



**BOROUGH OF FLORHAM PARK
COUNTY OF MORRIS, STATE OF NEW JERSEY
ORDINANCE #23-21**

AN ORDINANCE OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF FLORHAM PARK, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, LIMITING AND REDUCING THE INFLOW OF ADDITIONAL WATER AND HAZARDOUS SUBSTANCES INTO THE BOROUGH'S SANITARY SEWER SYSTEM

WHEREAS, the Borough of Florham Park seeks to reduce inflow and infiltration into the Borough's sanitary sewer system as well as any hazardous substances which may damage the collection system by prohibiting the discharge of water from any roof, surface, ground, sump pump, swimming pool, other natural precipitation, and other sources of inflow into the Borough's sanitary sewer system and prohibiting the use of the sanitary sewer system to dispose of oil, grease, and rags/wipes; and

WHEREAS, the Borough seeks to preserve and maintain its sanitary sewer system, and prevent clogs, overloading, and flooding which creates the potential to cause damage to individual properties and the sanitary sewer system; and

WHEREAS, all water that enters the system must be treated at a sewerage treatment plant, and by reducing and eliminating this inflow of "clean water" into the sanitary sewer system and that subsequent unnecessary treatment, the expenses to the Borough and the citizens will be reduced and will also assist in protecting the health, safety and welfare of the residents; and

WHEREAS, the Mayor and Council seek to amend Chapter 193 of the Florham Park Borough code to include the following provisions to limit the inflow of additional water into the Borough's sanitary sewer systems.

NOW THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Florham Park, County of Morris, State of New Jersey, that Chapter 193 of the Borough Code shall be amended and added to as follows:

SECTION 1. Chapter §193. Sewers

This article shall be known as Article IV. "Prohibition of Sump Pump or Other Connections to Sanitary Sewer and Prohibition of Using Sanitary Sewer System to Dispose of Hazardous Substances."

§193-12. Sump Pump Connection to Sanitary Sewer System and Hazardous Substances Disposal Prohibited.

- A.** Prohibited Discharges. No person or entity shall discharge or cause to be discharged any stormwater, groundwater, roof runoff, yard drainage, yard founding, swimming pool, pond, overflow, or any other substance other than sanitary sewerage into the sanitary sewer collection system. No person, business or other entity shall discharge or cause to be discharged any hazardous substances into any public sewers, including oil, grease,



wipes or rags, and any substance deemed detrimental to the sewer treatment process.

§193-13. Violation.

A. Amnesty Period for Disconnection

1. On or before December 31, 2024, any person, business, or other entity who shall have a connection described above and who shall voluntarily report said connection to the Borough, so that said illicit connection shall be remedied, shall have any and all permit, connection, and inspection fees waived by the Borough. This waiver of fees applies only to Borough fees, and does not include the actual cost of remediation which is the sole responsibility of the property owner.

2. After January 1, 2025, any person, business, or other entity who shall have a connection described above, and shall fail to voluntarily report such connection by December 31, 2024, shall be liable for all permit fees, inspection fees, and connection fees as required by the Borough to remedy the illicit connection, as well as fines imposed.

3. Smoke tests and other testing procedures to identify illicit connections shall begin in 2025 and be used routinely thereafter.

4. The prohibition on using the sanitary sewer system to dispose of any substance other than sanitary waste begins on January 1, 2024.

B. Manner of Disconnection.

1. Any property owner, tenant, landlord, or other person with a property interest who shall have a connection in violation of this Ordinance shall immediately remove such connection and correct such situation. If not removed or corrected within one hundred and twenty (120) calendar days after receiving a Notice of Violation which has been personally delivered or delivered via certified mail, the Borough shall impose a fine in the amount provided for in Section 193-16.

2. All disconnections of said illicit connections shall be accomplished by a complete and permanent method and performed in a competent manner. They must be approved and inspected by the Florham Park Sewer Utility and/or the Director of Sewer and Water. Any disconnection, plugging, capping, re-routing, altering, or modifying must be done in accordance with all applicable state and municipal building codes. All necessary building permits and Engineering permits must be obtained.

3. Upon issuance of the fine pursuant to Section 193-16, if the property owner, tenant, landlord, or other person with a property interest remedies the illicit connection,



said property owner, tenant, landlord, or other person with a property interest shall contact the Florham Park Sewer Utility for an inspection of the remedied connection by Florham Park Sewer Utility, the Director of Sewer and Water and/or their designee, and upon certification that the illicit connection has been remedied, the fine shall be lifted, beginning the month following the inspection and certification. If, however, on a subsequent and periodic inspection for which a property was subject to the fine, the illicit connection exists, the fine amount as provided for in Section 193-15 shall be calculated from the previous inspection date.

§193-14 Hazardous Substances.

- A. Nothing besides sanitary waste and water should be disposed of through the sanitary sewer system
- B. Rags, wipes, and clothes of any kind are not permitted to be disposed of in the sanitary sewer system. This includes wipes labelled as "flushable" by the manufacturer. Should it be determined that any person, business or other entity has used the sanitary sewer system to dispose of rags, wipes, and/or clothes of any kind they will be subject to fines as described in §193-16 below.
- C. The disposal of oil and grease through toilets or drains into the sanitary sewer system is prohibited. Oil and grease should be disposed of in waste cans.
- D. The disposal of medical waste through the sanitary sewer system is strictly prohibited.
- E. The Florham Park Sewer Utility adheres to conditions and parameters set by its permit with the NJDEP. Said parameters are available by request of FPSU. Anyone who is thought to be discharging non-residential waste and process wastewater is subject to application, sampling, and other treatment requirements as specified by the FPSU.

§193-15 Inspections.

The Florham Park Sewer Utility Staff, the Director of Sewer and Water, the Municipal Engineer, Building Inspector, Fire Code Official, Zoning Enforcement Officer and/or a sub-code inspector, as long as they display the proper credentials and identification, shall be permitted to request entrance to any property for the purpose of inspecting, observing, testing and sampling to confirm that there is no sump pump or other prohibited discharge into the sanitary sewer system in accordance with this Chapter. Any owner, tenant, landlord, or other person with a property interest who shall refuse entrance to the above named inspectors, shall immediately become subject to the monthly fine noted in Section 193-16. Said property shall remain subject to the monthly fine until such time as an inspection is permitted to ensure compliance by the Borough of all terms of this Chapter.

§193-16 Fines, Penalties, and Fees.

A. A surcharge of five hundred dollars (\$500) per month is hereby imposed upon every sewer utility bill to property owners, tenants, landlords, or other persons with a property interest for the following conditions:

- 1.** Not in compliance with this ordinance.



2. Refusal of property inspection
3. Failure to disconnect an illicit sump pump connection
4. Failure to submit required test results
5. Refusal of onsite sampling

B. Application and Fees

1. Any person, property owner, landlord, tenant or other person intending to dispose of non-residential waste and/or process wastewater into the sanitary sewer system must apply to the Florham Park Sewer Utility and provide details regarding intended waste.
2. Regular sampling will be done at both the FPSU lab and at our external, third party laboratory. All costs for testing will be billed to the person, property owner, landlord, tenant or other person discharging non-residential waste and/or process wastewater. Costs will be billed at the cost of testing plus \$25.

C. If the fine is not paid and received by the Borough of Florham Park, a lien shall be imposed upon the property as per N.J.S.A. 40:14B-42.

D. Said fine shall remain on the property and sewer utility bill until such time Florham Park Sewer Utility, Director of Sewer and Water and/or their designee certifies that the property owner, tenant, landlord, or other person with a property interest is in full compliance with this ordinance.

§193-17 Appeal of fine.

Any property owner who shall be assessed a fine pursuant to this ordinance shall have a right to appeal to the Municipal Court for the purposes of providing compliance with this ordinance.

§193-18 Municipal assistance.

The Borough of Florham Park shall provide limited guidance to any property owner, tenant, landlord, or other person with a property interest in remedying the situation, as it involves a matter of public concern and the health, safety and welfare of the community in remedying the illicit connection. All costs associated to comply with this ordinance shall be borne by the property owner, tenant, landlord, or other person with a property interest.

SECTION 2. All ordinances of the Borough of Florham Park that are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 3. This Ordinance may be renumbered for codification purposes.



SECTION 4. If any section, subsection, section, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

SECTION 5. This ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

INTRODUCED: October 19, 2023

ADOPTED: November 30, 2023




Mark Taylor, Mayor

ATTEST:



Danielle M. Lewis, Borough Clerk

I HEREBY CERTIFY this to be a true and correct copy of an Ordinance of the Mayor and Borough Council of the Borough of Florham Park, and adopted on November 30, 2023.



Danielle M. Lewis, RMC