

AMENDED 2/2/09

ORDINANCE # 4 - 09

AN ORDINANCE OF THE TOWNSHIP OF MOUNT OLIVE TO AMEND AND SUPPLEMENT CHAPTER 196 ENTITLED "SEWERS AND WATER", PART 5 ENTITLED "ALLOCATION CHARGES" (SEWER SERVICE FEES), ARTICLE XIII ENTITLED "BUDD LAKE SANITARY SEWER SYSTEM AND CLOVER HILL SANITARY SEWER SYSTEM", SECTION 196-73 ENTITLED "CHARGES" OF THE MOUNT OLIVE TOWNSHIP CODE (ORDINANCE NO. 51-08)

WHEREAS, the Township of Mount Olive has, for the last decade, established and billed its sewer service charges for the Budd Lake Sanitary Sewer System based upon what is referred to as the EDU system, which utilizes an estimate of waste water flow as determined by the NJDEP pursuant to N.J.A.C. 7:14A-23.3; and

WHEREAS, non-residential customers have often stated that the NJDEP waste water flow estimates are unrealistic and significantly overstate the waste water flow produced by their respective operations; and

WHEREAS, the Township wishes to permit non-residential customers to have the option of having their sewer service fees calculated on the basis of actual water use, plus a 10% surcharge for inflow and infiltration ("I & I") commencing with the Second Quarter of 2009, and this ordinance is designed to effectuate the stated purpose.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Mount Olive, County of Morris, and State of New Jersey that it does hereby amend and supplement an Ordinance entitled "**AN ORDINANCE OF THE TOWNSHIP OF MOUNT OLIVE TO AMEND AND SUPPLEMENT CHAPTER 196 ENTITLED "SEWERS AND WATER", PART**

5 ENTITLED “ALLOCATION CHARGES” (SEWER SERVICE FEES), ARTICLE XIII ENTITLED “BUDD LAKE SANITARY SEWER SYSTEM AND CLOVER HILL SANITARY SEWER SYSTEM”, SECTION 196-73 ENTITLED “CHARGES” OF THE MOUNT OLIVE TOWNSHIP CODE (ORDINANCE NO. 51-08)” as follows:

SECTION 1. The provisions of this ordinance shall apply to non-residential customers within the Budd Lake Sanitary Sewer System **ONLY**.

SECTION 2. In order for a non-residential customer to be entitled to have its sewer service charges based upon actual water usage, plus 10% for I & I, the customer must, **at its expense**, install and purchase a Sensus ECR/TP 100 gallon meter to be installed at a location and in a manner as approved by the Director of the Department of Public Works. The customer must also obtain the appropriate plumbing permit(s) from the Construction Code Official or the Plumbing Sub-Code Official (different locations may require different meters and changes from time may be required at the discretion of the Department of Public Works). If the customer is other than the owner, the owner must consent in writing to the installation of the meter and agree to be responsible for all water charges incurred by the customer. Water meters that are damaged by others than Township employees or fail to work properly must be replaced by the owner at the owner’s expense.

SECTION 3. It shall also be the responsibility of the customer to have the meter properly calibrated by an approved laboratory and calibration or recalibration shall occur from time to time as required by the Director of the Department of Public Works.

SECTION 4. Every water meter must be capable of being read by the Sensus ECR Touch Pad Readers, which is the meter reading technology used by the Township.

SECTION 5. For those non-residential customers that do not install meters as specified, they will continue to be billed in accordance with the EDU system currently in effect.

SECTION 6. The customer, whether utilizing meters or not, will continue to be billed quarterly as follows:

First Quarter: January, February and March

Second Quarter: April, May and June

Third Quarter: July, August and September

Fourth Quarter: October, November and December; and

SECTION 7. The Township reserves the right, for cash flow purposes, to issue estimated bills to metered customers. Future bills will be adjusted for over or under billing in the estimated bills previously issued.

SECTION 8. The rate per 1,000 gallons of water usage based upon current rates is established at \$8.70 per 1,000 gallons or \$0.0087 per gallon. The rate of \$8.70 per 1,000 gallons contains within it an adjustment of 10% for I & I. This rate may be changed from time to time by ordinance to reflect costs within the system and to maintain the systems' required self-liquidating financial status.

SECTION 9. A typical bill, wherein a meter has been installed, will be computed as follows: If a non-residential customer has a quarterly water meter reading of 30,000 gallons, the bill would be calculated as follows:

Example 1: 30,000 gallons x \$0.0087 per gallon (or \$8.70 per 1,000 gallons) = \$261.00
for the quarterly charge

Example 2: 15,000 gallons x \$0.0087 per gallon (or 8.70 per 1,000 gallons) = \$130.50.
HOWEVER, the minimum bill is \$170.50 as stated in Section 10 below and, therefore, the quarterly charge would be \$170.50.

SECTION 10. Regardless of the dollar amount calculated based upon water usage, any customer whose calculated quarterly usage fee is less than \$170.50 shall be issued a minimum quarterly bill equal to 1 EDU, plus 10% for I&I which, at the moment, would be \$170.50

SECTION 11. All persons are forbidden from tampering with or manipulating the meters. If it is determined that a meter has been tampered with, the Township may disregard readings taken from the meter and charge sewer service fees based upon the EDU system. The customer will also be responsible for the cost incurred for such an inspection and the recalibration or replacement of the meter, which has been tampered with.

SECTION 12. Any owner or customer whose meter shall be determined to have been tampered with will be presumed to have done so to lessen the sewer charges and will be subject to a fine in Municipal Court not to exceed \$1,000 for each day the meter was rendered inaccurate as a result of tampering.

SECTION 13. All issues relative to meters, the installation of same, calibration of same and related issues shall fall within the jurisdiction and control of the Director of the Department of Public Works.

SECTION 14. This ordinance shall take effect as of April 1, 2009, the first day of the Second Quarter of the year for billing purposes, but upon its adoption any non-residential customer may make application to the Director of the Department of Public Works as to types of meters and installation of same.

SECTION 15. Any non-residential user who wishes to switch from the EDU system to a water meter must give notice to the Township and install the required meter fifteen (15) days before the beginning of any quarter i.e., January 1st, April 1st, July 1st or October 1st. A plumbing permit is required.

SECTION 16. All ordinances or parts of ordinances or resolutions that are in conflict with the provisions of this ordinance are repealed to the extent necessary.

SECTION 17. If any article, section, subsection, term or condition of this ordinance is declared invalid or illegal for any reason, the balance of the ordinance shall be deemed severable and shall remain in full force and effect.

TOWNSHIP OF MOUNT OLIVE

RUSS TEPPER
Mount Olive Township Council President

I hereby certify the above to be a true copy of a resolution passed by the Mount Olive Township Council at a duly convened meeting held on _____, 2009.

LISA M. LASHWAY
Mount Olive Township Municipal Clerk