

ORDINANCE NO. 28-2012

**AN ORDINANCE OF THE MAYOR AND COMMITTEE OF TOWNSHIP OF HARRISON,
COUNTY OF GLOUCESTER, STATE OF NEW JERSEY AMENDING ORDINANCE
NO. 54-2011 AND CHAPTER 170 ENTITLED "SEWERS" OF THE CODE OF THE
TOWNSHIP OF HARRISON**

WHEREAS, the Mayor and Committee, Township of Harrison, have determined that certain amendments to Ordinance No. 54-2011 and Chapter 170 entitled "Sewers" are necessary; and

WHEREAS, in all other respects Ordinance No. 54-2011 and Chapter 170 shall remain in full force and effect;

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

Section 1.

Article II entitled "Connection and Service Charges" shall be amended to read as follows:

Article II. Connection and Service Charges

[Adopted 4-19-1971 by Ord. No. 3-1971]

§ 170-9. Definitions.

The following words, as used or referred to in this article, shall have the following meaning, unless a different meaning clearly appears from the context:

BUILDING

Any building or structure which is designed or used for dwelling purposes or for any other temporary and permanent occupancy by persons, or which can directly or indirectly be connected with a sewer for the purpose of securing the use or services of the sewerage system. "Building" shall also include commercial buildings. House connection shall also mean connection as defined under this article.

[Amended 2-4-1974 by Ord. No. 1-1974]

CONNECTION

A tie-in to a house, building or individual apartment unit, in an apartment unit building, for sewerage service to the house, building or individual apartment unit. A double house shall be considered to be two units. Real property shall also mean a house, building or individual apartment unit in an apartment building.

[Amended 2-4-1974 by Ord. No. 1-1974]

DEPARTMENT

The Township Committee of the Township of Harrison acting through the Administrative Supervisor of the sewer system.

SERVICE CONNECTION

A sewer line extending from a sewer main to the curb for the purpose of connecting by the property owner, or other for the property owner, of a line to service a house, building or individual apartment unit in an apartment building, for sewerage service. "Property" and "real property" shall mean a house, building or individual apartment unit in an apartment building, and a double house shall be considered to be two units under this definition.

[Amended 2-4-1974 by Ord. No. 1-1974]

SEWER

A collecting system main or line constituting a part of the sewerage system and designed or used for collection of sewage from a service connection.

SEWERAGE SYSTEM

The sanitary sewage collection treatment and disposal system constructed or to be constructed by the Township of Harrison.

§ 170-10. Allowable connections.

Any real property situate along the main or sewer line upon which there is a building or upon which a building shall hereafter be erected or constructed may be connected with the sewerage system.

§ 170-11. Annual service charge.

[Last amended 2-22-2011 by Ord. No. 03-2011]

A. Schedule 2: Service charges for metered services.

(1) The sanitary sewer service charge for structures having a metered water supply shall be the sum of the demand charge and, if applicable, a usage charge.

(2) Demand charge.

(a) Rates.

[1] Class 1, Residential, per unit (single-family homes, condominiums, townhouses, apartments, multifamily, duplex, age restricted, trailers, mobile homes), annual charge per unit as follows:

Gallons Per Quarter	Annual Charge
0 – 8,999 Gallons	\$500
9,000 – 11,999 Gallons	\$550
12,000 – 14,999 Gallons	\$675
15,000 – 17,999 Gallons	\$750
Over 18,000 Gallons	\$925

[2] Class 2, Nonresidential Hotel, Motel or Dormitories: same as Class 3.

[3] Class 3, Nonresidential General, per meter:

Meter Size (inches)	Annual Charge
5/8	\$1,000.00
3/4	\$1,100.00
1	\$1,250.00
1 1/2	\$1,500.00
2	\$1,750.00
<u>3</u>	<u>\$2,000.00</u>
4	\$2,250.00
6	\$2,800.00

(b) Multiple-family residential units. In calculating the demand charge for all multi-unit residential users serviced through a single water meter, each dwelling unit therein shall be billed at the rate established for a Class 1 customer.

(c) Multiple nonresidential units. In calculating the demand charge for all multi-unit nonresidential users serviced through a single water meter, the first unit shall be billed at the applicable meter size rate for a Class 3 customer and each additional unit shall be billed at the meter size rate established for a five-eighths-inch water meter.

(d) Mixed-use buildings. In calculating the demand charge for all multi-use buildings consisting of both residential and nonresidential uses serviced through a single water meter, the first nonresidential unit shall be billed at the applicable meter size rate for a Class 3 customer; each additional nonresidential unit shall be billed at the meter size rate established for a five-eighths-inch water meter; and each dwelling unit shall be billed at the rate established for a Class 1 customer.

(3) Usage charge.

(a) Class 1 Residential: N/A

(b) Class 2 and Class 3, Nonresidential:

Gallons Per Quarter	Cost per 1,000 Gallons
0 to 15,000 Gallons	\$0.00
15,001 to 27,000 Gallons	\$4.00
27,001 to 45,000 Gallons	\$4.50
Over 45,000 Gallons	\$5.00

(c) Class 4 Public Private and Parochial Schools:

For public, private and parochial schools, the usage charge shall be computed on the basis of the number of students enrolled therein as follows:

- [1] Elementary School Rate: The annual service charge shall be based on a charge of \$2.15 per student per quarter enrolled as of October 15 of the prior billing year.
- [2] Middle and High School Rate: The annual service charge shall be based on a charge of \$3.60 per quarter per student enrolled as of October 15 of the prior billing year.

(4) Billing procedure.

(a) Class 1, Residential: The number of gallons upon which the usage charge shall be based for Class 1 users shall be determined by the number of gallons billed for usage by New Jersey American Water Company pursuant to its regular meter reading schedule for the first quarter (or equivalent) of each year. The number of gallons of usage billed for the first quarter (or equivalent), as determined by the water meter readings, shall be the number of gallons billed for usage for each quarter during the following calendar year. During the second quarter, a revised bill shall be prepared which incorporates the number of gallons of usage billed for the first quarter of the current year, as determined by the water meter readings. New residential units without a billing history shall be billed a ~~usage~~ demand charge based on a presumed usage of 12,000 gallons per quarter.

(b) Class 2 and Class 3, Nonresidential: The number of gallons upon which the usage charge shall be based for Class 2 and Class 3 users shall be determined by the number of gallons billed for usage by New Jersey American Water Company pursuant to its regular meter reading schedule during each quarter of the year. The number of gallons of usage billed for such quarter, as determined by the water meter readings, shall be the number of gallons billed for usage in the following quarterly bill.

B. Schedule 3: Service charges for unmetered services.

(1) The sanitary sewer service charge for structures not having a metered water supply shall be the sum of the demand charge and the presumed usage charge, if applicable.

(2) Demand charge.

(a) Rates:

[1] Class 1, Residential, per unit (single-family homes, condominiums, townhouses, apartments, multifamily, duplex, age-restricted, trailers, mobile homes), annual charge: \$675 per unit.

[2] Class 2, Nonresidential, Hotel, Motel or Dormitories: same as Class 3.

[3] Class 3, Nonresidential, General, based on presumed meter size, per meter:

Presumed Meter Size Based Upon Use (inches)	Annual Charge
5/8	\$1,000.00
3/4	\$1,100.00
1	\$1,250.00
1 1/2	\$1,500.00
2	\$1,750.00
<u>3</u>	<u>\$2,000.00</u>
4	\$2,250.00
6	\$2,800.00

(b) Multiple-family residential units. In calculating the demand charge for all multi-unit, unmetered residential users, each dwelling unit shall be billed at the rate established for a Class 1 customer.

(c) Multiple nonresidential units. In calculating the demand charge for all multi-unit, unmetered nonresidential users, the first unit shall be billed at the applicable presumed meter size rate for a Class 3 customer and each additional unit shall be billed at the rate established for a five-eighths-inch water meter.

(d) Mixed-use buildings. In calculating the demand charge for all multi-use, unmetered buildings consisting of both residential and nonresidential uses serviced, the first nonresidential unit shall be billed at the applicable presumed meter rate for a Class 3 customer; each additional nonresidential unit shall be billed at the rate established for a five-eighths-inch water meter; and each dwelling unit shall be billed at the rate established for a Class 1 customer.

(e) Presumed meter size. Nonresidential users shall be billed a demand charge based on a presumed water meter size. The presumed meter size shall be proportionate to the estimated daily usage for the unit as calculated for connection fee purposes, and shall be determined by the Township in the exercise of reasonable discretion.

(3) Presumed usage charge.

(a) Class 1: N/A

(b) Class 2: same as Class 3.

(c) Class 3:

Gallons Per Quarter	Cost per 1,000 Gallons
0 to 15,000 Gallons	\$0.00
15,001 to 27,000 Gallons	\$4.00
27,001 to 45,000 Gallons	\$4.50
Over 45,000 Gallons	\$5.00

C. Schedule 4: Service charges for garbage disposal.

(1) An additional service charge shall be imposed for garbage disposals discharging into the sanitary sewer system.

(2) Garbage disposal charge.

(a) Class 1, Residential, per unit (single-family homes, condominiums, townhouses, apartments, multifamily, duplex, age-restricted, trailers, mobile homes), annual charge: \$40 per unit.

(b) Class 2: Nonresidential; Hotel, Motel or Dormitories: same as Class 3.

(c) Class 3: Nonresidential, General, per meter:

Meter Size (inches)	Annual Charge
5/8	\$120
3/4	\$180
1	\$300
1 1/2	\$600
2	\$960
<u>3</u>	<u>\$1,440</u>
4	\$1,920
6	\$3,000

D. Schedule 5: Service Charges for Spring Mill Development.

(1) Notwithstanding anything in this rate schedule to the contrary, the sewer service charge for each of the 94 affordable housing rental units in the Spring Mill development shall be based on actual flow billed at the rate of \$8.45 for each 1,000 gallons of flow or portion thereof.

(2) The actual flow shall be determined by the water meter readings taken by New Jersey American Water Company pursuant to its regular meter reading schedule during each quarter of the year. The number of gallons of usage for such quarter, as determined by the water meter readings, shall be the number of gallons of flow to be billed in the following quarterly bill. The sewer service charge shall be calculated by multiplying the flow, as determined herein, by the rate per gallon, as provided herein.

(3) An additional service charge shall be imposed for garbage disposals discharging into the sanitary sewer system, in accordance with Schedule 4 herein.

§ 170-12. Quarterly installment payments; late charges.

[Amended 3-5-2001 by Ord. No. 4-2001]

A. The annual service charges for Class 1 users set forth above in § 170-11 shall be due and payable, in advance, in quarterly installments on the 15th day of February, May, August and November of each year. With respect to quarterly payments on account of such service charges for any real property which shall be connected with the sewerage system after the beginning of a quarterly period, the quarterly payment ~~for such period shall be a percentage of the quarterly payment which is equal to that part of such quarterly period then remaining after~~ pro-rated from the date of connection of such property through the end of the annual billing period.

B. The annual service charges for Class 2 and Class 3 users set forth above in § 170-11 shall be due and payable, in advance, in quarterly installments on the 15th day of April, July, October and January of each year. With respect to quarterly payments on account of such service charges for any real property which shall be connected with the sewerage system after the beginning of a quarterly period, the quarterly payment shall be pro-rated from the date of connection through the end of the annual billing period.

[Amended 4-21-2003 by Ord. No. 8-2003]

BC. In the event of nonpayment of such service charges for a period of 30 days after the date when such charges become due and payable, such charges shall bear interest which shall accrue and be due and payable to the Township on the unpaid balance thereof at the rate of 8% per month on the first \$1,500 becoming delinquent and at the rate of 18% per month on any amount in excess of \$1,500 becoming delinquent. The said interest charges shall be calculated and run from the date such charges become due and payable until such service charges and the interest thereon are paid to the Township and shall be and remain a lien on the property connected with a sewer in the same manner in which municipal taxes are a lien on such property, and the Township shall have the same remedies for the enforcement of such lien as a municipality has for the enforcement of the lien of taxes upon such property.

§ 170-13. Connection fees.

[Last amended 12-21-2009 by Ord. No. 35-2009]

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

(1) Class 1, residential: \$3,098.

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

(2) Class 2. nonresidential: hotel, motel or dormitories (per unit): \$1,549.

(a) 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 two.

(b) The connection fee for the nonoccupancy 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.

(3) Class 3, nonresidential; general.

(a) Per gallon per day: \$11.67.

(b) Minimum connection fee (per unit): \$3,098.

(c) A minimum sewer connection charge for nonresidential 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 nonresidential 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 nonresidential 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 nonresidential 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 nonresidential 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 nonresidential 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 nonresidential 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 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 nonresidential 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.

§ 170-14. Place where payment shall be made.

All of the aforesaid annual service charges and connection charges shall be due and payable to the Township of Harrison at such office or offices as the Department may establish and designate for such purpose.

§ 170-15. Application and approval to connect required.

No connection of any real property to the sewer, so as to permit sewerage from the real property to enter the sewer, shall be made unless and until the owner of the real property to be connected thereto has made application in writing to the Department upon forms to be supplied by the Department for that purpose and has paid the connection charge set forth in § 170-13A. No such owner nor any other person shall make any such connection with the sewer or any part of the sewerage system before obtaining the consent of the Department or until the consent of the Department is granted.

§ 170-16. Rules and regulations; approval by Department.

[Amended 1-23-2008 by Ord. No. 01-2008]

The Township of Harrison shall make and enforce rules and regulations for the management, regulation and use of the sewer system. Rules and regulations shall be adopted by the Township Committee by resolution and shall be amended from time to time as necessary so as to enable the Township to regulate the use and operation of the sewer system. Each connection with the sewer system must be approved by the Department and must comply with the rules and regulations as are then in effect.

§ 170-17. Connections at owner's expense; repair of damaged pavement.

The owner of any real property to be connected with the sewer or any part of the sewerage system shall make the house connection and the service connection at his own expense. Any damage to the pavement, sidewalk, curb or gutter resulting from the making of such house connection or service connection shall be repaired by such owner and such pavement, sidewalk, curb or gutter shall be restored to its prior condition at the owner's expense.

§ 170-18. Separate connection required for each building.

No owner of any real property connected with the sewer or any part of the sewerage system shall allow or permit any other property to be connected with or to use the sewerage system by connection with his house connection or service connection without written permission from the Department. Except with written permission from the Department, a separate house connection and service connection will be required with respect to each building.

§ 170-19. Certain types of drainage prohibited in sewer system.

No owner of real property connected with the sewerage system shall permit roof drainage, surface water drainage, swimming pool drainage, wastes from outside hydrants or water from underground drainage fields to be drained in the sewerage system.

§ 170-20. Violations and penalties.

[Amended 12-6-2004 by Ord. No. 40-2004]

A. Any person or other entity owning or having an interest in real property who causes, suffers or permits a connection of the real property to the sewer, so as to permit sewerage from the real property to enter the sewer, without first making application to the Department and obtaining the consent of the Department to such connection as provided for in § 170-15 of this article, shall be guilty of a violation of this article and shall be subject to a fine not exceeding \$1,250, imprisonment for a term not exceeding 90 days or a period of community service not exceeding 90 days.

B. Any person or other entity owning or having an interest in real property who causes, suffers or permits any other property to be connected with or to use the sewerage system by connection with this house connection or service connection as prohibited in § 170-18 of this article without first making application to the Department and obtaining the consent of the Department to such connection, as provided for in § 170-18 of this article, shall be guilty of violation of this article and shall be subject to a fine not exceeding \$1,250, imprisonment for a term not exceeding 90 days or a period of community service not exceeding 90 days, and such person or entity shall be deemed guilty of a separate violation for each and every day during which said violation shall continue after notice to discontinue said violation.

C. Any person or other entity owning or having an interest in real property who causes, suffers or permits a connection of the real property to the sewer which shall permit roof drainage, cellar floor drainage, surface water drainage, swimming pool drainage, wastes from hydrants or water from underground drainage fields to be drained into the sewer as prohibited in § 170-19 of this article without first making application to the Department and obtaining the consent of the Department as provided for in § 170-19 of this article shall be guilty of a violation of this article and shall be subject to a fine not exceeding \$1,250, imprisonment for a term not exceeding 90 days or a period of community service not exceeding 90 days, and such person or entity shall be deemed guilty of a separate violation for each and every day during which said violation shall continue after notice to discontinue said violation.

Section 2.

Repealer.

All prior Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistencies.

Section 3.

Severability.

Should any section, clause, sentence, phrase or provision of this Ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

Section 4.

When effective.

This Ordinance shall take effect immediately upon final passage and publication in accordance with law.

TOWNSHIP OF HARRISON

**BY: _____
LOUIS F. MANZO, MAYOR**

ATTEST:

DIANE L. MALLOY, Municipal Clerk

NOTICE

The Ordinance published herein was introduced and passed upon first reading at a meeting of the Mayor and Committee of the Township of Harrison, in the County of Gloucester and State of New Jersey, held on May 7, 2012. It will be further considered for final passage, after public hearing hereon, at a meeting of said Mayor and Committee to be held in the Township's Municipal Building, 114 Bridgeton Pike, Mullica Hill, New Jersey 08062, in the Township, on May 21, 2012 at 7:30 P.M. During the week prior and up to and including the date of such meeting, copies of said Ordinance will be made available at the Clerk's office at the Municipal Building, 114 Bridgeton Pike, in the Township, to the members of the general public who shall request the same.

DIANE L. MALLOY
Municipal Clerk