

ORDINANCE NO. 51 - 2008

AN ORDINANCE OF THE TOWNSHIP OF MOUNT OLIVE TO AMEND AND SUPPLEMENT CHAPTER 196 ENTITLED "SEWERS AND WATER", PART 5, SEWER, 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

WHEREAS, the Township of Mount Olive has always sought to assess customers of the Budd Lake Sanitary Sewer System ("BLSSS") for sewer service charges based on an Equivalent Dwelling Unit ("EDU") system wherein each residential customer is assigned one EDU and an EDU is defined as 217 gallons per day ("gpd"); and

WHEREAS, the Township of Mount Olive has always sought to assess commercial, industrial and other non-residential users customers of the BLSSS for sewer service charges based on the New Jersey Department of Environmental Protection ("NJDEP") regulations pertaining to projected flow criteria to wastewater and treatment facilities, those regulations being currently set forth in N.J.A.C. 7:14A-23.3; and

WHEREAS, the Township of Mount Olive has calculated sewer service charges for commercial, industrial and non-residential users by applying the "type of establishment" categories set forth in N.J.A.C. 7:14A-23.3 and dividing the "measurement unit" number set forth therein for the commercial, industrial or non-residential customer by 217 to establish the EDU per measurement; and

WHEREAS, the Superior Court of New Jersey by Order dated September 30, 2008, determined that the Ordinance 37-2003, and certain clarifying ordinances describing this calculation¹, should be revised, because they were vague, but also determined that the EDU calculation relying on N.J.A.C 7:14A-23.3 described herein was reasonable; and

WHEREAS, the Mayor and Council of the Township of Mount Olive wish to more clearly set forth the method of calculation for sewer service charges.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Township of Mount Olive, Morris County, New Jersey, as follows:

¹ [list ordinances]

Section One.

A. Budd Lake Sanitary Sewer System. The sewer allocation charge (sewer service charge) commencing with service rendered after April 1, 2008 for occupied property and vacant property within the Budd Lake Sanitary Sewer service area shall be as follows:

Improved Property
\$155 per quarter per EDU

Vacant Property
\$119 per quarter per EDU

B. The method of calculation for sewer service charges for all properties in the Budd Lake Sanitary Sewer System shall be as follows:

1. An EDU is defined as 217 gallons per day of wastewater use.
2. Each residential unit in the Budd Lake Sanitary Sewer System is determined to be one EDU. A three-family dwelling shall be assigned 3 EDUs.
3. The calculation for commercial, industrial and other non-residential customers shall be made by using the projected flow criteria set forth in N.J.A.C. 7:14A-23.3.
4. A measurement unit is the unit established by N.J.A.C. 7:14A-23.3 for a particular type of use, which is determined to use a particular gallonage per day pursuant to N.J.A.C. 7:14A-23.3.
5. To calculate sewer service charges for a particular commercial, industrial or other non-residential customer, the number of gallons assigned to the "type of establishment" shall be established per "measurement unit" and that number shall then be divided by 217. The resulting amount shall then be multiplied by the number of "measurement units" present for the commercial, industrial or other non-residential customer.
6. An example of the calculation, assuming that the use is a 60 Room (measurement unit) Motel (type of use), is as follows:
 - A. Number of gallons per day per room pursuant to N.J.A.C 7:14A-23.3 is 60 gpd.
 - B. $60 \text{ gpd} \times 60 \text{ rooms} = 3,600 \text{ total gallons per day.}$
 - C. $3,600 \text{ (total gallons per day)} \div 217 \text{ gpd (gallons per day for a single family dwelling pursuant to Township Code Section 196-72)} = 16.58 \text{ EDUs (rounded to 16.6 EDUs)} \times \text{the quarterly rate of } \$155.00 = \text{a quarterly charge of } \$2,569.90.$

(For purposes of this example, a motel is defined as a place of lodging without a restaurant or a swimming pool. If a place of lodging included a restaurant and swimming pool, it would be classified as a hotel and the gpd per room would be 75 GPD per N.J.A.C. 7:14A-23.3)

By way of a further example, 5,000 square feet of retail space x 0.100 gpd = 500 (total gallons per day) ÷ 217 gpd (the gallons per day for a single-family dwelling pursuant to Township Code Section 196-72) = 2.3 EDUs x the quarterly rate of \$155 = a quarterly charge of \$356.50.

7. In the event that N.J.A.C. 7:14A-23.3 is amended or replaced by other regulations pertaining to proposed flow criteria to conveyance and treatment facilities, the amended or replacement regulations shall apply.

C. Clover Hill Sewer System (all connections whereby the sewerage is treated at the Clover Hill Treatment Plant):

The sewer allocation charge commencing with service rendered after April 1, 2008 for occupied single family dwellings within the Clover Hill Sanitary Sewer System shall be as follows:

Single Family Residential Property. \$103.00 per quarter.

Garden Apartment Units \$103.00 per quarter per unit.

Commercial/Industrial:

Meter Size (inches)	Quarterly Minimum Fees
¾	\$ 129.46
1	\$ 235.84
1½	\$ 517.84
2	\$ 924.70
3	\$2,071.33
4	\$3,693.52
5	\$5,783.34
6	\$8,289.28

Section Two. This Ordinance shall take effect upon final passage and publication according to law.

TOWNSHIP OF MOUNT OLIVE

RAYMOND T. PERKINS
Mount Olive Township Council President

ATTEST:

LISA M. LASHWAY
Mount Olive Township Municipal Clerk