

58:14-34.1 thru 34.8

September 19, 1969

LEGISLATIVE HISTORY OF R.S. 58:14-34.1 thru 34.8
(Lease of lands to municipality maintaining joint sewers; definitions;
requirements)

L. 1943, chapter 76 - A134

February 22 - Introduced by Glickenhau.

March 29 - Passed in Assembly, amended.

April 2 - Passed in Senate.

April 6 - Approved, Chapter 76

Amended during passage.

Statement; copy of original bill with statement attached.

All Source of bill attached

COPY NO. 2

The above law was amended by:

L. 1962, chapter 31 - S86

January 22 - Introduced by Fox.

February 5 - Passed in Senate.

February 13 - Passed Assembly under emergency resolution.

April 16 - Approved, Chapter 31.

Not amended during passage.

No statement.

Note: This law amended only 58:14-34.1 and not the succeeding
sections 34.2 through 34.8 with which this history is
concerned.

We do not have clippings dating to 1953.

No hearings or reports were located.

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Trenton, N. J.

ASSEMBLY, No. 134

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 22, 1943

By Mr. GLICKENHAUS

(By Request)

Referred to Committee on Ways and Means

AN ACT concerning the Passaic Valley Sewerage Commissioners, and supplementing chapter fourteen of Title 58 of the Revised Statutes.

1 WHEREAS, The municipalities presently participating in the use of the intercepting sewer, as herein defined, do not include several municipalities in the drainage area of the Passaic river below the Great Falls at Paterson, New Jersey; and

5 WHEREAS, Some of such nonparticipating municipalities have become more thickly populated and industrialized since the construction of the intercepting sewer, as herein defined, and the efforts of some or all of such nonparticipating municipalities to dispose of their sewage on their own initiative have not proved entirely successful, as a result of which the Passaic river is again threatened with pollution, to the prejudice of the health, safety and welfare of the people of the State of New Jersey; and

13 WHEREAS, The volume of sewage which flows through the intercepting sewer is considerably below its capacity, as many of the municipalities participating in the use of it are not doing so at the full rate of their contractual allotments, resulting in a great amount of unused capacity; and

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18 WHEREAS, The provisions of the statutes whereby such municipalities not
19 presently entitled to participation in the use of said intercepting sewer
20 could become participants in such use, under reasonable terms and con-
21 ditions, have proved to be impracticable and excessively cumbersome,
22 and it is the desire of the State of New Jersey to afford a more prac-
23 tical means of relief in the premises; now, therefore,

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*
2 *Jersey:*

1 1. Certain terms as used in this act, are defined as follows:

2 "Intercepting sewer" means the "Passaic Valley intercepting sewer"
3 together with its branches and appurtenances, as constructed, maintained
4 and operated by the Passaic Valley Sewerage Commissioners.

5 "Commissioners" means the "Passaic Valley Sewerage Commission-
6 ers."

7 "Contracting agency" means any municipality entitled to the rights in
8 and use of the intercepting sewer by virtue of contributions made by it
9 to the commissioners toward the costs of the construction of the intercept-
10 ing sewer, pursuant to the provisions of chapter fourteen of Title 58 of
11 the Revised Statutes (§58:14-1 et seq.), as amended, and the original and
12 supplemental contracts between the commissioners and the various munic-
13 ipalities in the Passaic Valley Sewerage District.

14 "Lessee" means any municipality, governmental agency, person, firm
15 or corporation, entering into a lease agreement under the provisions of this
16 act.

17 "District" means the "Passaic Valley Sewerage District" as defined in
18 section 58:14-1 of the Revised Statutes and chapter one hundred fifty-one
19 of the laws of one thousand nine hundred and forty-two.

20 "Sewage" means sanitary sewage, trade wastes, storm waters and any
21 other liquids and substances which customarily and regularly flow through
22 sewers.

1 2. At any time hereafter, the commissioners may enter into a lease
2 with any municipality, governmental agency, person, firm or corporation,
3 for the use of the intercepting sewer for the disposal of additional sewage
4 originating from a drainage area of the Passaic river below the Great
5 Falls in the city of Paterson.

1 3. Before entering into any such lease, the commissioners shall deter-
2 mine that the intercepting sewer has sufficient capacity at the proposed
3 point of intake of such additional sewage and at all other points of the
4 intercepting sewer, after taking into consideration the estimated rate of
5 flow and hours of discharge of such additional sewage, without preventing
6 or interfering with the actual use being made of said intercepting sewer
7 by any contracting agency therein or lessee. The commissioners shall hold
8 a public hearing at which time opportunity shall be afforded the contract-
9 ing agencies and all interested parties to present objections and sugges-
10 tions with reference to the proposed lease, and if it shall appear that more
11 than seventy-five per centum (75%) of the contracting agencies, in number
12 or representative of allotted capacity in said intercepting sewer, object to
13 said lease, the commissioners shall not enter into it. Notice of said public
14 hearing, with all relative information and data, shall be mailed to each con-
15 tracting agency, at least twenty days before the date set for the hearing.

1 4. The said lease shall provide as follows: that

2 (a) the lessee shall bear his proportionate share of the annual cost of
3 maintenance, repairs and operation of the intercepting sewer in the same
4 manner and on the same terms as the contracting agencies;

5 (b) the lessee shall, in addition, pay to the commissioners, an annual
6 rental at the rate of twenty-five hundred dollars (\$2,500.00) per million gal-
7 lons of average daily flow or discharge received into the intercepting sewer
8 as a result of said lease; said annual rental to be not less than fifteen hun-
9 dred dollars (\$1,500.00);

10 (c) the lease shall terminate on December thirty-first of the year in
11 which made and thenceforth renew itself annually for calendar year periods,

12 unless either party shall give six months' notice prior to the renewal date
13 of his or its intention not to renew;

14 (d) the flow or discharge to be received under such lease shall be re-
15 ceived during prescribed hours of the day or night and at a prescribed rate
16 of flow per minute and per day with a right or privilege in the commissioners
17 to vary such prescribed hours or rates of flow at any time during the term of
18 the lease or any of its renewals;

19 (e) the lessee shall at all times be subject to the rules and regulations of
20 the commissioners governing the use of said intercepting sewer, and the
21 lessee shall not discharge or permit to be discharged into the intercepting
22 sewer any substances or liquids containing oils, gasoline or any explosive or
23 inflammable materials, or acids or other substances or liquids which alone or
24 in combination with other substances or liquids in the sewer, may or might,
25 directly or indirectly, cause or threaten or tend to cause, injury to the sewer
26 structures or to the life and health of persons. Such prohibited substances
27 or liquids shall also include live steam and excessively hot liquids, as well as
28 any other substances or liquids which directly or indirectly, alone or in com-
29 bination with other liquids or substances, may or might generate or tend to
30 generate explosive or dangerous gases;

31 (f) the flow or discharge to be received under a lease shall be metered
32 by an approved measuring device or meter, to be approved by the commis-
33 sioners, but to be erected by and at the sole expense of the lessee. Said meas-
34 uring device or meter, however, shall be under the exclusive control of the
35 commissioners; all expenditures for installations and connections made
36 necessary by the lease, including the construction of a shut-off or closing
37 valve under the control of the commissioners shall be borne by the lessee and
38 said lessee shall be required to maintain in a good state of repair and oper-
39 ation, such measuring device, meter, installations and connections at its own
40 costs and expenses; *provided*, that the lessee shall not be required to bear
41 the expense of reading the meter or the general expense of maintaining,
42 repairing and operating the intercepting sewer except as above provided;

43 (g) the commissioners and the contracting agencies shall not be respon-
44 sible in damages for any stoppage in the flow or discharge received under
45 the terms of the lease;

46 (h) where the lessee shall find it necessary in order to connect up with
47 the intercepting sewer to construct lines over the property or through the
48 streets or make use of the sewer lines, of any municipality, or of any indi-
49 vidual, firm or private corporation, then said lessee shall be obligated to
50 make such arrangements or contracts with said parties as may be necessary,
51 as a condition to the making of the lease with the commissioners;

52 (i) the lessee shall conform to such other conditions, terms, require-
53 ments and safeguards as the commissioners may deem necessary and pro-
54 vide for in said lease;

55 (j) for breach in any of the provisions of the lease, the commissioners
56 may give notice to the lessee and, unless such breach is corrected, the com-
55 missioners may forthwith terminate the lease.

1 5. The said annual rentals, exclusive of charges for maintenance, re-
2 pairs and operations, paid by such lessees for the use of the intercepting
3 sewer for any calendar year or portion of the same, shall be distributed pro-
4 portionately among the contracting agencies according to their unused
5 capacity in the intercepting sewer for such year.

1 6. Nothing herein contained shall be construed to limit or abridge the
2 right of any contracting agency to make use of the intercepting sewer to the
3 full extent of its allotted capacity, and if it shall appear that the actual use
4 of such intercepting sewer by any contracting agency is being or probably
5 will be impaired, lessened or destroyed, then the commissioners shall take
6 action to curtail or bring to an end the use of said intercepting sewer by
7 any lessee whose use of the same is, in actual operation, impairing, lessen-
8 ing or destroying or tending to impair, lessen or destroy the actual use
9 of the intercepting sewer by such contracting agency.

1 7. Whenever any contracting agency is using said intercepting sewer
2 in excess of its allotted capacity, the commissioners may, in addition to the

3 right to restrain such excess use, by application to the court having juris-
4 diction over the same, in their judgment, permit such excess use whenever
5 they ascertain and determine that such excess use will not interfere with the
6 use of said intercepting sewer to the extent of its allotted capacity by any
7 other contracting agency, and that the capacity of said intercepting sewer
8 is sufficient to carry such excess, permit such contracting agency to continue
9 to use said intercepting sewer for such excess and charge the municipality
10 using such excess at an annual rental at the rate of fifteen hundred dollars
11 (\$1,500.00) annually per million gallons of average daily flow, in addition
12 to its proportionate share of the annual costs of maintenance, repairs and
13 operation of the intercepting sewer with respect to its total discharge of
14 sewage into such intercepting sewer.

15 The said rental collected by the commissioners shall be disbursed by the
16 commissioners to the contracting agencies in the same manner as provided
17 herein for the disbursement and distribution of the rentals arising from
18 leases between the commissioners and lessees.

1 8. All acts and parts of acts inconsistent with the provisions of this act
2 be and the same are hereby repealed.

1 9. This act shall take effect immediately.

STATEMENT

The general object of this bill is to permit the Passaic Valley Sewerage Commissioners to make available the use of the facilities of the Passaic Valley intercepting sewer and appurtenances to any municipality, governmental agency, person, firm or corporation not now having a right to use said facilities, upon the terms and conditions as more particularly set forth in said bill, and, among other things, to provide for the proper distribution of the moneys arising from the charges to be imposed in connection with the use of such facilities among the original and supplemental contracting parties who paid the cost of construction and installation of said intercepting sewer.

This bill is requested by the Passaic Valley Sewerage Commissioners on behalf of the Passaic Valley Sewerage District.

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4 of such intercepting sewer by any contracting agency is being or probably
5 will be impaired, lessened or destroyed, then the commissioners shall take
6 action to curtail or bring to an end the use of said intercepting sewer by
7 any lessee whose use of the same is, in actual operation, impairing, lessen-
8 ing or destroying or tending to impair, lessen or destroy the actual use
9 of the intercepting sewer by such contracting agency.

1 7. Whenever any contracting agency is using said intercepting sewer
2 in excess of its allotted capacity, the commissioners may, in addition to the

3 right to restrain such excess use, by application to the court having juris-
4 diction over the same, in their judgment, permit such excess use whenever
5 they ascertain and determine that such excess use will not interfere with the
6 use of said intercepting sewer to the extent of its allotted capacity by any
7 other contracting agency, and that the capacity of said intercepting sewer
8 is sufficient to carry such excess, permit such contracting agency to continue
9 to use said intercepting sewer for such excess and charge the municipality
10 using such excess at an annual rental at the rate of fifteen hundred dollars
11 (\$1,500.00) annually per million gallons of average daily flow, in addition
12 to its proportionate share of the annual costs of maintenance, repairs and
13 operation of the intercepting sewer with respect to its total discharge of
14 sewage into such intercepting sewer.

15 The said rental collected by the commissioners shall be disbursed by the
16 commissioners to the contracting agencies in the same manner as provided
17 herein for the disbursement and distribution of the rentals arising from
18 leases between the commissioners and lessees.

1 8. All acts and parts of acts inconsistent with the provisions of this act
2 be and the same are hereby repealed.

1 9. This act shall take effect immediately.