

ORDINANCE NO. 35 -2009

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HARRISON, IN THE COUNTY OF GLOUCESTER, STATE OF NEW JERSEY, AMENDING AN ORDINANCE ENTITLED, “AN ORDINANCE AMENDING CHAPTER 170, ENTITLED SEWERS, SECTIONS 11 AND 13 RELATING TO ANNUAL SERVICE CHARGE AND CONNECTION CHARGE OF THE CODE OF THE TOWNSHIP OF HARRISON”

BE IT ORDAINED by the Township Committee of the Township of Harrison, in the County of Gloucester and State of New Jersey and it is hereby enacted and ordained as follows:

SECTION 1. Chapter 170, “Sewers”, Article II, Section 170-11 “Annual Service Charge” of the revised General Ordinances of the Township of Harrison is hereby amended to provide as follows:

§ 170-11. Annual service charge.

Effective January 1, 2010, the following annual service charges shall be charged each calendar year for the services of the Harrison Township sewerage system:

- A. The annual service charge for a single-family dwelling shall be the sum of \$700.
- B. The annual service charge for a two-family dwelling or single-family residence with one apartment shall be the sum of \$1,400.
- C. The annual service charge for each building in which there are dwelling apartment, townhouse or condominium units shall be the sum of \$700 for each unit in such building, except as hereafter provided for the Walnut Glen development (Spring Mill Section).
- D. The annual service charge for each of the 94 affordable housing rental units in Walnut Glen development shall be based on actual flow charged at the rate of \$8.45 for each gallon. The actual flow rate shall be determined from water meter readings taken by New Jersey American Water Company pursuant to its formulated meter reading schedule on a quarterly calendar year basis. The water meter readings for each quarter shall be used to calculate the usage for the quarter for which the reading is taken. The calculation shall be made by multiplying the number of gallons used times the rate per gallon.
- E. The annual service charge for each public garage or church shall be the sum of \$700.

- F. The annual service charge for each non-residential customer, including but not limited to, bank, store, office, soda fountain, restaurant, diner, laundromat, day-care center, rooming house, hotel or warehouse shall be the sum of \$700 per year plus \$3.25 for each 1,000 gallons or part of 1,000 gallons, over the first 17,500 gallons of water per unit used quarterly by the property owner or property user. Water meter readings shall be taken by the New Jersey American Water Company, pursuant to its formulated meter reading schedule on a quarterly calendar year basis. The water meter readings for each quarter shall be used to calculate the additional charges, if any, for the quarter for which the reading is taken.
- G. The annual service charge for each public, private and parochial school shall be established on the basis of the number of students enrolled therein as follows: The annual service charge shall be the sum of \$700 plus an annual charge of \$100 per billing unit. Every 14 students, of the number enrolled at the particular school on January 1 of the billing year, shall constitute one billing unit.
- H. In addition to the service charges herein provided, the Harrison Township Committee shall make an additional annual service charge of \$35.00 for each garbage disposal unit installed and in use subsequent to the effective date of this ordinance.
- I. The annual service charge for any type of property or building not specifically included in this ordinance shall be established by the Township on the basis of the extent of use of the sewer system and the quantity and type of water or other matter discharged in the system, as circumstances may require, but in no event shall the annual service charge be less than \$700.
- J. A rate reduction of \$350 shall be granted to any qualifying senior citizen or person who is permanently disabled, as defined under N.J.S.A. 40A:26A-10.1, which rate reduction shall be applied as follows:
 - (1) This rate reduction shall be effective July 1, 2002, and shall be effective, for each rate payer who qualifies, for the next billing quarter after the date on which the application has been filed by the rate payer and approved for qualifications by Harrison Township.
 - (2) The person shall file a claim for reduction which application must be approved by Harrison Township.
 - (3) To qualify the person must meet the requirements of N.J.S.A. 40A: 26A-10.1 and be a resident of the Township and the owner, occupant and rate payer of the property subject to reduction.

SECTION 2. Chapter 170, “Sewers”, Article II, Section 170-13 “Connection Charge” of the revised General Ordinances of the Township of Harrison is hereby amended to provide as follows:

§170-13. Connection Fees.

A. Applicable Fee. The connection fee for each use connected to the sewerage system shall be determined as follows:

CLASS 1: RESIDENTIAL \$3,098.00

Single-family, condominiums, townhouses, apartments, multifamily, duplex, age restricted, trailers, mobile homes (per unit).

CLASS 2: NON-RESIDENTIAL: HOTEL, MOTEL OR DORMITORIES
(Per unit) \$1,549.00

For hotels and motels, the total number of units shall be determined by the number of rooms available for transient occupancy. For dormitory style sleeping quarters, the total number of units shall be determined by the total authorized occupancy capacity divided by (2) two.

The connection fee for the non-occupancy portion of the building shall be based upon estimated usage from all other uses, including kitchens, restaurants, taverns, laundries, offices, convention or meeting rooms, sport or athletic facilities, common areas and restrooms, at the Class 3 rate per gallon per day.

CLASS 3: NON-RESIDENTIAL: GENERAL

Per gallon per day \$11.67
Minimum Connection Fee (per unit) \$3,098.00

A minimum sewer connection charge for non-residential users shall be imposed per unit, in an amount equal to the residential connection fee regardless of whether the estimated usage per unit is less than the residential rate of usage.

B. General Requirements Applicable to Sewer Connection Fees

1. An applicant shall pay a sewer connection fee for each equivalent dwelling unit at the time that a construction permit is requested, in an amount as established by the Township's Rate Schedule in effect at the time that the permit is requested. All sewer connection fees shall be paid in full prior to the issuance of the construction permit.

2. Connection fees for non-residential users shall be based upon the Township's calculation of estimated usage multiplied by the rate per gallon per day contained in the Rate Schedule. A minimum sewer connection charge per unit for non-residential users shall be imposed, in an

amount equal to the residential connection fee regardless of whether the estimated usage per unit is less than the residential rate of usage.

3. The projected flow criteria contained in N.J.A.C. 7:14A-23.3 shall be used to determine the estimated sewer usage for non-residential uses, whenever practicable. In the event that a type of use is not listed in N.J.A.C. 7:14A-23.3, the Township shall use its best judgment in determining estimated sewer usage. The Township may adopt additions or exceptions to the flow projections contained in N.J.A.C. 7:14A-23.3 by resolution. For the purpose of this Rate Schedule, any reference to “seat” or “person” in N.J.A.C. 7:14A-23.3 or in any projected flow criteria adopted by the Township shall be deemed to mean the maximum permitted occupancy established pursuant to the Uniform Construction Code and/or the Uniform Fire Code.

4. In the event that an application is made for sewer service to a non-residential building or unit for which the types or sizes of the uses therein have not been determined by the applicant, or are subject to change in the future, a connection fee shall be assessed based upon the maximum potential estimated sewer usage in the building or unit. The Township, in its discretion, may enter into a deferred connection fee agreement under which an initial connection fee would be imposed only for those uses that are initially contemplated, and which would defer the payment of the balance of the connection fee until such time as a use for which the initial connection fee was paid is changed to a use that will generate additional sewer usage. Any connection fee paid under a deferred connection fee agreement shall be paid at the connection fee rate then prevailing at that time that payment is made.

5. A non-residential user shall be entitled to use the amount of sewer capacity, in gallons per day, that was obtained through the payment of connection fees, as well as such additional capacity actually used by its building or unit without having undergone a physical or operational change for which a building permit, site plan, subdivision, variance or other municipal approval was required. An application for additional capacity shall be made by any existing non-residential user whenever there is an increase in the estimated, projected sewer use for any existing building or unit resulting from any physical or operational change for which a building permit, site plan, subdivision, variance or other municipal approval is required. A connection fee shall be charged to the user based upon the increase in estimated sewer use associated with the aforesaid physical or operational change.

6. In the event that an application is made to reinstate sewer service to a residential structure that was previously abandoned or terminated when the prior structure was demolished or substantially totally destroyed, no additional connection fee shall be due provided that the application for service is made within five (5) years of the date of the prior termination of service.

7. In the event that an application is made to reinstate sewer service to a non-residential structure that was previously abandoned or terminated when the prior structure was demolished or substantially totally destroyed, no additional connection fee shall be due, provided that: (1) the applicant has continued to pay sewer service charges for the property on a regular basis as those charges became due, and (2) there is no change in the estimated sewer usage of the building. In the event that condition (1) herein has been satisfied, but there will be an increase in the

estimated sewer usage of the building, then the applicant shall pay a connection fee only on the amount of the increase in the estimated sewer usage.

SECTION 3. Repeal of prior or inconsistent ordinances. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 4. Severability. If any section, sentence, clause, phrase, or portion of this ordinance, or the application thereof to any person or circumstance, shall for any reason be judged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance.

SECTION 5. Effective date of this ordinance. This Ordinance shall take effect immediately upon adoption and publication in the manner required by law.

NOTICE

The foregoing Ordinance was introduced on the first reading at a meeting of the Township Committee of the Township of Harrison, in the County of Gloucester, held on November 16, 2009, and will be read and considered for the final passage at a meeting to be held by the Harrison Township Committee at the Municipal Building, 114 Bridgeton Pike, Mullica Hill, New Jersey, at 7:30 p.m. on December 7, 2009, at which time and place any and all persons interested will be given an opportunity to be heard.

Introduced: November 16, 2009
Adopted: December __ , 2009

TOWNSHIP OF HARRISON
In the County of Gloucester

Louis Manzo, Mayor

ATTEST:

Diane Malloy,
Acting Municipal Clerk

ROLL CALL VOTE				
COMMITTEE MEMBER	AYES	NAYS	ABSTAIN	ABSENT
Lou Manzo				
Niki Trunk				
Dennis Clowney				
Don Heim				
Jim Woods				

CERTIFICATION

I, Diane Malloy, hereby certify that:

1. I am the Municipal Clerk of the Township of Harrison, in the County of Gloucester and State of New Jersey;

2. The foregoing Ordinance was adopted on second reading and public hearing by the Harrison Township Committee at a meeting held on December ____, 2009 at the Harrison Township Municipal Building, 114 Bridgeton Pike, Mullica Hill, New Jersey, 08062.

Diane Malloy,
Acting Municipal Clerk

(TOWNSHIP SEAL)