

ASSEMBLY, No. 2947

STATE OF NEW JERSEY

INTRODUCED MAY 12, 1997

By Assemblyman ARNONE

1 AN ACT authorizing municipalities to require house connections and  
2 supplementing chapter 48 of Title 40 of the Revised Statutes.

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4 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
5 *of New Jersey:*

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7 1. In any municipality in which there is a sewer system or where  
8 there is a public water supply system in any part thereof, the governing  
9 body may make, enforce, amend and repeal ordinances to require that  
10 all buildings be connected therewith, and regulating and providing for  
11 the construction of those connections, and to provide for the  
12 improvement, maintenance and repair of those connections, and to  
13 prescribe the kind of materials to be used in the original connection  
14 and in improving and repairing them, and the method of doing so. The  
15 governing body may provide for the inspection of any of the work  
16 provided for above. Whenever any of the work herein provided for is  
17 done, it shall be at the expense of the owner or owners of the land in  
18 front of or upon which the work is done.

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20 2. After the passage of an ordinance as provided in section 1 of  
21 P.L. , c. (C. ) (pending before the Legislature as this  
22 bill), if the owner of any property affected thereby neglects to make  
23 any connection, the governing body may proceed to cause the  
24 connection or installation to be made under the direction and  
25 supervision of the proper officer of the municipality, or to award one  
26 or more contracts for the making of the improvement.

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28 3. In proceeding to make any connection or award any contract in  
29 connection therewith:

30 a. the governing body first shall notify the owner or owners of any  
31 properties affected thereby that unless the connection or installation  
32 shall be completed within 60 days after the service thereof, the  
33 municipality will make the connection or cause it to be made pursuant  
34 to the authority of this act. The notice shall contain a description of  
35 the property affected in sufficiently definite terms to identify it, as well  
36 as a description of the required connection.

37 b. Notice may be served upon the owner or owners either

1 personally or by registered mail. Notice to a partnership owner may  
2 be made by service upon any partner.

3 c. If the property owner is unknown or service cannot be made as  
4 above directed, notice shall be published at least once not less than 60  
5 days before the making of the connection by the municipality in a  
6 newspaper circulating in the municipality. There may be inserted in  
7 the advertisement notice to the owner or owners of several different  
8 properties.

9 d. Proof of service or publication of notices shall be filed within 10  
10 days after such service with the municipal tax assessor, but failure to  
11 so file shall not invalidate the proceedings if service has actually been  
12 made as herein provided.

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14 4. When any connection shall be made, a true and accurate account  
15 of the cost and expense shall be kept and apportioned to the property  
16 or properties thereby connected, and a true statement of those costs  
17 under oath shall be forthwith filed by the officer of the municipality in  
18 charge of the connection with the municipal clerk. The governing  
19 body shall examine the statement, and, if properly made, shall file it  
20 with the municipal tax collector. The clerk shall record the connection  
21 charge in the same book in which he records sidewalk and other  
22 assessments.

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24 5. Every connection charge shall bear interest and penalties from  
25 the same time and at the same rate as assessments for local  
26 improvements in the municipality and from the time of confirmation  
27 shall be a first and paramount lien against the respective property or  
28 properties so connected with the sewer or public water supply main to  
29 the same extent as assessments for local improvements, and shall be  
30 collected and enforced in the same manner. Every officer charged  
31 with the enforcement and collection of assessments for local  
32 improvements is hereby charged with the same duties in regard to the  
33 collection and enforcement of all charges for sewer or water  
34 connections.

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36 6. No charge for sewer or water connections shall be invalid by  
37 reason of any error or omission in stating the name of the owner or  
38 owners of properties affected by the connections nor for any other  
39 informality where the property or real estate has actually been  
40 improved by the sewer or water connection.

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42 7. The governing body imposing any sewer or water connection  
43 charge upon any property may provide for the payment of the charge  
44 in installments in the same manner as assessments for local  
45 improvements are payable in installments in any municipality, in which  
46 case those installments shall bear the same rate of interest and be

1 collected and enforced in the same manner as are installments for  
2 assessments on local improvements.

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4 8. The governing body may award contracts for the construction  
5 of sewer or water connections as provided pursuant to P.L.1971,  
6 c.198 (C.40A:11-1 et seq.); and may, in lieu of awarding separate  
7 contracts for the making of those connections, award a contract for  
8 making all connections which the municipality may desire to have  
9 made within a period of one year or less.

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11 9. This act shall take effect immediately.

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#### STATEMENT

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16 This bill would authorize any municipal governing body in a  
17 municipality wherein there exists a sewer system or public water  
18 supply system to enact ordinances requiring that all buildings be  
19 connected therewith, to provide for the construction of those  
20 connections and to provide for the improvement, maintenance and  
21 repair of those connections. In addition, the bill authorizes  
22 municipalities to make the connection in the event that the property  
23 owner does not do so. Finally, the bill sets forth the parameters within  
24 which a municipality may charge property owners in cases where the  
25 municipality makes the connection on behalf of the property owner.

26 This bill essentially reenacts R.S.40:63-52 through 40:63-64, which  
27 were inadvertently repealed in section 1 of P.L.1991, c.53 (C.40A:26-  
28 22).

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Authorizes municipalities to require house connections.