

Mayor Nolan offered the following Ordinance pass third, final reading and moved on its adoption and authorized its publication according to law:

0-13-1
BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

ORDINANCE AMENDING CHAPTER 9, SECTION 8
OF THE CODE OF THE BOROUGH OF HIGHLANDS ESTABLISHING AND
AMENDING APPLICABLE DUE DATES FOR SEWER CHARGES

WHEREAS, the Borough of Highlands provides water and sewer services to the residents and businesses of the Borough; and

WHEREAS, the Borough's auditor has recommended that sewer service charges be due and payable on February 1, May 1, August 1 and November 1 and that additional dates in the Code need to be amended to conform with current practices;

WHEREAS, the Borough wishes to establish and codify sewer service charge due dates, in accordance with applicable law and regulations; and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Highlands, County of Monmouth, State of New Jersey, as follows:

NOTE: All additions are shown in **bold italics with underlines**. The deletions are shown as **~~strikeovers in bold italics~~**. Sections of Chapter 9, Section 8 that will remain unchanged are shown in normal type.

SECTION ONE. Chapter 9, Section 8 of the Code of the Borough of Highlands shall be amended and adopted to provide as follows:

9-8 FEES.

9-8.1 Sewer Rates and Charges.

Sewer service charges shall be as follows:

User Classification

Quarterly Rate

Residential Effective 1/01/12	\$140.00
Nonresidential (including schools)	Quarterly sewer charges herein imposed shall be based upon water consumption of the property served, as hereinafter set forth. The charges for each quarter shall be a minimum charge of \$140.00 per quarter for up to 31,938 gallons of water usage. Over 31,938 gallons of water usage, additional charges shall be based on \$.004424 per gallon for the excess. Sewer charges shall be based on water usage from the prior quarter. Effective 1/01/12
Houses of worship (including but not limited to churches, rectories and convents):	\$35.00

9-8.2 *Quarterly Minimum Charges.*

There shall be due and payable *quarterly* beginning on ~~July 1~~ ***January 1***, a quarterly minimum charge for each consumer as provided in subsection 9-8.1.

9-8.3 *Sewer Charge Due Dates*

Sewer service charges shall be due and payable on February 1, May 1, August 1 and November 1. The February 1 payment shall constitute payment for January through March 31 of the same year. There shall be a thirty (30) day grace period for the payment of sewer charges.

9-8.4 *Charge for Sewage Service Only.*

All premises having no connection to the water supply system and being served by their own wells or other source of supply shall have the supply metered and shall pay only the sewage service minimum rate as determined by the meter.

9-8.5 *Flat Service Charges.*

Flat service charges can be made only with approval in writing by a resolution of the mayor and council and upon written contract entered into pursuant to the direction of the resolution. Bills for all users with the exception of trailers will be rendered quarterly beginning ~~July 1~~ ***January 1*** for the entire fiscal year. Annual interest at the rate of eight percent shall be chargeable on each quarterly bill beginning 30 days after due date. Bills for excess water above the annual minimum charge used during the fiscal year shall be added to the following year's bill as of ~~July 1~~ ***January 1***, and be billed as a separate item.

9-8.6 Commercial Users Charge.

Bills for commercial users shall be rendered semi-annually on January 1 and July 1 and shall be paid without penalty, unless arrears remain unpaid for one month after the bill is rendered.

9-8.7 Reserved.**

9-8.8 Deposit Required.

A deposit of one hundred fifty (\$150.00) dollars for concrete roads, one hundred twenty (\$120.00) dollars for bituminous roads and fifty (\$50.00) dollars for gravel or dirt roads shall be made with the collector of water and sewer rents to guarantee the cost of replacement of the street where the cut is made to its former condition. The collector shall issue the permit to open the street upon receipt of a fee of twenty (\$20.00) dollars per street opening, which permit shall also serve as a receipt for the deposit for the introduction or repair of water or sewer service pipes. The replacement shall be made by the department and the actual cost of the replacement shall be charged against such deposit. If the deposit is in excess of the cost, the balance shall be returned to the depositor and if the deposited sum is insufficient, a bill shall be rendered to the applicant by the collector for the amount due. Both owner and plumber so opening the street shall be held responsible so that due precautions such as barricades, red lights and other necessary means shall be taken to prevent and avoid accidents.

9-8.9 Connection Fee to Sewer System.

There is hereby established a fee of one thousand five hundred (\$1,500.00) dollars per unit to connect to the borough sewer system, which fee shall be due and payable upon application for connection. For the purpose of this section "unit" shall be construed to mean any single residence and any single commercial entity whether alone or as part of a larger structure.

9-8.10 Sewer Ownership and Maintenance.

a. *Municipal.* The borough shall have ownership and be responsible for the maintenance of all sanitary sewer (public sanitary sewer system) mains, manholes, clean-outs and laterals within its right-of-way or within the right-of-way of governmental agencies. Any breaks, leaks or blockages in the right-of-way shall be the responsibility of the borough.

b. *Nonmunicipal.* The local property owner shall have ownership and be responsible for all sanitary sewer mains, manholes, clean-outs and laterals within private property (nonpublic sanitary sewer system or building lateral) and any breaks, leaks, or blockages on private property shall be the responsibility of the property owner.

c. *Municipal Maintenance Responsibility.* The borough shall maintain its sanitary sewer system, as defined herein, in good working order. In no event shall the borough provide any labor or material to clear or remove obstructions from a blocked nonmunicipal sanitary sewer system, as defined herein, and said work shall be the sole and exclusive responsibility of the

property owner with the dividing line of responsibility being the property line between the public right-of-way and the private property. When the municipality is called upon by a private property owner or the tenant agent or representative of the private property owner to investigate a maintenance issue within the system, the borough will respond. If a problem is discovered in that portion of the system that falls under the municipal maintenance responsibility, it shall be corrected. However, if it is determined that the problem is in the nonmunicipal portion of the system, the private property owner, tenant, agent or representative shall be responsible to repair and correct the problem. The borough will also assess a charge of one hundred seventy (\$170.00) dollars* for the call out and inspection that lead to the discovery of the problem in the non-municipal portion of the system.

d. *Developer Obligation.* Nothing contained herein shall alleviate the obligation and responsibility of the property owner or applicant for a sanitary sewer line as part of a new development during the performance bond and/or maintenance bond period.

9-8.11 Reserved.

9-8.12 Reserved.

9-8.13 Sewer Connection Fees.

a. *Residential Unit.* For each new residential unit that uses the sewer system of the Borough of Highlands there is established the following connection fees for the right to use the existing sewer facilities:

Sewer connection fee: \$1,500.00

For purposes of this section, a "new residential unit" means any new residential area, including but not limited to an apartment, cooperative apartment, condominium, mobile home, rented room with separate bath facilities, and single family house, which unit is created either by new construction, or by conversion from an existing use. Included within the definition of "new residential unit" is a condominium or cooperative apartment created by conversion from an existing rental building, and an apartment created within an existing single-family house.

b. *Nonresidential Unit.* For each new nonresidential unit that uses the sewer system of the Borough of Highlands, there is established the following connection fees for the right to use the existing sewer facilities:

Sewer connection fee: An amount not less than one thousand five hundred (\$1,500.00) dollars equal to the projected daily sewerage flow divided by the average daily sewerage flow per residential unit, rounded up to the nearest whole number, times one thousand five hundred (\$1,500.00) dollars.

Projected sewer flows will be calculated by the applicant, and will be subject to review and approval by the borough engineer.

For purposes of this subsection, a new nonresidential unit will be any new nonresidential area, including any new office or business with separate toilet facilities, created by new construction or by conversion from an existing use.

In the event that any subsection of the within section is declared to be illegal, unconstitutional or otherwise invalid, then the balance of the ordinance shall not be deemed void, but shall remain in full force and effect.

c. *Sewer Connection Inspection Fee.* Following the completion of the connection from any property to the borough sewer system, a fee of fifty (\$50.00) dollars shall be due and payable to the borough for the inspection of same by the borough's licensed plumbing inspector. The inspector shall be given reasonable notice of the completion of the connection in order that he may schedule a connection inspection.

9-8.14 Late Fee for Overdue Sewer Bills.

All sewer charges shall be due and payable within 30 days of ~~the quarterly due date February 1, May 1, August 1 or November 1 as the case may be.~~ In the event that any charges are not paid within 30 days of ~~the quarterly due date~~ the February 1, May 1, August 1 or November 1 due date, then the charges shall be considered delinquent as of the ~~quarterly~~ due date. Interest shall accrue from the date of delinquency on all unpaid delinquent balances at the rate of eight percent per annum on the first one thousand five hundred (\$1,500.00) dollars of any unpaid balances and 18 percent per annum for any balances in excess of one thousand five hundred (\$1,500.00) dollars, with said interest accruing upon the balances, and interest thereon, until such time as they are paid in full.

9-8.15 Reserved.

SECTION TWO. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance, which shall otherwise remain in full force and effect.

SECTION THREE. REPEALER. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION FOUR. EFFECTIVE DATE. This Ordinance shall take effect after final passage as provided by law.

Seconded by Ms. Ryan and adopted on the following roll call vote:

ROLL CALL:

AYES: Ms. Ryan, Mr. Redmond, Mr. Francy, Mayor Nolan

NAYES: None

ABSENT: Ms. Kane

ABSTAIN: None

Date: March 20, 2013

Carolyn Cummins, Borough Clerk

Introduction: February 6, 2013

Publication:

P.H./Adoption:

Publication: