

TITLE XXXIII

WATER

Chapter Listings:

- Chapter 1. Water Shortage
- Chapter 2. Water Conservation
- Chapter 3. Use of Water for Refrigeration and Air Conditioning
- Chapter 4. Rates and Charges
- Chapter 5. Water Rules and Regulations

CHAPTER 1 WATER SHORTAGE

33:1-1. PROCLAMATION OF WATER EMERGENCY; REGULATIONS GOVERNING EMERGENCY PERIOD.

Whenever the amount of water in the storage reservoirs of the municipal water supply of the City falls below fifty (50%) percent of the full storage capacity of the reservoirs, or whenever the Chief Engineer or such other engineer as may be in charge of the municipal water supply, certifies that an emergency exists in such water supply, the Director of the Department of Water and Sewer Utilities may, for the protection of the health, safety and general welfare of the citizens and residents of the City, proclaim the existence of a water emergency and prescribe regulations to:

- a. Prohibit the use of water from the municipal supply for any purpose not necessary to the health, safety and welfare of the public;
- b. Allocate and pro rate the available water supplies;
- c. Reduce consumption by users;
- d. Prevent waste for the duration of such emergency.

(R.O. 1966 § 25:1-1)

33:1-2. PROCLAMATION EFFECTIVE UPON FILING AND PUBLICATION.

The proclamation of the emergency shall be effective as to all persons and users upon the filing of the same in the Office of the City Clerk and the publication thereof at least once in each of the daily newspapers published and circulating in the City. (R.O. 1966 § 25:1-2)

33:1-3. EMERGENCY REGULATION INCORPORATED IN CHAPTER BY REFERENCE.

The regulations set forth in the proclamation, and any subsequent regulations made and published as aforesaid, upon filing thereof in the Office of the City Clerk, shall become a part of this chapter the same as if expressly incorporated and set forth herein. (R.O. 1966 § 25:1-3)

33:1-4. BINDING EFFECT OF EMERGENCY REGULATIONS; COMPLIANCE REQUIRED.

Every owner, lessee, tenant and occupant of any building or premises connected with the municipal water supply, and every user thereof, whether by contract, ordinance or statute, shall, upon the proclamation and promulgation of the regulations as aforesaid, become bound thereby and shall conform thereto and comply therewith in the use of water and the maintenance of the water-service connections and equipment for the purposes thereof. (R.O. 1966 § 25:1-4)

33:1-5. DUTY OF WATER USERS TO OBSERVE WASTE DUE TO DEFECTIVE FIXTURES.

It shall be the duty of every person using water from the municipal water supply to be upon notice, during the period of the water emergency, for any waste of water due to defective water-service pipes, fixtures or connections. (R.O. 1966 § 25:1-5)

33:1-6. OWNER OF PREMISES TO MAINTAIN WATER FIXTURES AND FACILITIES IN GOOD REPAIR.

Every owner of buildings and premises connected with the municipal water supply shall maintain or cause to be maintained the water-service pipes, fixtures and connections, in good order and repair, to ensure that there shall be no waste of water. (R.O. 1966 § 25:1-6)

33:1-7. OWNER'S DUTY TO REPAIR WATER FIXTURES.

Every owner of any building or premises connected with the water supply shall make or cause to be made necessary repairs to prevent the waste of water. (R.O. 1966 § 25:1-7)

33:1-8. OWNER'S FAILURE TO REPAIR; AUTHORITY OF CITY TO REPAIR AT OWNER'S EXPENSE.

Whenever an owner of any building or premises connected with the municipal water supply shall fail or refuse to make repairs so as to prevent the waste of water, then the City reserves the right to make such repairs and to charge the cost thereof to the owner in the same manner as other water charges are made, as by the statutes and ordinances provided. (R.O. 1966 § 25:1-8)

33:1-9. DUTY OF LESSEE OR OCCUPANT TO NOTIFY OWNER AND CITY OF DEFECTIVE FIXTURES.

a. Every lessee, tenant and occupant of any building or premises connected with the municipal water supply shall immediately notify the owner, or his/her agent, of any defective water-service pipes, fixtures or connections, whereby water is being wasted.

b. Every such person shall also notify the Division of Billing and Customer Service in the Department of Water and Sewer Utilities or the Department of Public Safety of any waste occurring by reason of defective water-service pipes, fixtures or connections.

(R.O. 1966 § 25:1-9; Ord. 6PSF-A(S), 1-7-16)

33:1-10. ADMISSION OF CITY INSPECTORS TO PREMISES REQUIRED.

Every owner, lessee, tenant, occupant or other person in charge of any building or premises connected with the municipal water supply shall admit thereto the authorized agents and employees of the City for the purpose of inspecting the water-service pipes, fixtures and connections. Customers shall provide the Division reasonable access to their property to accomplish the purposes of installation, maintenance, removal and reading of meters. The Division reserves the right to terminate service if the customer fails to provide access. (R.O. 1966 § 25:1-10; Ord. 6 S+FA, 10-6-93)

33:1-11. PENALTY.

Any person who violates any provision of this chapter or any of the regulations provided for herein shall, upon conviction thereof, be punished by a fine not exceeding five hundred (\$500.00) dollars, or by imprisonment for a term not exceeding ninety (90) days, or both. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (R.O. 1966 § 25:1-11)

**CHAPTER 2
WATER CONSERVATION**

33:2-1. TITLE.

This chapter shall be known and cited as the Newark Water Conservation Ordinance. (R.O. 1966 C.S. § 25:1A-1)

33:2-2. PURPOSE.

The purpose of this chapter is to reduce the consumption of water in the City during a declared water emergency and to assure that water resources will remain available for the public benefit with particular regard for public health, fire protection and domestic use. (R.O. 1966 C.S. § 25:1A-2)

33:2-3. PROVISIONS OPERATIVE.

The provisions of this chapter shall become operative when a water emergency is declared by the Governor of the State of New Jersey or the Mayor of the City, and shall remain operative during the pendency of the water emergency until the declared water emergency is rescinded. (R.O. 1966 C.S. § 25:1A-3)

33:2-4. PROHIBITED WATER USES.

a. Water supplied to users by the City shall not be used for any purpose declared to be nonessential, and the following uses are strictly prohibited while the ordinance is in effect:

1. Watering of lawns, shrubs, landscaped areas, trees, garden or vegetation of any type.
2. Water or washing of sidewalks, driveways, streets, parking areas, tennis courts or other exterior paved areas. The Department of Public Works, Division of Sanitation, shall utilize water from a nonpotable source for street cleaning.
3. Noncommercial washing of privately owned motor vehicles, trailers or boats.
4. Use of water supplied by the City for public or private pools.
5. Serving water in restaurants, clubs or public eating places, unless specifically requested by the customer.
6. Use of water supplied by the City, by any person for the purpose of dust control or compaction.
7. Use of water supplied by the City utilized in any garbage grinder.

b. No person shall permit, allow, or fail to repair, any leak of potable water which exists, or in the future shall exist, in any plumbing system, pipe or fixture maintained on the property of that person.

(R.O. 1966 C.S. § 25:1A-4; Ord. 6PSF-F, 6-15-16)

33:2-5. PROHIBITED FIRE HYDRANT USES.

a. Fire hydrants located within the City shall be utilized as a means of fighting or prevention of fires, and for no other purpose.

b. No fire hydrant opening permits shall be issued by the Newark Sewers and Water Supply Division or any other City agency, for any temporary water service connections.

c. No person shall tamper with or willfully damage any part of a hydrant or water distribution system apparatus, or operate the curb cock or valves, or the main cocks, gates, valves, hydrants or other appurtenances of the water distribution system in the City.

d. No fire hydrant shall be opened or utilized for any recreational activity or purpose within the City.

(R.O. 1966 C.S. § 25:1A-5)

33:2-6. SUSPENSION OF NEW CONNECTIONS.

a. New connections to the City water system, during the period when this chapter is effective, are prohibited except as provided in this section as follows:

1. Connections which are the subject of agreements prior to the date on which a water emergency is declared, provided, however, no water shall be used for

landscaping or any other purpose prohibited by this chapter during such water emergency.

2. Fire service protection or new fire hydrants.

b. The City may continue to process applications for water service, during the period that this chapter is operative, provided the applicant therefor acknowledges in writing that such processing shall be at the sole risk and expense of the applicant, and any approval shall confer no right upon the applicant or anyone else while the provisions of this chapter are operative, and provided further that the applicant, in writing, releases the City from any and all claims for damages arising out of, or in any way connected with, the failure of the City to authorize new connections during the period when this chapter is in operation.

c. When a declared water emergency is rescinded, the City shall make connections to its water system in accordance with its regulations and the terms of connection agreements for all applications approved pursuant to paragraph b. of this section.

d. Nothing contained herein shall prohibit or restrict any modification, relocation or replacement of an existing connection to the City water supply system, provided that the Director of the Department of Water and Sewer Utilities determines that the demand upon the City's water supply will not thereby be increased.

(R.O. 1966 C.S. § 25:1A-6)

33:2-7. CONSERVATION DEVICES.

a. Every user of water supplied by the City shall install water conservation devices to reduce the quantity of water required to flush toilets and to reduce the flow rate of showers and faucets as provided hereinbelow:

1. Flow restrictors shall be installed in all showerheads and faucets by the owner or tenant of the premises, except when the plumbing fixtures are not compatible with flow restrictors, or any other water saving device available on the commercial market.

2. Toilet dams, weighted plastic bottles or a comparable substitute shall be installed in every commercial, residential and public toilet.

3. Any apparatus or device connected to the water system of the City which requires a continuous flow of five (5) gallons per minute or more shall be equipped with a water recycling system approved by the Director of the Department of Water and Sewer Utilities.

b. The City shall not supply water to any hotel, motel or motor lodge that has not installed toilet tank inserts and flow restrictors in each faucet and showerhead, if the amount of water used exceeds the following amounts:

1. Toilets..... 3 gallons per flush

2. Faucets..... 2.75 gallons per minute

3. Showerheads. 2.75 gallons per minute

(R.O. 1966 C.S. § 25:1A-7)

33:2-8. WELLS.

a. The owner or occupant of a property located within the City that is supplied with water from a well shall contact the Department of Water and Sewer Utilities within thirty (30) days after the effective date of this chapter, or in the case of new wells, within thirty (30) days after the well is in use, and register the well and address thereof on forms to be supplied by the Department.

b. The owner or occupant of property located within the City that is supplied with water from a well shall also post and maintain, or cause to be posted and maintained, in a conspicuous place thereon, a sign giving public notice of the existence of a well.

(R.O. 1966 C.S. § 25:1A-8)

33:2-9. VARIANCES.

Application for a variance from the provisions of this chapter shall be made, in writing, to the Director of the Department of Water and Sewer Utilities. The Director may, in his/her discretion, grant a variance to permit a use of water, otherwise prohibited by this chapter, only if the Director determines that the variance is reasonably necessary to protect the public health and safety. (R.O. 1966 C.S. § 25:1A-9)

33:2-10. SEVERABILITY AND VALIDITY.

If any clause, sentence, subparagraph, section or part of this chapter is held invalid, inoperable, void or unconstitutional by a court of competent jurisdiction, such determination, order or judgment shall not affect, impair or invalidate the remaining portion of the chapter, but shall be confined in its operation to the clause, sentence, subparagraph, section or part thereof directly involved in the controversy in which the determination, order or judgment shall have been rendered. (R.O. 1966 C.S. § 25:1A-10)

33:2-11. PENALTIES.

Any person who violates any of the provisions of this chapter while the same is operative pursuant to Section 33:2-3 above shall be liable for a fine not exceeding five hundred (\$500.00) dollars, or imprisonment for a term not exceeding ninety (90) days, or both, as provided by N.J.S.A. 40:49-27. An offense under Section 33:2-4, 33:2-5 or 33:2-7, or any subsection or subpart thereof shall be deemed to have been committed on each day during or on which a separate violation occurs. (R.O. 1966 C.S. § 25:1A-11)

33:2-12. SUSPENSION OF INCONSISTENT PROVISIONS.

All ordinances or parts of ordinances inconsistent with this chapter shall be suspended while this chapter is operative. (R.O. 1966 C.S. § 25:1A-12)

**CHAPTER 3
USE OF WATER FOR REFRIGERATION AND AIR CONDITIONING**

33:3-1. "NEW INSTALLATIONS" DEFINED.

As used in this chapter:

New installations shall mean equipment installed after June 30, 1950. (R.O. 1966 § 25:2-1)

33:3-2. CHAPTER INAPPLICABLE TO CERTAIN INSTALLATIONS.

This chapter shall not apply to any installation which is not or is not to be connected in any manner with the municipal water supply system. (R.O. 1966 § 25:2-2)

33:3-3. NEW INSTALLATIONS: PERMIT REQUIRED FOR CONNECTION WITH CITY WATER SUPPLY.

No new installation of refrigeration equipment, air conditioning equipment or refrigeration and air conditioning equipment requiring the use of water shall be installed on any premises supplied from the municipal water system until a permit authorizing such installations has been issued to the installer by the Director of the Department of Water and Sewer Utilities. (R.O. 1966 § 25:2-3)

33:3-4. NEW INSTALLATIONS: APPLICATION FOR PERMIT; FORM OF PERMIT.

a. Applications for permits for refrigeration, air conditioning, or refrigeration and air conditioning to be installed shall be filed on forms supplied by the Division of Sewers and Water Supply. Such applications shall contain the following information:

1. Name and address of the applicant.
2. Location of the premises where the installation is proposed.
3. Name and address of the owners of the premises.
4. Names of manufacturers of the units requiring water.
5. Manufacturer's identification and classification of the refrigeration units.
6. Manufacturer's rating of maximum refrigerative capacity of the unit under the conditions of the planned installation. Rating may be stated in tons per twenty-four (24) hours or in B.T.U. per hour.
7. Horsepower of compressor prime mover, if the unit is of compressor type.
8. Where water conservation devices are required, the manufacturer's name, identification, classification and size of the conservation equipment.
9. Such additional information as shall be required by the Director of the Department of Water and Sewer Utilities.

b. Applications shall be signed by the owner.

c. Applications shall designate a master plumber duly licensed by the City and the name of the party installing the unit.

d. For the purposes of this chapter and title, the rated capacity in tons shall be determined in accordance with the following method:

1. Total maximum B.T.U. per hour of capacity of the installation divided by 12,000; or
2. The nameplate horsepower by any compressor prime mover unit for any air conditioning installation; or
3. Two-thirds the nameplate horsepower of paragraph 2. above for any refrigeration installation.

In the absence of the required manufacturer's maximum rating in the application, the Director may specify the tonnage of the installation at the ratings indicated by paragraphs 1, 2 or 3 above; or, if these appear inadequate, then by whatever other measure of capacity appears to him/her to be proper.

e. An approved copy of the application shall be returned to the applicant to serve as the permit.
(R.O. 1966 § 25:2-4)

33:3-5. NEW INSTALLATIONS: SPECIFICATIONS FOR INSTALLATION.

All new installations of any individual or collective system of refrigeration equipment, air conditioning equipment, or refrigeration and air conditioning equipment in any premises for a single consumer, shall be installed pursuant to the following specifications:

a. All new installations of any individual or collective system of refrigeration equipment, air conditioning equipment, or refrigeration and air conditioning equipment of six (6) tons and over shall be equipped with a water conserving device such as an economizer, evaporative condenser, water cooling tower or similar apparatus. Such device shall not consume for makeup purposes in excess of five (5%) percent of the consumption that would normally be used without such device.

b. All new installations of refrigeration equipment, air conditioning equipment, or refrigeration and air conditioning equipment under six (6) tons, not using recirculated water, shall be provided with an automatic water supply regulating device so as to limit the flow of water in relation to the condenser temperature reduction requirements of the apparatus. In no case shall the equipment use in excess of one and one-half (1 1/2) gallons per minute per ton capacity.
(R.O. 1966 §25:2-5)

33:3-6. NEW INSTALLATIONS: APPROVAL REQUIRED BEFORE CONNECTING WITH CITY WATER SUPPLY; TERMINATION OF SUPPLY FOR FAILURE TO OBTAIN APPROVAL.

a. No new installation of any refrigeration or air conditioning equipment shall be connected to the municipal water supply until, upon request, the installation has been approved by the Division of Sewers and Water Supply as being in conformity with the provisions of this chapter and the requirements of any other ordinance applicable thereto.

b. In case any such equipment is installed and connected to the municipal water supply in violation of the provisions hereof, the water supply may be shut off from such premises and shall not be again supplied until such violation has been removed.
(R.O. 1966 §25:2-6)

33:3-7. CHECK VALVES REQUIRED IN CERTAIN INSTALLATIONS.

Each direct water connection to a refrigeration unit, air conditioning unit, or refrigeration and air conditioning unit using water for cooling purposes, shall be equipped with a check valve, except in installations where the water supply piping has no contact with the refrigerant. This will be the case where two (2) substantial and independent wall thicknesses of metal separate the refrigerant from the City water supply. (R.O. 1966 §25:2-7)

33:3-8. RELIEF VALVES REQUIRED IN CERTAIN INSTALLATIONS.

Refrigerating units, air conditioning units, or refrigerating and air conditioning units with a capacity of more than twenty (20) pounds of refrigerant, shall be provided with a relief valve installed on the outlet side of the check valve of the water supply connection, such relief valve being set at five (5) pounds above the maximum water pressure at

33:3-9. PENALTY.

Any person who installs any equipment referred to in this chapter, any owner, agent, lessee or occupant of any premises, who causes or permits the installation or operation of any such equipment, and any person who violates any of the other provisions of this chapter shall, upon conviction thereof, be punished by a fine not exceeding five hundred (\$500.00) dollars, or by imprisonment for a term not exceeding ninety (90) days, or both. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (R.O. 1966 §25:2-9)

**CHAPTER 4
RATES AND CHARGES**

Note: Pursuant to Ordinance No. 6 S+FG, 5-4-05 and 6 S+FD, 7-11-07, as codified at Sections 33:4-1 through 33:4-4, beginning on January 1, 2007, and annually thereafter, the Director of Water and Sewer Utilities shall adjust the water rate not to exceed the Cost of Living Adjustment. This shall be based on the Implicit Price Deflator for State and Local Governments for New Jersey and published by the U.S. Department of Commerce, Bureau of Economic Analysis.

33:4-1. RATES: GENERAL SCHEDULE.

Effective March 1, 2015, the Director of Water and Sewer Utilities is implementing a three-year rate increase for the period March 1, 2015 through December 31, 2017.

a. The charges for all water furnished by the City of Newark including private consumers in the Silver Lake District, Belleville and elsewhere outside of Newark (unless otherwise covered by special contract), shall not exceed the following:

(Rates as per monthly adjustment by the Director of Water and Sewer Utilities.)

Effective March 1, 2015 through December 31, 2015:

\$8.79 per 1,000 cubic feet for the first 300 cubic feet or less, per month;

\$26.37 per 1,000 cubic feet for the next 33,000 cubic feet, per month;

\$23.54 per 1,000 cubic feet for the next 133,300 cubic feet, per month;

\$21.12 per 1,000 cubic feet for the next 166,600 cubic feet, per month.

Effective January 1, 2016 through December 31, 2016:

\$9.49 per 1,000 cubic feet for the first 300 cubic feet or less, per month;

\$28.48 per 1,000 cubic feet for the next 33,000 cubic feet, per month;

\$25.43 per 1,000 cubic feet for the next 133,300 cubic feet, per month;

\$22.81 per 1,000 cubic feet for the next 166,600 cubic feet, per month.

Effective January 1, 2017 through December 31, 2017:

\$10.30 per 1,000 cubic feet for the first 300 cubic feet or less, per month;

\$30.90 per 1,000 cubic feet for the next 33,000 cubic feet, per month;

\$27.59 per 1,000 cubic feet for the next 133,300 cubic feet, per month;

\$24.75 per 1,000 cubic feet for the next 166,600 cubic feet, per month.

b. *Senior Citizens and/or Disabled Persons/Disabled Veterans.*

Effective March 1, 2015 through December 31, 2015:

\$7.59 per 1,000 cubic feet for the first 300 cubic feet or less, per month;

\$22.78 per 1,000 cubic feet for the next 33,000 cubic feet, per month;

Effective January 1, 2016 through December 31, 2016:

\$8.20 per 1,000 cubic feet for the first 300 cubic feet or less, per month;

\$24.60 per 1,000 cubic feet for the next 33,000 cubic feet, per month;

Effective January 1, 2017 through December 31, 2017:

\$8.90 per 1,000 cubic feet for the first 300 cubic feet or less, per month;

\$26.69 per 1,000 cubic feet for the next 33,000 cubic feet, per month;

c. Beginning on January 1, 2007, and annually thereafter, the Director of Water and Sewer Utilities shall adjust the water rate not to exceed the Cost of Living Adjustment. This shall be based on the Implicit Price Deflator for State and Local Governments for New Jersey and published by the U.S. Department of Commerce, Bureau of Economic Analysis.

d. Effective March 1, 2015, and as determined by the Director of Water and Sewer Utilities, each consumer may be allocated for any credit or deficit received by the City of Newark from the Regional Water Authorities (i.e. North Jersey District Water Supply). Any credit or deficit received shall be allocated among all consumers in such a manner that the water users' rates are readjusted in an amount proportionate to the credit or deficit.

e. The Department of Water and Sewer Utilities reserves the right to establish an appropriate billing schedule for all accounts.

(R.O. 1966 C.S. §25:3-1; Ord. 6 S+FO, 9-25-90; Ord. 6 S+FA, 5-4-94; Ord. 6 S+FX, 1-8-97; Ord. 6 S+FB, 3-4-98; Ord. 6 S+FG, 5-4-05; Ord. 6 PSF-B(S), 2-10-15)

33:4-2. RATES FOR CERTAIN USE OF HIGH PRESSURE SUPPLY SYSTEM.

\$22.86 for the first 500 cubic feet or less per quarter;

\$14.87 per 1,000 cubic feet for the next 9,500 cubic feet per quarter;

\$13.76 per 1,000 cubic feet for the next 90,000 cubic feet per quarter;

\$11.45 per 1,000 cubic feet for all over 400,000 cubic feet per quarter;

\$10.74 per 1,000 cubic feet for all over 500,000 cubic feet per quarter.

33:4-3. CHARGES FOR MONTHLY AND SPECIAL METER READINGS.

- a. When meters are read monthly, add \$55.00 per quarter to the bill as computed under schedule.
- b. Special meter readings when requested by consumer will be made at a charge of \$27.80 for each such reading.

(R.O. 1966 C.S. §25:3-3)

33:4-4. CHARGES FOR PRIVATE FIRE LINES.

(Rates Effective January 1, 2015, as per adjustment by the Director of Water and Sewer Utilities.)

The following charges shall be made for private fire line connection services:

- a. *Charges: Metered Fire-Lines.* Based on the size of the fire line pipe (not the size of the meter including any meter in the main fire line pipe or any bypass or detector check meter);

Pipe Size	Monthly Rate	Quarterly Charge	Annual Rate
2"	\$23.10	\$69.29	\$277.15
3"	\$51.97	\$155.90	\$623.60
4"	\$94.67	\$284.01	\$1,136.05
6"	\$614.17	\$492.52	\$1,970.09
8"	\$253.85	\$761.55	\$3,046.21
10"	\$364.08	\$1,092.25	\$4,368.99
12"	\$501.49	\$1,504.48	\$6,017.94

- b. *Charges: Unmetered Fire-Lines.* Based on the size of the fire line pipe:

Pipe Size	Monthly Rate	Quarterly Charge	Annual Rate
2"	\$15.56	\$46.69	\$186.76
3"	\$35.02	\$105.05	\$420.22
4"	\$55.59	\$166.76	\$667.05
6"	\$120.07	\$360.22	\$1,440.87
8"	\$209.02	\$627.05	\$2,508.21
10"	\$322.42	\$967.27	\$3,869.08
12"	\$460.29	\$1,380.87	\$5,523.47

Beginning on January 1, 2008, and annually thereafter, the Director of Water and Sewer Utilities shall adjust private fire line rates not to exceed the Cost of Living Adjustment. This shall be based on the Implicit Price Deflator for State and Local Governments for New Jersey and published by the U.S. Department of Commerce, Bureau of Economic Analysis.

(R.O. 1966 C.S. § 25:3-4; Ord. 6 S+FD, 7-11-07 § 1; Ord. 6 PSF-B(S), 11-24-15)

33:4-5. CHARGES: METERS; MAINTENANCE AND REPAIRS.

- a. Test for transfer of ownership— charge—\$35.10.
- b. Meter repairs performed by the City shall be set at \$35.10 per every hour of labor plus materials, with a minimum charge being \$35.10. If repairs are done by outside contract, then cost will be as provided for in the contract.
- c. *Testing New Meters:*

8"	\$306.54
6"	249.21
4"	184.86
3"	124.02
2"	66.69
1 1/2" and smaller	35.10

- d. *Removing, Testing and Resetting.* Charges for removing, testing and resetting of meters shall be set at \$35.10 per hour of labor, with the minimum amount to be set at \$35.10.

(R.O. 1966 C.S. § 25:3-5)

33:4-6. CHARGES: WATER CONNECTION FEE.

- a. The Director of the Department of Water and Sewer Utilities shall have the authority to impose charges in connection with the installation of new water service connections from the City main to the service valve on the downstream side of the water meter, including, but not limited to, connection fees, tap fees, corporation stop, water service pipe, curb box and stop, water meter, bedding, backfill, pavement restoration, inspection and other costs associated with the installation of water service pipes.

b. The water connection fee shall be assessed based upon the size of the domestic use water meter. There shall be no connection fee for the installation of a fire line or fire meter including a fire line detector-check meter. If the connection is a combined fire and domestic connection, the connection fee is assessed only on the size of the domestic meter. If an active previously installed service line is replaced by a service line of larger size, a connection fee is charged only for the increase in meter size by subtracting the connection fee for the size of the previously installed water meter from the connection fee for the size of the new, larger water meter. If multiple smaller water meters connected in parallel are used to measure the flow of a larger service line, a water connection fee for each of the smaller meters is charged including meters for landscape irrigation. For example, if two 4-inch water meters are used for an 8-inch service line, two 4-inch water connection fees are charged. No connection fee will be charged for any meter(s) installed by the property owner after the main domestic water meter when said meter was installed for the purpose of billing tenant(s). In accordance with N.J.S.A. 40:14B-22.3, connection fees for public housing authorities and non-profit organizations building affordable housing projects shall be fifty (50%) percent of the rates set forth herein.

Before a building permit is issued for new construction under the Uniform Commercial Code or a permit is requested for a new or enlarged connection to any water main

under municipal control, there shall be paid to the Department of Water and Sewer Utilities the following one-time connection fees:

Meter Size (Inches)	Rated Meter Capacity Ratio	Water Connection Fee
5/8	1	\$2,500.00
1	2.5	\$6,250.00
1.5	5	\$12,500.00
2	8	\$20,000.00
3	16	\$40,000.00
4	25	\$65,500.00
6	50	\$125,000.00

For meters larger than 6-inches, the connection fee shall be: 8-inch: \$200,000.00; 10-inch: \$288,000.00; 12-inch or larger: \$363,000.00.

c. When an existing water account remains inactive for a period that exceeds ninety (90) consecutive days, whether due to the renovation of a building or because the water service had been turned off either at the request of the property owner or by the City of Newark, then the re-establishment of the account shall require a fee in the amount of one hundred twenty-five (\$125.00) dollars.

d. A new water meter service connection fee shall be required for connection of a new building in any site where the prior building on the site was demolished. The existing water service may not be utilized.

(R.O. 1966 C.S. § 25:3-6; Ord. 6 S+FH, 5-17-06; Ord. 6 PSF-A(S), 11-24-15)

33:4-7. CONTRACTS FOR RATES FOR SPECIAL PURPOSES.

The Governing Body may, at its discretion, enter into a contract with any person to supply water for fire protection, manufacturing and irrigation, and other special purposes, at rates and upon conditions to be designated by the Governing Body. Thereupon such person shall pay to the municipality the rate and all other charges stipulated in the contract, instead of the usual rates charged in the municipality; provided, however, that nothing herein contained shall alter or affect the lien imposed under this chapter for unpaid water rents or rates, or change the right of the municipality to collect unpaid water rates or rents in accordance with the statutes made and provided therefor.

(R.O. 1966 § 25:3-7)

33:4-8. NO CHARGE FOR WATER TO CERTAIN OFFICIAL CITY USERS.

The Governing Body shall, by resolution, determine when water shall be furnished free to City buildings, City properties or for municipal functions and purposes. (R.O. 1966 § 25:3-8)

33:4-9—33:4-13. RESERVED.

(Repealed by R.O. 1966 C.S. § 25:3-9—25:3-13)

33:4-14. AUTHORITY OF DIRECTOR OF WATER AND SEWER UTILITIES TO ESTABLISH BILL COLLECTION SYSTEMS.

The Director of Water and Sewer Utilities is authorized to establish such a system of meter reading and rendering of bills for water charges, together with such means of affording convenience to the consumer in paying such bills, as he/she may deem proper. (R.O. 1966 § 25:3-14)

33:4-15. FAILURE TO PAY CHARGES.

If prompt payment by the owner of any property for water rent, rents, work done or materials furnished is not made when due, the supply of water to the property may be discontinued as provided in Section 33:5-15 and shall not be again supplied thereto until the arrears with interest and penalties shall be fully paid. If any water rent or other charge shall remain in arrears for six (6) months, the officer or board charged with the duty of the collection thereof shall file with the officer charged with the duty of the collection of tax arrears, a statement showing such arrearages. From the time of such filing, the water rent or other charges shall be a lien upon the real estate to which the water was furnished, and in connection with which the charges were incurred to the same extent as taxes are a lien upon real estate in the municipality, and shall be collected and enforced by the same officers and in the same manner as liens for taxes. (R.O. 1966 C.S. § 25:3-15)

33:4-16. PENALTIES FOR NONPAYMENT.

That pursuant to N.J.S. 40A:31-12, interest charge shall be assessed for each water account not paid within thirty (30) days of the due date. Each interest charge shall be chargeable each and every additional month the account is not paid in full. The interest charge rate shall be one and one-half (1.5%) percent of the outstanding principal amount due. (R.O. 1966 C.S. § 25:3-15.1; Ord. 6 PSF-A(S), 1-13-10 § 1)

33:4-17. PRESENTATION OF BILLS.

Unless specified otherwise, all bills will be addressed to the owner and mailed to the premises where water service is furnished, and against which they are imposed. If the owner so desires, bills will be mailed to the business or home address of the owner or his/her agent. If the owner's name be unknown, bills will be mailed to the premises, addressed to the "owner or occupant" thereof. If bills are not delivered, the owner or occupant is required to obtain them at the office of the Division of Billing and Customer Service without notice. Failure to receive bills will not excuse nonpayment thereof. (R.O. 1966 § 25:3-16)

33:4-18. BILLS FOR CONTINUOUS SERVICE.

All water bills for continuous service will be rendered quarterly, unless the annual bill be in excess of one hundred (\$100.00) dollars, in which case bills may be rendered

monthly. No bill will be rendered for less than the minimum charge for the period covered, as provided in the rate schedule, except that where the water supply is shut off by the Division of Sewers and Water Supply and remains shut off for the full quarter, there will be no charge. The amount charged shall be due on the date of the rendering of the bill. (R.O. 1966 § 25:3-17)

33:4-19. TEMPORARY SERVICE; PERMITS; DEPOSITS; BILLS.

a. Upon proper application to the Division of Sewers and Water Supply, a permit may be issued to any person for the temporary use of water, to be paid for as provided by the Director of the Department of Water and Sewer Utilities. Such deposit as may be required to protect the City against loss or damage incurred by such temporary use of water shall be made by the applicant in the manner prescribed.

b. All water furnished for construction or other temporary purposes, and charged for, shall be metered when required and shall be billed at the established rates, the time of billing to be at the discretion of the Division of Billing and Customer Service. A suitable deposit may be required to guarantee payment of the bill. (R.O. 1966 § 25:3-18)

33:4-20. CHARGES WHERE CONSUMPTION ESTIMATED.

Where, by any cause or reason, a water meter shall fail to register correctly, or shall, by any defect, cease to record the quantity of water passing through it, or where a meter shall have been removed from the service supplying the premises for repairs, or where other proper reason exists therefor, the Division of Billing and Customer Service may disregard such incorrect registry or such nonregistry and may charge for water supplied during the period of incorrect registry, or nonregistry or during the period when such meter shall have been removed from the service for repairs, or for any other proper reason, at the daily registration of water indicated by an applicable meter for the premises involved for an appropriate period prior or subsequent to such period at the established rates. (R.O. 1966 § 25:3-19)

33:4-21. COMPLAINTS.

All complaints with regard to the character of service furnished or the reading of meters or of the bills rendered, must be made promptly in writing to the Division of Billing and Customer Service. (R.O. 1966 § 25:3-20)

33:4-22. COMMITTEE FOR ADJUSTMENT OF CLAIMS.

a. The Manager, Billing and Customer Service shall, from time to time, appoint a "committee for adjustment of all claims on all water and repair charges." The committee shall consist of four (4) members, who shall be authorized employees of the Division of Billing and Customer Service, one of whom shall be the Director of the Division.

b. The committee is authorized to recommend allowances, in keeping with its study of the facts and circumstances of each individual case, to the Director for his/her acceptance or rejection. Where unusual circumstances exist, the supervisor of consumer accounts is authorized to exercise his/her own judgment and discretion, in accordance with the facts, and to make recommendations to the committee in order to reach an equitable adjustment in keeping with good business policies.

c. The committee, at its discretion, may recommend adjustments of claims on water and repair charges, upon proper written application by the owner or occupant of the premises charged, in the manner prescribed by the Division of Billing and Customer Services.

d. Any claim for adjustment of charges for water used in excess because of waste due to leakage on inside piping and fixtures, must be made on a special form provided by the Division of Billing and Customer Service, signed by the applicant's plumber, setting forth a detailed report of the plumber's inspection and any necessary repairs required to be made to the applicant's inside water piping and fixtures to correct leakage and water waste. (R.O. 1966 § 25:3-21)

33:4-23. CIVIL ACTION TO RECOVER UNPAID WATER SERVICE CHARGES.

The owner of any house, multiple dwelling, building or lot shall be liable for the payment of the price or rent as fixed by the Governing Body for the supply of water to such owner, or the occupier and for the installation, purchase price, repair and testing of any water meter, water service, connections, appliances or parts, and renewal thereof, heretofore or hereafter furnished or made by the Department, in or upon such house, multiple dwelling, building or lot or connection therewith, and any interest and/or penalty charges which may be imposed.

In the event that the water service charges of the Department with respect to any parcel of real property shall be paid as and when due, the unpaid account shall be referred to the Corporation counsel, and the Corporation Counsel shall be empowered to institute civil action in any court deemed proper by him/her for the recovery of any and all unpaid water service arrearages, together with interest and penalties. Nothing contained in this section shall be construed to abrogate or impair rights and powers of the City to enforce any provisions within this Title; and the power conferred by this section shall be in addition and supplemental to other remedies available to the City. (R.O. 1966 C.S. § 25:3-22)

CHAPTER 5 WATER RULES AND REGULATIONS

33:5-1. DEFINITIONS.

As used in this chapter:

Cost shall mean and include labor, material, transportation expense, equipment, supervision, engineering and all and every necessary overhead expense.

Customer shall mean "owner" as herein defined.

Director shall mean the Director of the Department of Water and Sewer Utilities having overall charge of the Division of Billing and Customer Service and having overall charge of the Division of Sewers and Water Supply.

Division shall mean the Division of Billing and Customer Service in the Department of Water and Sewer Utilities or the Division of Sewers and Water Supply in the Department of Water and Sewer Utilities, whichever is vested with authority over the subject matter pursuant to Section 2:17-2 Division of Billing and Customer Service and Section 2:17-3 Division of Sewers and Water Supply.

Engineer shall mean the Division Engineer, water supply, in charge of the Division of Sewers and Water Supply or his/her duly authorized representative.

Extension shall mean the extension of a water main along a street, avenue or highway. An extension shall not include the water-service connection as herein defined.

Lien shall mean charges of any nature levied by the Division of Sewers and Water Supply which are declared to be a lien against the property served by virtue of the statute in such cases made and provided.

Owner shall mean the person holding record title to the property served or his/her duly authorized agent.

Plumber shall mean a master plumber duly licensed by the State Board of Examiners of Master Plumbers pursuant to provisions of N.J.S. 45:14C-3 et seq.

Water-service connection shall mean the pipe serving a premises from the main into the premises to a point three (3) feet beyond the meter, including the meter. (R.O. 1966 § 25:4-1)

33:5-2. CONTRACTS FOR WATER SUPPLY: PROVISIONS OF CHAPTER AND RATE SCHEDULES INCORPORATED THEREIN.

a. Every contract made for the supply of water by the City with any person shall be deemed to have incorporated therein all the terms, conditions and provisions of this chapter as if recited therein at full length.

b. Every contract made for the supply of water by the City shall be deemed to have incorporated therein the water rates as set forth in Chapter 4 of this Title. (R.O. 1966 § 25:4-2)

33:5-3. WATER USERS DEEMED BOUND BY CHAPTER.

Every person supplied with water through the water system of the City, by taking water shall be considered to express his/her assent to the provisions of this chapter and to be bound thereby. (R.O. 1966 § 25:4-3)

33:5-4. CONTINUITY OF CONTRACTS IN ABSENCE OF NOTICE TO TERMINATE.

All agreements covering water supply shall continue in force from year to year, unless notice, in writing, is given by either party to terminate the contract. (R.O. 1966 § 25:4-4)

33:5-5. RESTRICTIONS AS TO INTERFERENCE WITH SYSTEM FACILITIES AND FLOW OF WATER.

a. No one except an employee or representative of the Division shall, at any time or in any manner, operate the curb cock or valves, except as provided below, or the main cocks, gates, valves, hydrants or other appurtenances of the system; or tamper with any part of the system; except that firefighters and other authorized employees of the City may operate hydrants, within the limits of their authorized duties.

b. Only authorized employees of the Division shall turn water on or off at the water service curb stop, provided, however, that licensed master plumbers may turn water off and on for emergency repairs. In no other case shall a licensed master plumber turn water on or off except by express permission of the engineer or his/her authorized representative. In all such cases the licensed plumber shall immediately notify the Division of Billing and Customer Service of the turn-on. (R.O. 1966 § 25:4-5)

33:5-6. TYPES OF WATER SERVICE CLASSIFIED; CERTAIN REGULATIONS AND RESTRICTIONS APPLICABLE THERETO.

The following character of water service shall be rendered at rates prescribed by Chapter 4 of this Title:

a. *Domestic, Commercial and Industrial Service.* This water service shall include all water delivered for domestic, commercial and industrial purposes supplied through meters under pressure and at the will of the customer.

b. *Fire Service, Including Automatic Sprinklers.* This water service shall be only for the extinguishing of fires through an automatic sprinkler or other equipment. No charge shall be made for water so used through a fire-line connection. All water lost through leakage from the fire pipe lines on the premises, or used to replace leakage or evaporation from the pressure tank, shall be charged for at the regular rate, such charge to be in addition to the regular fire-service charge.

c. *Miscellaneous Water Service.* This service shall be for water supplied through temporary water-service connections for the construction of sewers, storm drains, street paving; for mixing and curing concrete, laying cement gutters, curbs and sidewalks; and for puddling the surface of streets in advance of paving, puddling fills and trenches and all other similar purposes. The Director reserves the right to render such miscellaneous water service through a meter, and charge for the water consumed by meter measurements. An applicant for temporary use of water from a fire hydrant must first secure a permit from the Director for the use of the fire hydrant and comply with the provisions of the Director's regulations governing the use of the same. (R.O. 1966 § 25:4-7)

33:5-7. PERIODS DURING WHICH CHARGES CONTINUE; NOTICE AND NEW APPLICATION UPON CHANGE OF OWNERSHIP.

Water charges begin when the meter is installed and the water turned on, and shall continue until written notice has been given of a change of ownership. When such change or transfer takes place, the new owner must sign a new application. Water may be turned off from any premises temporarily, without in any way affecting the existing agreement for service. (R.O. 1966 § 25:4-7)

33:5-8. RESPONSIBILITY OF CITY FOR FLOWAGE OR LEAKAGE BEYOND CURB COCK.

When turning on the water supply as requested and when the house or property is vacant, the Division will endeavor to ascertain if water is running on the inside of the building. If such is found to be the case, the water will be left shut off at the curb cock. The City's responsibility ends at the curb cock. The City will in no case be liable for damages occasioned by water running from open or faulty fixtures, or from broken or damaged pipes beyond the curb cock. (R.O. 1966 § 25:4-8)

33:5-9. CERTAIN SERVICES REQUIRING NOT PAYMENT.

No charge will be made for shutting off and turning on the water supply when requested by the customer, for the closing of an old account or the opening of a new one. (R.O. 1966 § 25:4-9)

33:5-10. APPLICANTS FOR SERVICE DEEMED TO ACCEPT PRESSURE CONDITIONS AND INTERRUPTIONS OF SERVICE.

All applicants for water-service connections or for water service shall be required to accept such conditions of pressure and service as are provided by the distributing system at the location of the proposed water-service connection, and to hold the City harmless for any damages arising out of low-pressure or high-pressure conditions or interruptions of service. (R.O. 1966 § 25:4-10)

33:5-11. LIABILITY FOR CHARGES WHERE WATER USED WITHOUT APPLICATION.

A person taking possession of premises and using water through an active water-service connection without having made application to the Division for water service shall be held liable for the water delivered from the date of the last recorded meter reading. If proper meter readings are not available, the quantity of water consumed will be estimated. (R.O. 1966 § 25:4-11)

33:5-12. DISCONTINUANCE OF SERVICE WITHOUT NOTICE FOR FAILURE TO APPLY FOR SERVICE WHEN NOTIFIED OR TO PAY BILLS.

If proper application for water service is not made after notification by the Division, or if accumulated bills for water service are not paid immediately, the service may be discontinued by the Division without further notice. (R.O. 1966 § 25:4-12)

33:5-13. APPLICATION WHERE SERVICE CONNECTION PREVIOUSLY INSTALLED.

Where a water-service connection has been previously installed and water is desired, a proper application must be signed by the owner of the premises on a form provided by the Division. (R.O. 1966 § 25:4-13)

33:5-14. APPLICANT TO PREVENT UNAUTHORIZED USE OF WATER; LIABILITY FOR WATER USED.

All use of water other than by the applicant or for any purpose or upon any premises not stated or described in the application, must be prevented by him/her. The applicant will be liable for the amount of water used in conformity with the schedule of rates set out in Chapter 4 of this Title. (R.O. 1966 § 25:4-14)

33:5-15. WHEN WATER SERVICE MAY BE DISCONTINUED.

Subject to the notice provisions of Section 33:5-18, water service may be discontinued by the Department of Water and Sewer/Utility for any of the following reasons, except that no water service may be discontinued during the holidays or the weekend hours when the water accounting staff is not on duty to collect delinquent water rent payments:

- a. When any water assessment or water charge of any nature against a property remains due and unpaid for a period of thirty (30) days;
- b. When any water-pipe installation, or other water service facility is placed or maintained in violation of any law of the State or regulation of the State Department of Health, any ordinance of the City, any regulation of the Director or any provision of this Title;
- c. Upon noncompliance with any order issued by the Director or his/her authorized representative to improve, alter, repair, replace or remove any water pipe installation;
- d. Upon noncompliance with any proclamation issued by the Director declaring a water shortage emergency as provided in Chapter 1 of this Title;
- e. For willful waste of water through improper or imperfect pipes, fixtures or otherwise;
- f. For the use of water for any other property or purpose than that described in the application for water service;
- g. For tampering with or willfully damaging any service pipe, meter, valve, curb stop, cock or seal or any other part of the water service connection;
- h. In case of vacancy of premises;
- i. For refusal of reasonable access to property for purpose of inspection or for reading meters;
- j. For failure to have in effect and on display in accordance with the provisions of Title XLI, Zoning and Land Use Regulations, Chapter 18, Administration, Enforcement and Violations of the Revised General Ordinances, a Certificate of Occupancy, except in the case of water service being supplied in connection with the creation, erection, change, conversion or enlargement of any structure.

(R.O. 1966 C.S. § 25:4-15; Ord. 6 S+FT, 12-17-97)

33:5-16. NOTICE BY USER REQUIRED TO DISCONTINUE SERVICE TEMPORARILY.

Any person wishing to have the water service to his/her premises temporarily discontinued shall give written notice thereof to the Division, and shall order the service turned off, otherwise charges for water service will be continued until such notice is given and water shut off by the Division. (R.O 1966 § 25:4-16)

33:5-17. TEMPORARY DISCONTINUANCE BY CITY FOR REPAIRS.

Service of water to any property may be temporarily discontinued by the Division during the laying, extending, replacing and repairing of any water pipe or during any other necessary work on the distribution system. (R.O. 1966 § 25:4-17)

33:5-18. NOTICE OF DISCONTINUANCE; LIABILITY FOR DAMAGES.

a. The Division will exercise every precaution to give reasonable notice before the discontinuance of water service, but will not be liable for any loss, damage or other claim based on or arising out of the stopping or restricting of such water service. Any water fixture subject to damage by the sudden discontinuance of the water supply shall be properly protected against such damage by the owner or operator of such fixture; provided, that notice, except in the cases of emergency, is given.

b. All persons having boilers within their premises not supplied by a tank or cistern are hereby cautioned against collapse of such boilers in case of interruption or discontinuance of service. In such case, the Division will not be liable for any damage or inconvenience suffered. (R.O. 1966 C.S. § 25:4-18)

33:5-19. EMERGENCY SHUT-OFF.

In case of emergency the Division, upon request, night or day, without charge, will shut off the supply at the curb cock. (R.O. 1966 § 25:4-19)

33:5-20. RESUMPTION AFTER DISCONTINUANCE OF SERVICE FOR NONPAYMENT OF BILL; CHARGES AND PAYMENTS REQUIRED.

When service has been discontinued on account of nonpayment of water bills or other charges, or for any other infraction of the rules a charge of twenty-five (\$25.00) dollars will be made by the Division. This amount, plus outstanding bills and penalties, must be paid by the customer before service will be renewed. (R.O. 1966 § 25:4-20; Ord. 6 S+FB, 2-3-88)

33:5-21. UNAUTHORIZED TURNING ON OF WATER AFTER TURNED OFF BY CITY.

Should the occupant of the premises turn on the water, or permit or cause it to be turned on, after it has been shut off by the Division, it will be turned off again, the shut-off at the curb will be dug up, plugged or capped and the excavation refilled, all at the expense of the owner. Service will not be restored until payment has been made for the cost of this work, together with any other unpaid charges, and until all infractions of this Title have been remedied. (R.O. 1966 § 25:4-21)

33:5-22. DISCONTINUANCE OF SERVICE IN CASES OF DEMOLITION OF BUILDINGS; COST; LIEN.

Any person intending to demolish any building to which water is served by the Division shall give written notice thereof to the Division, and shall then cause the water service connection to be disconnected, at his/her expense, at the main in the street, in accordance with other requirements of this chapter. If not done within ten (10) days from the time of vacation of the premises for demolition, the Division shall cause the disconnection at the expense of the owner of the property. The expense thereof, if unpaid, shall become a lien on the property. The fee for a water service disconnection shall be paid by the designated demolition contractor or the property owner prior to the issuance of a demolition permit by the City. The fee for each water service disconnection shall be two hundred fifty (\$250.00) dollars. (R.O. 1966 § 25:4-22; Ord. 6 S+FD, 11-6-91)

33:5-23. RESUMPTION OF WATER SERVICE; CONDITIONS.

Water service will be resumed under a proper application when the conditions under which such service was discontinued are corrected and upon the payment of all proper charges provided in the schedule of rates and charges of the Division. (R.O. 1966 § 25:4-23)

33:5-24. APPLICATIONS FOR SERVICE CONNECTIONS; COSTS RESULTING FROM ERROR IN APPLICATION TO BE BORNE BY APPLICANT.

Applications for water service connections shall be made on printed forms furnished by the Division. The application shall specify the size of the water service connection desired, the property to be served, the legal owner thereof and the purpose for which the water is to be used. It shall be signed by the owner of the premises to be served or his/her authorized agent. The information supplied by the applicant in such application shall be considered as authoritative and final. If any errors in such information shall cause the water service connection to be installed on a wrong location, the cost of all changes required shall be borne by the applicant. (R.O. 1966 § 25:4-24)

33:5-25. USE OF SERVICE PIPES TO SUPPLY DIFFERENT BUILDINGS AND PREMISES.

a. Each building occupied as a dwelling shall have a separate service pipe, and only one such pipe, except by special permission of the Director or his/her authorized representative. One service pipe may be used by an owner to supply several buildings owned by him/her on any one piece of property.

b. A service connection shall not be used to supply adjoining property of a different owner or to supply property of the same owner across a street or alley.

c. No water-service connection shall be used for supplying water to any premises other than those for which it was originally laid except by written permission of the Director or his/her authorized representative.

(R.O. 1966 § 25:4-25)

33:5-26. SERVICE CONNECTIONS FROM MAIN TO CURB BY CITY FORCES; CONNECTIONS BY OTHER AUTHORIZED INDIVIDUALS; APPROVED CONSTRUCTION MATERIALS.

a. No person shall make a new water service connection with a public water main without first obtaining a permit. Before any portion of the water service connection is constructed and installed, the owner of the property or his designee shall cause to be paid to the Department of Water and Sewer Utilities the cost of installation as specified by Section 33:4-6.

b. As an alternative to a municipal installation, the Director may permit an individual, firm, partnership or corporation employed by the property owner and authorized by applicable State code to excavate for, construct, connect, install and/or repair a water service connection. Such authorization shall be conditioned that the persons applying therefor shall comply with the provisions of this Title and other ordinances of the City in relation to excavating streets; assume responsibility for damages or injuries caused to persons, animals or property by reason of any neglect or carelessness associated with the work permitted; and save the City of Newark harmless from any damages or injuries that may result from the work. Where work is performed under the provisions of this paragraph, the property owner shall bear the total cost of the work, including excavation, construction, placement, connection, and/or repair of the water service connection, complete restoration of the site and all other particulars.

In addition, the property owner shall pay in advance the inspection fees levied by the Director pursuant to Section 33:4-6.

c. The Director of the Department of Water and Sewer Utilities shall provide a list of specific materials that can be used when tapping or connecting into any cast iron, ductile iron, or concrete public water main under the City's control, including but not limited to, the type of product, form, size, and material used to establish the connection with the water main. No installation shall be backfilled without having been inspected and approved by the Director or his/her designee. (R.O. 1966 C.S. § 25:4-26; Ord. 6 S+FH, 5-17-06)

33:5-27. CERTAIN CONNECTIONS TO MAIN TO BE MADE BY CITY EMPLOYEES; EXCEPTION.

Taps, wet connections or other connections or disconnections to a City main shall be made only by Division employees unless authority to do so is first obtained from the Director or his/her authorized representative. (R.O. 1966 § 25:4-27)

33:5-28. PAYMENT OF CHARGES FOR SERVICE CONNECTIONS PREREQUISITE TO WORK.

The City shall not lay or make any water service connection until and unless the owner of the property to be served shall pay charges fixed by the Director which shall be at the fair cost thereof. (R.O. 1966 § 25:4-28)

33:5-29. CONNECTIONS FROM SERVICE STOP TO BUILDING AND TO THREE (3) FEET BEYOND METER; COSTS.

a. Service connections from service stop, located in general at the curb, to building shall be made at the expense of the owner and only by a licensed plumber qualified pursuant to the Plumbing Code now incorporated into Title VII the State Uniform Construction Code.¹¹ Permission to connect with the service stop shall be obtained, as required, before any work is done on this portion of the service connection.

b. The quality, size and kind of piping and fittings, and the depth and manner of placing the same from the water service stop, generally located at the curb, to a point three (3) feet beyond the water meter, shall be approved by the Engineer. A list of approved materials shall be kept on file in the office of the Engineer. (R.O. 1966 § 25:4-29)

33:5-30. APPLIANCES BETWEEN MAIN AND METER.

No fitting or appliance, to which attachment could be made for taking water from the service connection, shall be located on any water service connection between the water main and meter, except on fire line connections, by special permission and approval of the Director or his/her authorized representative. (R.O. 1966 § 25:4-30)

33:5-31. HIGH PRESSURE SYSTEM CONNECTIONS.

Service connections shall be made from mains in the high pressure fire system only for use for fire extinguishment purposes, except by special permission of the Director or his/her authorized representative. (R.O. 1966 § 25:4-31)

33:5-32. RIGHT OF CITY TO REFUSE CONNECTION WITH CUSTOMER'S PIPING SYSTEM.

The Division may refuse to connect with any customer's piping system when it is considered not in accordance with this chapter or the provisions of the State Uniform Construction Code.²¹ (R.O. 1966 § 25:4-32)

33:5-33. SIZE AND LOCATION OF SERVICE CONNECTIONS.

The size of the service connection required and its location with respect to the boundaries of the premises to be served shall be determined by the owner subject to approval of the Director or his/her authorized representative. (R.O. 1966 § 25:4-33)

33:5-34. METHOD OF LAYING PIPE FROM CURB TO BUILDING; RESPONSIBILITY OF OWNER FOR PROTECTION AND ACCESSIBILITY OF METER.

a. The laying of customer's pipe from the curb to the building shall not be done until the service connection is installed. Service pipes shall be in a separate trench not nearer than eighteen (18) inches to other trenches, unless otherwise specially permitted. Such service pipes shall run reasonably straight and at right angles to the curb line and shall, in all places, be at least four and one-half (4 1/2) feet below the finished grade. Within the building, the service pipe and meter shall be so located and protected as to preclude damage by frost or from other causes.

b. The owner shall be responsible for the continued protection and accessibility of the meter.

(R.O. 1966 § 25:4-34)

33:5-35. FIXTURES, PIPES, AND APPLIANCES INSIDE CURBLINE INSTALLED AT EXPENSE OF OWNER.

All pipes, fixtures and appliances, including required meters, inside the curblines or curb stop, shall be installed at the expense of the owner of the property. (R.O. 1966 § 25:4-35)

33:5-36. INSTALLATION OF SERVICE CONNECTIONS IN ADVANCE OF PAVING OR REPAVING.

Service connections in streets to be permanently paved or repaved will be renewed, when deemed necessary by the Division, at the expense of the owner. Additional service connections from the main to the curb shall be installed in advance of such new construction at locations designated by the owner; or, if such designation be not

forthcoming, as best determined by the Director, shall be installed by the Division at the expense of the owner in order to provide for possible future water requirements. (R.O. 1966 § 25:4-36)

33:5-37. STREET IMPROVEMENTS REQUIRING CUTTING OR CHANGE OF MAINS AND SERVICE CONNECTIONS.

Any contractors or other persons making improvements in streets which require water mains and service connections therein to be cut and refitted, lowered or raised, shall make written request to the Division for such changes and shall furnish a satisfactory guarantee to the Division insuring the payment of all costs incurred by the Division in making the changes necessary or required to be made. (R.O. 1966 § 25:4-37)

33:5-38. STREET IMPROVEMENTS REQUIRING INSTALLING, REMOVING, RELOCATING OR REPLACING OF WATER MAINS; SIZE OF MAINS.

a. In all cases necessitating the changing, moving, disturbing, replacing, refitting, lowering, raising, or relocating of water mains, or the installing of new water mains, written request shall be made therefor, by any agency, contractor, or other person making such improvements in streets, to the Division of Sewers and Water Supply, and such agency, contractor, or other person shall furnish a satisfactory guarantee to the Division of Sewers and Water Supply, ensuring the payment of costs incurred by the Division in making the changes necessary, or required to be made.

b. In all cases requiring the installing of new water mains, or the removing or disturbing of existing water mains, the installation or replacement thereof, shall be by water mains of a size not less than twelve (12) inches in diameter, except where it is determined by the Division of Sewers and Water Supply that, depending upon the demands of the water supply system, an eight (8) inch main may be permitted.

c. It is hereby determined that it is for the best economic reasons of the City of Newark that ten (10) inch water mains shall not hereafter be installed.

(R.O. 1966 C.S. § 25:4-37.1)

33:5-39. INSPECTIONS OF CONNECTION INSTALLATIONS AND REPAIRS; FEE.

Inspection shall be made, by an authorized representative of the Division, of all water-service connection installations and repairs before any trenches are filled in or any walls closed over them. The Division must be properly notified and an inspection fee of three (\$3.00) dollars paid to ensure that inspection may be made and approval given. (R.O. 1966 § 25:4-38)

33:5-40. DISCONNECTING OR SHUTTING OF UNUSED CONNECTIONS; COST.

The owner of any property to which an unused water service connection is laid, may request, in writing, the Director to disconnect or shut off such service at the main. Such request will be granted at the discretion of the Director. The cost of such work, done by the Division, shall be borne by the owner. (R.O. 1966 § 25:4-39)

33:5-41. REPLACING SERVICE CONNECTIONS; COST.

Any existing water service connection which is replaced by a new one will be disconnected or shut off at the main. The cost of the disconnecting or shutting off, done by the Division, shall not be charged to the owner. (R.O. 1966 § 25:4-40)

33:5-42. FIRE HYDRANTS: SIZE AND LOCATION; CHANGE OF LOCATION; COST.

a. The Division shall designate the size and location of all fire hydrants to be installed after consulting with the Division of Fire.

b. The location of a fire hydrant may be changed at the discretion of the Division and, if done for the convenience of others, shall be paid for by such party.

(R.O. 1966 § 25:4-41; Ord. 6PSF-A(S), 1-7-16)

33:5-43. FIRE HYDRANTS: MAINTENANCE AND REPAIR BY CITY.

All fire hydrants shall be maintained and repaired by the Division of Sewers and Water Supply. (R.O. 1966 § 25:4-42)

33:5-44. FIRE HYDRANTS: USE AND OPERATION; GENERAL PROVISIONS.

a. Hydrants are to be used only by authorized employees of the Division of Sewers and Water Supply or of the Division of Fire, or by persons holding a permit from the Division for such purpose.

b. In operating a hydrant by permit, only a wrench of a design approved by the Division shall be used. The use of any other type of wrench or operating device is strictly prohibited.

c. The use of the large nozzle is restricted to the Division of Fire only. Nozzle caps shall be replaced after the use of the hydrant. Care shall be taken that the cap chains are not broken or the caps lost.

d. The use of a defective hydrant is prohibited. If a hydrant is in a defective condition, the Division of Sewers and Water Supply should be notified immediately, giving the location thereof.

e. Access to hydrants shall not be obstructed.

f. Connections with hydrants shall be made by valves or couplings which can be quickly and easily detached.

g. Hydrants shall be protected by the user from freezing or other damage. If damage to a hydrant results from the use thereof, repairs shall be made at the expense of the user. To prevent freezing, hydrants used at any time during the period from the 1st day of November to the 1st day of April shall in every instance be pumped out immediately after use. No hydrant shall be used when the temperature is less than thirty-two (32°F.) degrees Fahrenheit, except in emergency and under special permission from the Division.

h. The person to whom a permit for hydrant use is issued shall indemnify and hold the City harmless from all liability or damage of whatever nature by reason of the opening or use of such hydrants or the use of water therefrom by any person, his/her agents, servants or employees.

i. The permittee agrees to pay all established fees in connection with the use of hydrants and to pay for all water used at the established rates.

j. The Division may require the use of a proper meter for registering the amount of water used.

- k. The Division may cancel any such permit issued, if any of the conditions herein mentioned are violated or for such other reasons as may be considered adequate.
- l. The hydrant permit must be retained at the point where water is being used.

(R.O. 1966 § 25:4-43; Ord. 6PSF-A(S), 1-7-16)

33:5-45. FIRE HYDRANTS: USE FOR STREET SHOWERS.

Where a permit has been granted for a street shower the following regulations shall apply:

- a. No street shower shall be operated when the temperature is less than eighty (80°F.) degrees Fahrenheit.
- b. Street showers shall be operated between the hours of 10:00 a.m. and 8:00 p.m. only, except when special permission is given.
- c. The size of pipe connections to the shower head shall not exceed one (1) inch in diameter.
- d. Hose or other connections to the hydrant shall be made in a manner to prevent leakage at the point of such connections. The shower and its connection must be kept in good repair at the expense of the person or agency maintaining the shower.
- e. Not more than one (1) street shower shall be operated within one (1) block.
- f. No shower shall be operated where it reduces the pressure in the street main to a point where a lack of water is experienced on the upper floors of the buildings within the block.
- g. The Division reserves the right to shorten the time or volume of operation of street showers where such causes a general reduction of pressure.
- h. The permit for opening the fire hydrant and using water therefrom for street showers is revocable and may be terminated at any time when the foregoing regulations are violated, or in the event of an emergency.
- i. The permittee shall indemnify and hold harmless the City from all liability for damages of whatever nature by reason of the opening or use of the hydrant for the purpose for which the permit is issued.

(R.O. 1966 § 25:4-44)

33:5-46. USE OF SPRINKLER CAPS.

- a. No person shall use, operate or open a fire hydrant for recreational purposes without obtaining a sprinkler cap from the Director of the Department of Water and Sewer Utilities.
- b. In order for a person to be eligible to obtain a sprinkler cap from the Director of the Department of Water and Sewer Utilities, the person must present a petition of consent signed by fifty-one (51%) percent of the residents of the block which has been designated a play street by the Department of Recreation, Cultural Affairs and Senior Services and the Department of Water and Sewer Utilities.
- c. Any person receiving a sprinkler cap can operate the hydrant only between the hours of 11:00 a.m. to 3:30 p.m.
- d. The person receiving a sprinkler cap is the person responsible for assuring that the hydrant is operated between the hours of 11:00 a.m. and 3:30 p.m.
- e. The person receiving a sprinkler cap who is responsible for ensuring the hours of operation shall be fined not more than one hundred (\$100.00) dollars for each occasion in which a sprinkler cap is found operating beyond the hours of 11:00 a.m. and 3:30 p.m., or if the fire hydrant is left unattended.

(R.O. 1966 C.S. § 25:4-44.1; Ord. 6PSF-F, 6-15-16)

33:5-47. PLAY STREETS.

- a. The Department of Recreation, Cultural Affairs and Senior Services shall, in cooperation with the Department of Water and Sewer Utilities, designate "play streets." There shall be allowed one (1) hydrant on each "play street" which will be equipped with a sprinkler cap. This hydrant shall be opened daily for recreational purposes only.
- b. In no event shall the Director of Water and Sewer Utilities issue a sprinkler cap for use on a fire hydrant, nor shall a street be designated a "play street" which is located within ten (10) blocks of a public swimming pool.
- c. The Department of Water and Sewer Utilities shall prescribe rules for the issuing of sprinkler caps.

(R.O. 1966 C.S. § 25:4-44.2; Ord. 6PSF-F, 6-15-16)

33:5-48. FIRE-SERVICE CONNECTIONS.

When a fire-service connection is installed, the valve governing such connection will be closed and sealed and remain so until a written order is received from the owner of the premises to have the water turned on. After the water is turned on, the Division shall not be held liable for damages of any kind that may occur to the premises served by reason of the installation, maintenance, use, fluctuation of pressure or interruption of supply. (R.O. 1966 § 25:4-45)

33:5-49. SERVICE CHECK VALVES.

- a. A proper check valve shall be placed in all water service connections where the following conditions exist:
 1. Where a building is supplied by services connected to different sections of the mains.
 2. Where there is any possibility of back-flow from tanks, siamese connections or other apparatus or fixtures within the building.
- b. Such check valves shall be installed on the outlet side of the meter setting, as near thereto as practicable, and clear of the meter by-pass connection, on meters two (2) inches and larger.
- c. Check valves shall be of a type approved by the Division and shall be equipped with suitable auxiliary valves so as to permit periodic inspection of the check valve.
- d. Water supply lines to hot water boilers, steam boilers or similar fixtures or apparatus through which there might occur a back-flow of hot water or steam, shall be equipped with a suitable check valve, and with a relief valve installed between boiler or fixture or apparatus and the check valve.

(R.O. 1966 § 25:4-46)

33:5-50. CONNECTIONS TO INDEPENDENT SUPPLY PROHIBITED.

In any system of piping supplied by City water, no connection to any other source of water supply shall be made or maintained. (R.O. 1966 § 25:4-47)

33:5-51. CONNECTIONS BETWEEN WATER SUPPLY AND EMPTYING PIPES AND DRAINAGE SYSTEM.

- a. Direct connection between water supply piping and any drainage system or vent piping is prohibited.
- b. No emptying pipe, or pipe wasting potable water after passing through an air cooling system, refrigeration system, hydraulic machine or any similar pipe, shall be directly connected to any soil, waste or vent pipe, or any pipe connected therewith, or to any part of the drainage system of any building or premises. (R.O. 1966 § 25:4-48)

33:5-52. CONTAMINATION OF WATER SUPPLY; GENERAL REQUIREMENTS AS TO ALTERATION OR REPLACEMENT.

Where there is danger of contamination of the water supply, or where such contamination actually develops, the fixtures, apparatus or piping shown to be responsible for the condition shall be altered or replaced to conform to the requirements of the Division. (R.O. 1966 § 25:4-49)

33:5-53. ADDITION OF CHEMICALS TO WATER: GENERAL PROVISIONS.

- a. No owner, lessee, occupant, tenant or other person in charge of a building shall cause, permit, allow or suffer any chemical or other substance to be added to the water supply in such building in which the water supply is subsequently furnished to any guest, customer, occupant, tenant or other person for domestic use or human consumption.
- b. The provisions of this section shall not apply to the treatment of water for industrial purposes, for swimming pools, for air conditioning systems or for any use which does not include human consumption, but in all cases proper precaution shall be taken to preclude the possibility that the treated water may come into contact with or contaminate the potable water supply distribution system of the building. Provisions satisfactory to the Division shall be made to preclude the possibility that the treated water may come into contact with or contaminate the public water supply. (R.O. 1966 § 25:4-50)

33:5-54. CHEMICALS USED FOR ANTICORROSION AND ANTISCALING PURPOSES.

- a. Addition of chemicals to the industrial water supply in a building for anticorrosion or antiscaling purposes shall be made only by means of an approved mechanical device or apparatus designed and constructed to regulate the chemical dosage to conform with the provisions of this section.
- b. A chemical treatment apparatus of any kind must be submitted to the Division for approval of methods of connections to water supply systems. Such apparatus shall also be subjected to siphonic tests to determine what check valves and vacuum breakers may be required in the installation to prevent contamination of the potable water supply by siphonage of chemicals into the potable water-supply system. (R.O. 1966 § 25:4-51)

33:5-55. PRIMING CONNECTION TO PUMPS.

No pump shall be equipped with a direct water supply connection for priming purposes except with the written permission of the Director or his/her authorized representative. Water for priming purposes may be supplied by means of an indirect water-supply connection through an open tank with the outlet of the direct water supply located at least two (2) inches above the maximum overflow level of such tank. Direct water supply connections for priming purposes to sump, well or similar type pumps, when permitted by the Division, shall be connected to the inlet side of the pump and be equipped with an approved type vacuum breaker and check valve, the check valve to be located between the pump and the vacuum breaker. (R.O. 1966 § 25:4-52)

33:5-56. SHIP CONNECTIONS.

- a. Every water connection on a pier, wharf or bulkhead, used or available as a ship or boat supply, including fire connections, shall be equipped with an approved horizontal swing check valve immediately adjacent to the outlet of the control valve of the permanent water connection. The outlet of the check valve shall be equipped with a hose or union coupling to permit ready detachment for inspection and testing purposes.
- b. All hydrant outlets, equipment and protection used at watering points where potable water is furnished to vessels engaged in interstate traffic, shall conform to requirements, specifications and established procedure of the United States Public Health Service. (R.O. 1966 § 25:4-53)

33:5-57. AUXILIARY SUPPLY FOR TANKS.

Where City water is used as an auxiliary supply to a roof or suction tank, which is also fed by a well or other source of supply, the tank shall be an open one and the pipe supplying City water thereto shall be controlled by a ball valve and shall discharge at least two (2) inches above the overflow pipe of the tank. (R.O. 1966 § 25:4-54)

33:5-58. SUCTION TANKS ON CERTAIN PUMPS.

A pump with an intake diameter of four (4) inches or larger shall not be connected directly to the City main and shall be equipped with a surge or suction tank. This section shall not apply to fire pumps. (R.O. 1966 § 25:4-55)

33:5-59. AIR CHAMBERS: WHEN REQUIRED.

Where flushometers, suction tanks, other fixtures or piping, are equipped with quick closing valves and are supplied by direct street pressure in excess of seventy (70) pounds, an air chamber of an approved type shall be installed within two (2) feet of the house control valve of meter in the service connection near the point of entry. Where water hammer conditions exist in any installation, regardless of the pressure obtaining, an air chamber of an approved type shall be installed where and as directed by the Engineer. (R.O. 1966 § 25:4-56)

33:5-60. CLEANING OR PAINTING WATER TANKS.

- a. No water tank of any kind which is part of a building water supply system used for domestic purposes shall be cleaned with any material or painted on the inside in any manner that will affect the taste or potability of the water supply when the tank is put into service. The water supply connections to and from a tank shall be disconnected or effectually plugged while the tank is being cleaned or painted, to prevent any foreign fluid or substance from entering the distribution piping.

b. After the tank has been cleaned or painted it shall be disinfected as follows before it is put back in service:

1. The inner side of the top, bottom and walls shall be washed with a hypochlorite solution containing twenty-five (25) or more parts per million of available chlorine.
2. The tank shall be filled with water to which hypochlorite solution is added during the filling in sufficient quantity so that the treated water in the tank will contain at least ten (10) parts per million of available chlorine.
3. The chlorinated water shall be allowed to remain in the tank for two (2) hours.
4. Finally, the tank shall be drained completely before refilling.

(R.O. 1966 § 25:4-57)

33:5-61. PLUMBING FIXTURES TO BE SUPPLIED WITH SUFFICIENT WATER.

All plumbing fixtures shall be provided with a supply of water sufficient to keep them in proper sanitary condition. When the water pressure in the street mains is not sufficient to supply freely all fixtures, a house supply tank must be provided, of sufficient size to afford an ample supply of water to all fixtures at all times. (R.O. 1966 § 25:4-58)

33:5-62. RESTRICTIONS ON USE OF WATER: GENERAL PROVISIONS.

- a. The use of the pressure or flow of water from the City system as a source of energy is prohibited except when specifically approved by the Director.
- b. The use of water is permitted subject to such conditions or reservations as the Director may consider reasonable.
- c. The Director reserves the right to restrict or prohibit extraordinary use of water if water-supply conditions so require.

(R.O. 1966 § 25:4-59)

33:5-63. MINIMUM WATER PRESSURE: LIMITATIONS ON CITY'S RESPONSIBILITY.

The City is not required to maintain any minimum water pressure other than that required to deliver water into the basement of any premises. (R.O. 1966 § 25:4-60)

33:5-64. PLUMBERS: LICENSE REQUIRED.

Any plumber wishing to engage in the work of connecting with the City water supply system, or performing any work on water service connections or facilities connected therewith, shall be first licensed as a master plumber by the State Board of Examiners of Master Plumbers.¹³¹ (R.O. 1966 § 25:4-61)

33:5-65. PLUMBERS: FORM OF BOND REQUIRED PRIOR TO COMMENCEMENT OF WORK.

No plumber shall engage in the work of connecting with the City water supply system or performing any work on water service connections or facilities connected therewith unless he/she shall have first posted a bond as required by the Director of the Department of Water and Sewer Utilities. The bond insofar as it relates to the aforesaid work shall indemnify and save harmless the City of and from all accidents and damages consequent thereupon for or by reason of any opening in any street, avenue, lane, alley or court, made by him/her or by those in his/her employ, for the purpose of putting down or inserting or repairing any service pipe or other water connections or appurtenances. The bond shall assure the replacement and restoration, by the licensed master plumber, of the surface over every such opening to as good condition as that in which he/she found it, as well as the maintenance of the same in good order, to the satisfaction of the Director, for the space of twelve (12) months thereafter. Such repairs shall be made during such twelve (12) months within twenty-four (24) hours after notification so to do by the Engineer of the Division. The bond shall also assure the payment to the City of all penalties invoked against the licensed master plumber by the City. (R.O. 1966 § 25:4-62)

33:5-66. CORRECTION OF VIOLATIONS.

Any person, persons, firm, or corporation who shall fail to correct any violations, noted by the Construction Official or respective subcode official, or pay indebtedness to the City within five (5) days, after being notified in writing by the City, shall have no further permits issued until such corrections have been made, inspected, and approved or the indebtedness paid. (R.O. 1966 C.S. § 7A:5-2; R.O. 1966 S, 25:4-63)

33:5-67. PLUMBERS: PENALTY FOR PERFORMING WORK WITHOUT BEING LICENSED AND BONDED.

Any person who shall install in or about any building, any water supply pipe, or who shall make any attachments, or any connections whatever, to any water supply pipe beyond the service or curb stop, or shall do any plumbing work connected with the introduction or supply of water from the City's potable water supply, or who shall make any repairs, additions to or alterations of any pipes, taps, stop-cock, water closet, or any other fixtures connected or designed to be connected, with the water supply pipes, without being duly licensed as a master plumber and bonded as required by this Title, shall, upon conviction thereof, be punished as provided in Section 33:4-86 of this chapter. (R.O. 1966 § 25:4-64)

33:5-68. PLUMBERS: WORK TO BE REPORTED TO CITY WHEN REQUIRED.

All work done by authorized plumbers shall be reported on forms provided by the Division of Sewers and Water Supply, whenever required. (R.O. 1966 § 25:4-65)

33:5-69. METERS: INSTALLATION AND REMOVAL BY LICENSED PLUMBERS ONLY; EXCEPTIONS.

Water meters shall be installed on, or removed from water service lines, only by licensed master plumbers or persons under their direct supervision; provided, however, that this section shall not apply to the installation or removal of meters by authorized employees of the Division of Sewers and Water Supply. (R.O. 1966 § 25:4-66)

33:5-70. METERS: REGULATIONS GOVERNING REMOVAL.

- a. Unless by order of the Division, plumbers shall not interfere with or remove any meter for any cause without specific permission first obtained from the Division in each and every case.
- b. All meters removed by plumbers shall be delivered to the Division meter laboratory within forty-eight (48) hours from the time of removal.

c. All meters removed by plumbers from such meter laboratory shall be reset in premises intended within forty-eight (48) hours thereafter. This time may be extended, in extenuating circumstances, by the Division or when the supply may have been shut off at the curb. (R.O. 1966 § 25:4-67)

33:5-71. METERS: DEPARTMENT'S DISCRETION TO REMOVE, RELEASE AND RESET.

The Department will only release a new or replacement water meter to a licensed plumber. The Department will issue to the plumber a meter receipt for each meter released. The Department reserves the right to remove any meter for any reason that may affect the proper billing of the account. The cost of reinstallation will be borne by the property owner and will be reflected in the bill for water charges. (R.O. 1966 § 25:4-68; Ord. 6 S+FH, 7-13-05 § 1)

33:5-72. METERS: WHEN METERING REQUIRED IN GENERAL.

Except as hereinafter provided, all water furnished by the Newark supply system shall be metered. Meters shall be installed on fire lines unless otherwise especially permitted by the Division. (R.O. 1966 § 25:4-69)

33:5-73. RESERVED.^[4]

33:5-74. METERS: TWO (2) INCHES AND LARGER.

Meters, two (2) inches and larger, shall be of the "Compound Type," unless otherwise specially permitted by the Engineer, and shall be equipped with approved by-passes in order that the meter may be removed without interruption of service. (R.O. 1966 § 25:4-71)

33:5-75. METERS: APPROVED TYPES.

Property owners are required to obtain a water meter from the Department of Water and Sewer Utilities. The cost of both the water meter and its installation shall be borne by the property owner, consistent with Section 33:5-35. (R.O. 1966 § 25:4-72; Ord. 6 S+FJ, 2-17-88; Ord. 6 S+FH, 7-13-05 § 1)

33:5-76. METERS: USED, REPAIRED AND OBSOLETE; GENERAL TESTING REQUIREMENT FOR ALL METERS.

a. No used or repaired meter, even of a kind acceptable to the Division, shall be transferred for use on any water service connection, without its presentation to and approval by the Division meter laboratory.

b. Obsolete meters shall not be accepted for use on any water service connection under the jurisdiction of the Division. An obsolete meter is one that, from time to time, may be designated as such because the manufacturer no longer makes it or will no longer supply replacement parts for it, or because the cost of such replacement parts is prohibitive. The Division reserves the right to condemn such meters at its discretion.

c. Before being installed, every new or repaired meter shall be tested, approved and sealed in the meter laboratory of the Division. All pertinent data and all necessary record forms, required by the Division, must be furnished and filled out before any meter is released for service installation. (R.O. 1966 § 25:4-73)

33:5-77. RESERVED.^[5]

33:5-78. METERS: LOCATION; PROTECTION REQUIRED.

Meters shall be conveniently located in a suitable place, approved by the Division, so as to control the entire supply of water. Protection against freezing or other damage to the meter shall be provided by the applicant. All meters hereafter placed in buildings shall be of an approved type suitable for the purpose, located in the cellar or first floor, as near as possible to the point of entry of the service. (R.O. 1966 § 25:4-75)

33:5-79. METERS: SETTING OR RESETTING; SPECIFICATIONS; RULES AND REGULATIONS; TESTS.

In setting or resetting a meter, the requirements are as follows:

a. The meter shall be set so that the dial shall be faced upward and set horizontal and not more than three (3) feet above the floor. A connection shall be made by meter couplings or companion flanges (depending on the size of the meter) or both the inlet and outlet end of the meter. Meter couplings and/or flanges shall be provided and installed by the licensed plumber performing the work necessary to the setting of the meter. All connections shall be compatible with the meter to be set. Both meter couplings and flanges shall be bored for sealing with holes not less than three thirty-seconds (3/32) of an inch in diameter. A valve shall be set on the inlet and outlet side of all meters, regardless of size, and when a current type meter is set, a straight section of pipe of a length at least eight (8) times the nominal size of the diameter of the meter shall be installed immediately before the inlet, between the controlling valve and the meter, and no fittings of any kind will be permitted in this straight section of pipe. An approved backflow preventer shall be installed at the outlet side of any meter. The remote reading device provided with the meter shall be installed on the exterior front/side of the building being metered.

b. On one and one-half (1 1/2) inch and two (2) inch meters, a full sized test tee shall be placed on the outlet between the meter and the outlet valve with a short nipple in the tee and a full size valve on the nipple. On meters three (3) inches and larger a test tee with a two (2) inch opening shall be placed on the outlet between the meter and outlet valve, a short nipple in the tee and a two (2) inch valve on the nipple. No connection shall be made to a test tee.

c. Before setting three (3) inch and larger meters, the plumber shall file in duplicate, for approval of the Director of Water and Sewer Utilities or his authorized representative, a plan or sketch showing the proposed installation. Such plan or sketch shall indicate the location of the service main control valve inside the building, the distance of the meter from the point of entry of the service, height from the floor, size and type of meter and the approximate date of setting. In all cases the meter location and setting shall be to the satisfaction of the Director of Water and Sewer Utilities or his authorized representative.

d. Where two (2) inch and larger meters are installed and no plumbing fixtures or other facilities are available for disposal of discharge water from a standard test meter, provisions shall be made for disposal of such water through piping installed for such purpose from a point near the meter to the outside of the building. An additional test tee, nipple and valve shall be inserted in the service line, on the outlet side of the meter outlet valve, and by-pass connection, to discharge test water where no other practical method of discharging such water can be used.

e. Non-meter by-passes are not permitted. All water consumption must be registered by a water meter.

- f. All connection pipes, fittings, valves etc. on meter settings shall be of nonferrous, lead-free materials, as approved by the Director.
- g. Electric "ground connections" shall not be made to water pipes. The Director may grant exceptions where such connections are made well ahead of the meter—between the point of entry of the service connection and the inlet valve. Meters shall not be set near electrical conductors or other electrical equipment or in close proximity to any machine that normally might cause injury to Department employees.
- h. A meter shall be restricted to a size that will ensure accurate registration on the basis of consumption and occupancy of the premises or portion of the premises metered. The meter in no case may be larger than the tap or connection to the City main except as agreed upon by the Director and the customer.
- i. Where accurate registration cannot be obtained, owing to low usage because of insufficient flow to operate the meter, the Department may, at its discretion, issue a smaller meter. When such reduction of the meter size is effected, the plumber that installs the meter shall ensure that the piping of the meter setting from the inlet valve to the outlet valve is the same size as the meter.
- j. As a condition of service, the Department reserves the right to inspect, read, remove, repair, calibrate and reinstall any meter during normal working hours or at other times by mutual arrangement with the property owner. The cost of such service is to be charged to the customer.
- k. The Department may require a meter to be removed for testing by the Department and later reinstalled by a licensed plumber, at the customer's expense, when it is determined that such meter is not properly registering, requires repairs, is installed at variance with this chapter, and/or is so placed as to risk injuries to Department employees in the normal performance of their duties.
- l. No meter shall be set or reset in a pit without written permission of the Department and only under exceptional conditions where the meter cannot be located within the building and then only when a remote reading device is installed.
- m. No seal placed by the Department for the protection of any meter, valve, fitting or other water connection shall be tampered with or defaced. No seal shall be broken except on written authorization of the Department. Where the seal is broken, the Department reserves the right to order the meter removed for testing at the expense of the customer. Breaking or defacing the seal of a water meter is a violation of Section 20:2-15(l) and carries a minimum fine of two hundred (\$200.00) dollars.
- n. The owner or customer shall be responsible for safeguarding the meter and seal, and, if required by the Department, the owner or customer shall properly box and protect the meter and seal. Meters shall be maintained in good working order at all times.
- o. If a meter shall have been removed without authority of the Department, it shall not be reinstalled until tested by the Department at the cost of the customer.
- p. Meter repairs, when possible, may be made by the Department on the premises.
- q. Private meters shall not be permitted for the purpose of measuring water flow. All water consumption in and for the City of Newark shall be measured by City-issued water meters and will be billed for by the Department.
- r. In any premises where water is obtained through more than one (1) meter, and where tests indicate that accurate registration is not being obtained by reason of divided delivery of water through more than one (1) meter, the Department reserves the right to shut off and seal one (1) or more of the meters to ensure accuracy of registration.
- s. The Department reserves the right to refuse to permit any meter installation that does not conform to this chapter or is in an unsanitary or dangerous location. The Department may refuse to supply water under such conditions.
- t. Meters specially adapted for use on fire or automatic sprinkler service, where it is desired to measure accurately all rates of flow and, in case of fire, to automatically deliver and measure large volumes of water without obstruction, shall be installed, at the customer's expense, when required, on fire lines service connections. They shall be of a type approved by the Department and the Factory Mutual Laboratories and the Underwriters' Laboratories, Inc.
- u. The right is reserved by the Department to require the customer, at the customer's expense, on any or all fire service connections, installation of an approved type detector check valve to guard against leakage or possible misuse of water provided for fire protection purposes. This "detector" device shall be one approved by the Department and by the Factory Mutual Laboratories and the Underwriters' Laboratories, Inc.
- v. The use of water through meters approved for a fire line only is prohibited for any other use other than fire protection.
- w. From time to time, as directed by the Director or his authorized representative, meters shall be tested in service on the premises. When such test, or any other inspection shows the meter to be defective, it shall be ordered for repair and testing before reinstallation. All costs in connection with this work shall be at the expense of the owner.
(R.O. 1966 § 25:4-76; Ord. 6 S+FH, 7-13-05
§ 1)

33:5-80. METERS: TESTING AT OWNER'S REQUEST; COST; TESTING FEES.

- a. The owner of any property may request that the meter on the service line to such properties be tested by the Department. For such tests the meter shall be removed and reinstalled in accordance with Section 33:5-70 of this chapter at the expense of the owner, who shall also pay the fee established by the Director in paragraph b. of this section.
- b. The Director shall, from time to time, establish a schedule of testing fees to cover the cost of testing referred to in this section.
(R.O. 1966 § 25:4-77; Ord. 6 S+FH, 7-13-05 § 1)

33:5-81. METERS: TAMPERING.

No unauthorized person shall break any water-service seal or tamper with any meter or its fittings except in case of an emergency when a seal on a by-pass may be broken, provided that the Division immediately be notified of such action. (R.O. 1966 § 25:4-78)

33:5-82. FAILURE OR ABSENCE OF METER NOT EXCUSE FOR NONPAYMENT OF WATER CHARGES.

The failure of any meter to register, or the absence of a meter from any water service line, shall not relieve the owner of the property from his/her obligation to pay for water estimated by the Engineer to have been used. (R.O. 1966 § 25:4-79)

33:5-83. ACCESS TO PREMISES TO READ METER OR MAKE INSPECTION.

Any authorized representative of the Division shall, at any reasonable time and upon presentation of his/her credentials, be given safe and convenient access to and about any property served by the municipal water supply system for the purpose of reading the meter or inspecting existing or new water supply pipe installations. (R.O. 1966 § 25:4-80)

33:5-84. ADDITIONAL RULES AND REGULATIONS AUTHORIZED.

The Director is hereby authorized and directed to establish from time to time such rules and regulations as will carry out, and supplement where necessary, the

33:5-85. VIOLATIONS; ABATEMENT.

Upon notice from the Director or his/her authorized representative of noncompliance with, or violation of, any of the provisions of the rules and regulations of the Director, or the provisions of this Title, the person causing or maintaining such noncompliance or violation shall, within the time given in such notice, remove or abate such noncompliance or violation. (R.O. 1966 § 25:4-82)

33:5-86. PENALTY.

Any person who violates or fails to comply with any provision of this chapter or the rules and regulations of the Director referred to in Section 33:5-84, shall, except as otherwise provided in this Title, be punished by a fine not exceeding five hundred (\$500.00) dollars, or by imprisonment for a term not exceeding ninety (90) days, or both. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (R.O. 1966 § 25:4-83)

^[1]**Editor's Note:** This reference was originally referred to as Title 19 (Plumbing Code). The Plumbing Code has been repealed and replaced by the State Uniform Construction Code.

^[2]**Editor's Note:** This reference was originally referred to as Title 19 (Plumbing Code). The Plumbing Code has been repealed and replaced by the State Uniform Construction Code.

^[3]**Editor's Note:** This reference was originally referred to as Title 19 (Plumbing Code). The Plumbing Code has been repealed and replaced by the State Uniform Construction Code.

^[4]**Editor's Note:** Former Section 33:5-73, Meters: City to Bear Cost of Installation, Removal and Repair, previously codified herein and containing portions of R.O. 1966 § 25:4-70 and Ordinance 6 S+FA, 10-6-93, was repealed in its entirety by Ord. 6 S+FH, 7-13-05.

^[5]**Editor's Note:** Former Section 33:5-77, Meters: Current Type, previously codified herein and containing portions of R.O. 1966 § 25:4-74, was repealed in its entirety by Ordinance 6 S+FH, 7-13-05.