

**BOROUGH OF PENNINGTON
ORDINANCE 2015 – 3**

**ORDINANCE CLARIFYING PROPERTY-OWNER
RESPONSIBILITY FOR MAINTENANCE AND
REPAIR OF WATER AND SEWER LINES**

WHEREAS, Borough Council retained John Meier of Water Resource Management to study practices in other New Jersey municipalities defining the responsibilities of property owners for maintenance and repair of water and sewer lines serving their properties;

WHEREAS, the Public Works Committee of Borough Council has reviewed the Meier report in relation to prior practice in the Borough and recommended that the Borough ordinances on this subject be clarified;

WHEREAS, with respect to sewers, the pipe for conveying sanitary sewage or industrial waste from a building to the sanitary sewer in the street or easement is designated by the Borough Code as the “house connection or building sewer” (Sec. 159-1);

WHEREAS, the house connection or building sewer is generally comprised of the “soil pipe or soil line” and the “service lateral” (Sec. 159-1);

WHEREAS, the “soil pipe or soil line” is defined as the pipe extending from the house or building being serviced to the service lateral at the curblineline, at the outside boundary of an easement or at such other point in the right-of-way to which it is or may be connected, to be installed and maintained at the expense of the property owner (Sec. 159-1);

WHEREAS, the “service lateral” is defined as the pipe extending from its connection with the soil pipe or soil line to the sanitary sewer in the street or easement (Sec. 159-1);

WHEREAS, the intent of this ordinance is to state clearly that, with the exception of damage caused by the act or neglect of the property owner, the property owner’s responsibility for repair and maintenance of the house connection or building sewer shall be limited to repair and maintenance of the soil pipe or soil line;

WHEREAS, with respect to water lines, existing Code provisions require insertion of definitions to distinguish between segments of the water line between the house or building being serviced and the Borough water main, as well as further amendments to provide allocation of responsibility for repair and maintenance of water lines in a manner similar to that for sewer lines;

WHEREAS, clarification of responsibility for repairs and maintenance, limiting property-owner responsibility for routine repair and maintenance to a segment of the water line, shall not diminish the property-owner’s responsibility for damage or extra cost relating to any part of the water line caused by the owner’s act or neglect;

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Pennington, as follows:

1. Section 159-18 of Chapter 159 of the Borough Code is hereby amended by the following additions (underlined) and deletions (bracketed):

159-18. Responsibility [of property owner] for house connection.
Unless otherwise approved by the Superintendent, the house connection shall be installed at a gradient of not less than ¼ inch to a foot and shall be laid in a straight line. The property owner shall install and maintain and bear the entire cost and expense of the soil pipe or soil line. [The property owner shall be responsible for the maintenance of the house connection.] The owner shall keep it in good repair and protect it from damage which might permit [the entrance into it] entry of any liquids or solids not originating in the building which it serves. The owner shall not be responsible for repair or maintenance of the service lateral, except the owner shall be held liable for any damage or extra costs to the sewer system, or Sewer Department, as a result of damage to or obstruction of the [house connection or for failure to maintain it] service lateral or sewer system caused by tampering or other act or neglect of the property owner or other user of the property, including without limitation tampering or other act or neglect in the maintenance or use of the owner’s soil pipe or soil line. All leaks or breaks in the service connection shall be reported promptly to the Sewer Department and repaired. Repairs shall be subject to the same requirements and same inspection as provided for new house connections.

2. Chapter 209 of the Borough Code, concerning Water Conservation, is hereby amended by the insertion of a new Section 209-8, Definitions, which shall include the following new definitions (underlined) in alphabetical order:

Curb Valve and Curb Stop. The curb valve is located underground at the property line of the house or building being serviced and is accessed through the curb box. The curb valve connects the water service line to the water system and operates as a shut-off valve.

Water Lateral. The water lateral refers to the entire water line between the connection at the house or building being serviced and the Borough water main.

Water Service Line. The water service line is that portion of the water lateral extending from the house or building being serviced to the curb valve and curb box, but does not include the curb valve or curb box.

3. Section 209-6 of Chapter 209 of the Borough Code is hereby amended by the following additions (underlined) and deletions (bracketed):

209-6. Responsibility for water lateral.

[All users shall be responsible for the maintenance and repair of the water lateral from the Borough's main to the property being serviced.] The property owner shall install and maintain and bear the entire cost and expense of the water service line. The owner shall keep it in good repair and protect it from damage. The owner shall not be responsible for repair or maintenance of the water lateral beyond the water service line, except the owner shall be held liable for any damage or extra costs to the water system, or Water Department, as a result of damage to or obstruction of the water lateral or water system caused by tampering or other act or neglect of the property owner or other user of the property, including without limitation tampering or other act or neglect in the maintenance or use of the owner's water service line. Any leaks discovered in these lines must be repaired promptly to the satisfaction of the Superintendent of Public Works.

4. Section 206-9 of Chapter 206 of the Borough Code is hereby amended by the following additions (underlined) and deletions (bracketed):

206-9. Damages.

- A. Where Borough property (meters, outside readers, etc.) [which] is damaged by tampering or other act or neglect by the owner or user of the property being serviced and requires replacement or repair, the [user] property owner shall be responsible for the cost of replacement or repair, including all labor and materials necessary for restoration, except in cases of normal wear and tear and for normal maintenance and upgrade unless otherwise provided in this Code.
- B. If the owner or [a] user of a property being serviced, or his/her or its servant or agent, damages a portion of the water or sewer system either by acts performed or failure to act where action is indicated and thereafter the Borough must mobilize its Water and Sewer Departments and shut off or turn on water services, or cause the clearing of a line stoppage or the repairing of the system, the cost of the work performed by the Borough shall be charged to the property owner [party causing the damage] in accordance with the fees established in Sec. 206-6 hereof.
5. This ordinance shall be effective upon passage and publication in accordance with law.

Introduced: February 2, 2015
Advertised: February 12, 2015
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Public Hearing: April 13, 2015
Adoption: April 13, 2015
Final Publication: April 16, 2015

ATTEST:

APPROVED:

Elizabeth Sterling, Borough Clerk

Anthony Persichilli, Mayor