

TOWNSHIP OF MOORESTOWN

ORDINANCE NO. 19-2010

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 175-44, "SANITARY SEWER CONNECTION CHARGES" OF ARTICLE III, "SEWERAGE SERVICE: RATES AND CHARGES" OF CHAPTER 175, "WATER AND SEWERS" OF THE "REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF MOORESTOWN, NEW JERSEY"

WHEREAS, the Mayor and Township Council wish to revise Section 175-44, "Sanitary Sewer Connection Charges" of Article III, "Sewerage Service: Rates and Charges" of Chapter 175, "Water and Sewers" of the Revised General Ordinances of the Township of Moorestown, New Jersey.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED by the Mayor and Township Council of the Township of Moorestown, in the County of Burlington and State of New Jersey, as follows:

1. That Section 175-44, "Sanitary Sewer Connection Charges" of Article III, "Sewerage Service: Rates and Charges" of Chapter 175, "Water and Sewers" of the Revised General Ordinances of the Township of Moorestown, New Jersey is hereby amended to read as follows:

175-44 Sanitary Sewer Connection Charges.

- (a) A connection fee in accordance with the terms of this ordinance shall be imposed for the connection of any property to the sewerage system. The connection fee shall be uniform within each class of users and shall be calculated in accordance with N.J.S.A. 40A:26A-11. The Mayor and Council of the Township of Moorestown shall, by separate resolution, determine the sewer connection fee on an annual basis at the end of each budget year, or as soon thereafter as an audit may be completed to properly determine the capital base of the Township of Moorestown in its sewerage system. The proposed revisions to the sewer connection fee shall be the subject of a public hearing.
- (b) Connection fees shall be paid at the time that a sewer permit application is made for either service to a new building, facility or structure or as otherwise required by this ordinance. The issuance of a valid sewer permit shall be a condition precedent to the issuance of a building permit for any new building, facility or structure or existing non-residential building, facility or structure for which an additional connection fee is required.
- (c) Connection fees for non-residential users shall be based upon the projected usage multiplied by the rate per gallon per day of the sewer connection fee. A minimum

sewer connection charge per unit for non-residential users shall be imposed, in an amount equal to the residential connection fee.

- (d) Projected flows for non-residential users shall be determined by the Township Engineer pursuant to the current version of N.J.A.C. 7:14A-23, "Technical Requirements for Treatment Works Applications", whenever practicable. In the event that a type of use is not listed in N.J.A.C. 7:14A-23, the Township Engineer shall use his or her best judgment in determining projected 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 calculations, any reference to "seat" or "person" in N.J.A.C. 7:14A-23 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.
- (e) 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 projected 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.
- (f) An application for additional capacity shall be made by any existing non-residential user whenever there is an increase in the projected sewer usage for any existing building or unit resulting from an increase in size in the building or unit. A connection fee shall be charged to the non-residential user based upon the increase in projected sewer usage associated with the aforesaid increase in size.
- (f) An application for additional capacity shall be made by any existing non-residential user whenever there is an increase in the projected sewer usage for any existing building or unit resulting from an increase in size in the building or unit. A connection fee shall be charged to the non-residential user based upon the increase in projected sewer usage associated with the aforesaid increase in size.
- (g) Connection fees to public housing authorities and non-profit organizations building affordable housing projects that consist of new connections to the system are to be computed by providing a 50% reduction in the connection fee established in this Rate Schedule. Connection fees to public housing authorities and non-profit organizations building affordable housing projects that consist of replacement units for demolished or refurbished units, and for which a connection fee was previously paid, are to be computed by charging the lesser of a.) the reduced rate of 50% of the connection fee established in this Rate Schedule, or b.) the connection fee established in this Rate

Schedule, minus a credit in the amount of a connection fee previously paid for the housing units being replaced, provided the public housing authority and non-profit organization can establish the connection fee previously paid. If the amount of the previous connection fee cannot be established, the reduced rate of 50% of the connection fee established in this Rate Schedule shall apply.

- (h) 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 because of catastrophe, no additional connection fee shall be due provided that the application for service is made within three (3) years of the date of the prior termination of service.
- (i) In the event that an application is made to reinstate water service to a non-residential structure that was previously abandoned or terminated when the prior structure was demolished or substantially totally destroyed because of catastrophe, no additional connection fee shall be due provided that (1) the application for service is made within two years of the date of the prior termination of service; and (2) there is no change in the projected sewer usage of the building. In the event that condition (1) herein has been satisfied, but there will be an increase in the projected sewer usage of the building, then the applicant shall pay a connection fee only on the amount of the increase in the projected sewer usage.

2. That this Ordinance shall take effect immediately upon final passage and publication in accordance with the law.

3. That the provisions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to the portion of the Ordinance actually adjudged invalid and shall not be deemed to affect the operation of any other portion thereof, which shall remain in full force and effect.

4. That all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

5. This ordinance shall take effect upon adoption and publication according to law and shall be cited as Ordinance No. 19-2010.

NOTICE

The ordinance published herewith was introduced and passed upon first reading at a meeting of the Township Council of the Township of Moorestown, County of Burlington, State of New Jersey, held on September 27, 2010. This ordinance will be further considered for final passage by the Township Council at a meeting to be held in the Auditorium at the William Allen Middle School, 801 North Stanwick Road, Moorestown, NJ on October 18, 2010 at 7:30 pm or at any time and place to which such meeting may be adjourned. All persons interested will be given the opportunity to be heard concerning such ordinance. During the week prior to and including the date of such further consideration, copies will be made available at the Municipal Clerk's Office in said Municipal Building to any member of the general public who shall request such copies.

Patricia L. Hunt, RMC
Township Clerk