMUA;
- C. Conveyance by deed to the HTMUA easements to all areas on the final plan showing water and/or sanitary sewer installation and all rights to said systems;
- D. Payment of all legal and engineering fees of the HTMUA incurred for the application;
- E. Posting of performance bonds as determined by the HTMUA;
- F. Provision of TEN (10) sets of preliminary plans (minimum scale 1 inch = 50 feet) along with the approved HTMUA Application form completed in triplicate; and provision of updated plans as per the HTMUA's professionals' review until approval is obtained;
- G. Provision of plumbing plans for all proposed structures;
- H. Provision of a listing of all plans, materials and documentation submitted with the application;
- I. Provision of SIX (6) copies of an itemized list and description of the proposed construction and appurtenances on the plans and other material submitted with the application, together with estimated costs;
- J. Notification of the HTMUA as to when construction begins;
- K. Provision of THREE (3) sets of "as built" drawings upon completion of construction, to the form and satisfaction of the HTMUA Engineer, but containing, at a minimum, the details enumerated in Appendix B of these Rules.
- L. Notification of the HTMUA at least FORTY-EIGHT (48) hours in advance as to when inspection may be made by and HTMUA representative before work is covered. Failure to do so may require the applicant to excavate in order for proper inspections to be make;
- M. Paying all checks to the "Hardyston Township Municipal Utilities Authority";
- N. Submission of all necessary documents to State and/or Federal agencies properly vested with jurisdiction over the applicant's proposed work;
- O. Provision to the HTMUA of all information necessary for the completion of the application;
- P. Execution of each application by the HTMUA's Director or designated agent.
- Q. Posting of initial escrow fees and replenishment of said escrow fees in an amount determined by the HTMUA, in accordance with N.J.S. 40:14B-20.1

**5.3 Developer's Agreement Required.** Approval of any application by the HTMUA shall be evidenced by the execution of a Developer's Agreement between the HTMUA and the Applicant as to water and/or sewer systems.

**5.4 Delinquent Accounts Certified to Tax Collector.** Whenever any billing for service charges for water and/or sewer service remain unpaid for two quarterly billing periods, the

HTMUA's billing agent shall immediately certify the unpaid amount of said unpaid charges to the Hardyston Tax Collector in the manner provided by law. The amount due shall be a lien on the affected real property, pursuant to N.J.S. 40:14B-42. In order to reimburse the HTMUA for the costs incurred as a result of the publication of the list certified to the Hardyston Tax Collector, there shall be imposed a fee of TWENTY-FIVE DOLLARS (\$25.00) for each delinquent water and/or sewer account which is certified to the Hardyston Tax Collector.

**5.5 Logos or Signs on Water Tanks.** Any wording or proposed logo to be placed on a water tank belonging to or about to be conveyed to the HTMUA shall first be approved by the HTMUA. Any wording or logo shall specifically be limited to identifying the community served by the water tank and the name of Hardyston Township. Any logo and associated wording shall not be placed on the tank until specifically approved by the HTMUA.

**5.6 Construction Design of Systems.** As a general rule, developers and applicants must comply with the construction design standards set forth in Appendix C of these Rules. Said standards may be amended by local, county, state or federal statute or regulation, or by specific engineering recommendation of the HTMUA Engineer and/or the HTMUA.

**5.7 Hydrant Use.** Use of water from a hydrant owned or operated by the HTMUA by anyone other than HTMUA personnel or HTMUA – authorized agents is, as a general rule, restricted to actual firefighting or authorized drills conducted by the Hardyston Township Volunteer Fire Department. The penalties for any unauthorized use are set forth in section 2.20 of these Rules.

**5.8 Repairs.** The HTMUA shall send written notice of any noted and necessary repairs to owners. Each notice shall indicate whether the repairs are the responsibility of the HTMUA or of the owner.

5.8.1 Timely Repairs by Owner. For all owner-responsible repairs, the HTMUA notice shall state the amount of time in which the repair may be made by the owner. After the expiration of said time, the HTMUA may undertake the repairs itself and shall bill the owner for all such repairs, according to the fee schedule in Section II of these Rules.

5.8.2 HTMUA Supervision of Repairs by Owner. Any repair undertaken by an owner or its authorized agent must be overseen by an authorized agent or staff of the HTMUA during normal business hours. The owner is responsible for scheduling and coordinating this supervision with the HTMUA.

**5.9 Prohibited Acts; Fines and Penalties.**

5.9.1 System Destruction. Any person who maliciously, willfully or negligently breaks, damages, destroys, uncovers, defaces or tampers with any structure, appurtenance or equipment which is part of the HTMUA water and/or sewer system shall be liable civilly to HTMUA for the costs of repairing such said damage, in addition to any criminal fines and penalties imposed for said damage. Any person violating this provision shall be subject to arrest under charge of disorderly conduct.

5.9.2 Sewer Violations. Any person or entity violating any provision of these regulations or discharging wastewater causing pollution, or violating any cease and desist order or prohibition or effluent limitation or national standard or performance, pretreatment or toxicity standard shall be liable civilly to HTMUA for a penalty not to exceed ONE THOUSAND DOLLARS (\$1,000.00) for each day in which such violation occurs.

5.9.3 Trespass. No unauthorized person shall open the cover of, or enter or alter any manhole or other appurtenance of the water or sewer system, or place or insert any foreign material into a system not designed to receive it. Any person violating this provision shall be subject to arrest under charge of trespass.

**APPENDIX B**  
**TECHNICAL REQUIREMENTS FOR “AS BUILT” PLANS**

- 1) The as-built plan should include both the proposed information (crossed out where it has changed, but remaining legible) and the as-built information shown clearly and underlined
- 2) The applicant must also provide a disk or CD in AutoCAD format of the submitted plans. The plans must be submitted on a 24 inch x 36 inch sheet and at a scale of 1 inch = 100 feet . All text must be drawn clearly, and at a minimum size of 0.07 inch and a maximum size of 0.10 inch .
- 3) The following information, where applicable, shall each be drawn on its own individual layer:
  - Water mains
  - Water services/curb stops
  - Hydrants/valves/blow-offs/etc.
  - Water main text
  - Sanitary sewer mains
  - Sanitary sewer laterals/clean-outs
  - Sanitary sewer manholes
  - Sanitary sewer text
- 4) The plans must include that portion of the existing systems where the proposed system connects.
- 5) The plans must be signed and sealed by a New Jersey licensed land surveyor.
- 6) All elevations must be on the 1929 datum (a/k/a NGVD 29, NJGCS, USGCS, and SC & G datum).
- 7) As a minimum, the following survey information is required: depicting all proposed facilities and as-built information.

**Water Mains :**

- a) Pipe lengths between bends.
- b) Pipe diameter and pipe material
- c) All bend angles.

- d) The lid and top of nut elevation for all water valves.
- e) All hydrants and valves.
- f) All valve sizes shall be shown and valves and blow-offs shall be located using three (3) tie-down dimensions (i.e., measurement from a permanent object; catch basin, manhole, hydrant, edge of pavement, etc.).
- g) All curb stops for water service. Provide a station from the nearest downstream manhole to each curb stop and provide an offset from the curb to each curb stop. If this cannot be accomplished, then tie down similar to valve location method. Each curb stop shall be clearly identified denoting the townhouse, condominium, house, office, store, etc., that it services.
- h) All concrete cradles and encasements.
- i) Location of all easements and location of utility within that easement.
- j) The as-built pipe length between bends.
- k) All the above information shall be shown on a plan drawing.

**Sewer Mains :**

- a) As-built manhole rim and invert elevations and invert elevation of all pipes penetrating the manhole.
- b) As-built pipe diameter, pipe material, pipe lengths (measured from manhole centerline to manhole centerline), pipe slope, and flow direction arrows.
- c) All cleanouts for sewer laterals. Provide a station from the nearest downstream manhole to each lateral or cleanout. Provide an offset from the main to each cleanout.
- d) Any lateral left for a future connection shall have the pipe cover and three (3) tie-down dimensions taken at the end of the lateral (i.e., measurements from a permanent object; corner of house, catch basin, manhole, hydrant, edge of pavement, etc.).
- e) All as-built concrete encasements and concrete cradles shall be noted.
- f) Location of all easements and location of utility within that easement. Provide a minimum of two (2) tie dimensions from the utility to the easement line. A tie dimension shall be provided for all changes in direction and bends with stationing.
- g) All the above information shall be shown on a plan drawing.
- h) A television investigation of all sewer mains shall be performed by the developer and witnessed by the Municipal/Authority Engineer.

### **Force Mains:**

- a) Locate the force main using tie dimensions from the face of curb/edge of paving to the force main. A tie dimension shall also be provided for all changes in direction and bends with stations from nearest manhole.
- b) Location of all easements and location of utility within that easement. Provide a minimum of two (2) tie dimensions from the utility to the easement line. A tie dimension shall be provided for all changes in direction and bends with stationing.
- c) The as-built pipe length between bends.
- d) Approximate elevations at each bend and high point .
- e) As-built pipe diameter and pipe material.
- f) Manufacturer's data on air relief valves, gauges, and all valves.
- g) Location of all easements and location of utility within that easement. Provide a minimum of two (2) tie dimensions from the utility to the easement line. A tie dimension shall be provided for all changes in direction and bends with stationing.
- h) All the above information shall be shown on plan drawing.

### **Pumping Stations :**

- a) As-built plans shall be submitted and should include both the proposed information (crossed out where changed, but remaining legible) and the as-built information shown clearly. Show all valves, curb stops, yard hydrants, underground sewer manholes, wet-well, dry well elevations and water piping, gates, etc. All valves and curb stops must be tied down as described above for water valves.
- b) Ten (10) copies of manufacturer's operation and maintenance information shall be submitted for all installed equipment.
- c) All the above information shall be shown on plan drawing.