

TOWNSHIP OF CLARK

Ordinance No. _____

Adopted _____

Introduced: January 18, 2011 Public Hearing: February 7, 2011

Motion: Whiting Motion: _____

Seconded: O'Connor Seconded: _____

AN ORDINANCE TO ESTABLISH AND COLLECT USER FEES FOR THE COLLECTION AND TREATMENT OF WASTEWATER AND THE REPEAL OF ORDINANCE NUMBERS 06-06, 06-14, 06-22, 09-01, 09-06 AND 10-05

WHEREAS the Township of Clark has established the Clark Township Sanitary Sewer Utility to operate and maintain the Municipal sanitary sewer system; and

WHEREAS the Clark Township Municipal Sewer Utility will incur various expenses to operate and maintain the Municipal sanitary sewer system.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Township of Clark as follows:

1. The purpose of this ordinance is to impose an annual “user fee” as hereinafter defined on all domestic, commercial, industrial, institutional and government users of the Sanitary Sewer Utility of the Township of Clark.
2. User fee is defined as a fee levied upon all users of the Sanitary Sewer Utility for the annual cost of operation and maintenance of the Clark Township Sanitary Sewer Utility.

3. **CLASSES OF USER**

The following classes of user are hereby established:

- a) Residential Domestic
- b) Commercial Domestic
- c) Governmental
- d) Not-for-Profit
- e) Industrial (Non-SIU)
- f) Significant Industrial Use (SIU)
- g) Miscellaneous un-metered
- h) Multi-family residential
- i) Mixed use
- j) Home occupation

4. **DEFINITIONS**

- a) Residential Domestic – any user where sole use of property is as a residential dwelling unit
- b) Commercial Domestic – any user not classified elsewhere herein

- c) Governmental – any user operating as an extension of the Federal, State, County, or Municipal Government
- d) Not-for-Profit – users designated as 501c (6) or 501c (3) under the IRS tax code
- e) Industrial Users – users located within an industrial zone of the Township of Clark that generates wastewater other than domestic waste as a result of their operation such as process water, cooling water, washdown etc. Such users will not generate sufficient quantities of wastewater to be classified as Significant Industrial Users by the New Jersey Department of Environmental Protection and/or the Rahway Valley Sewerage Authority.
- f) Significant Industrial Users – Industrial Users generating sufficient wastewater quantities to meet definitions established by the New Jersey Department of Environmental Protection and/or the Rahway Valley Sewerage Authority and shall meet all Township, RVSA and NJDEP monitoring and reporting requirements.
- g) Miscellaneous un-metered - an entity receiving a tax bill from the Township of Clark that does not otherwise meter domestic water usage
- h) Multi-family residential - two or more residential dwelling units on a single water meter
- i) Mixed use - properties operating a single water meter with multiple uses (i.e. retail with apartments) but not a home occupation as defined therein
- j) Home occupation - a commercial use solely contained within a residential dwelling unit. The residential use must be the predominate use.
- k) GPY – gallons per year

SECTION 1: USER FEES

a) RESIDENTIAL DOMESTIC

MINIMUM CHARGE

0-75,000	GPY	\$225.00	
EXCEEDS 75,000	GPY	\$225.00	plus \$.02 PER GALLON OVER 75,000 GALLONS
EXCEEDS 400,000	GPY	\$6,725.00	plus \$.023 PER GALLON OVER 400,000 GALLONS

b) COMMERCIAL DOMESTIC

MINIMUM CHARGE

0-75,000	GPY	\$225.00	
EXCEEDS 75,000	GPY	\$225.00	plus \$.02 PER GALLON OVER 75,000 GALLONS
EXCEEDS 400,000	GPY	\$6,725.00	plus \$.023 PER GALLON OVER 400,000 GALLONS

c) GOVERNMENTAL

MINIMUM CHARGE

0-75,000	GPY	\$225.00	
EXCEEDS 75,000	GPY	\$225.00	plus \$.02 PER GALLON OVER 75,000 GALLONS
EXCEEDS 400,000	GPY	\$6,725.00	plus \$.023 PER GALLON OVER 400,000 GALLONS

d) NOT-FOR-PROFIT

MINIMUM CHARGE

0-75,000	GPY	\$225.00	
EXCEEDS 75,000	GPY	\$225.00	plus \$.02 PER GALLON OVER 75,000 GALLONS
EXCEEDS 400,000	GPY	\$6,725.00	plus \$.023 PER GALLON OVER 400,000 GALLONS

e) INDUSTRIAL (NON-SIU)

MINIMUM CHARGE

0-75,000	GPY	\$225.00	
EXCEEDS 75,000	GPY	\$225.00	plus \$.02 PER GALLON OVER 75,000 GALLONS
EXCEEDS 400,000	GPY	\$6,725.00	plus \$.023 PER GALLON OVER 400,000 GALLONS

f) SIGNIFICANT INDUSTRIAL USERS

The annual billing methodology for Significant Industrial Users (SIU's) shall be as follows:

The annual billing methodology for SIU's shall be based upon Sanitary Sewerage reporting by the SIU to the RVSA and the Township. Such reporting shall include continuous flow monitoring and measurements for Total Flow, Total Suspended Solids (TSS) and Biological Oxygen Demand (BOD). The Municipal Sewer Utility may at its option verify the data supplied by the SIU as may be deemed necessary in compliance with Ordinance 03-20 adopted May 19, 2003.

Annually, the Engineer shall calculate billing costs for parameters of FLOW, TSS, and BOD as follows.

1. The total annual budget for the Clark Municipal Sewer Utility will be established. Said budget shall provide for payment of the Township's assessment from the RVSA for treatment and for the operation and maintenance of the sanitary sewer collection system.
2. It is to be assumed that the parameters of Flow, TSS and BOD shall each represent an equal portion of the overall Municipal Sewer Utility Budget.
3. The Engineer shall calculate the billing cost for each parameter (FLOW, TSS and BOD) by dividing the applicable portion of the utility budget by the total amount of each parameter which may be billed to users and as reported by the user, water purveyor and/or RVSA.
4. The Municipal Sewer Utility shall send a bill to each SIU by multiplying the amount of each parameter (FLOW, TSS & BOD) by the billing cost as calculated above based on the certification of current usage submitted on or before February 1st of every year for a twelve month period concluding September 30th of the previous year.

g) MISCELLANEOUS UN-METERED

Users, for which the Township has not received meter data from applicable water purveyors including wells, shall have their usage requirements estimated by the Utility's Engineer. The Engineer's estimate will be prepared in accordance with generally accepted engineering standards including but not necessarily limited to the following:

-NJAC 7:14A-23.3 Treatment Works Approvals

-ASCE/WPCF Manual of Practice Design and Construction of Storm and Sanitary Sewers

-International Building Code-New Jersey Edition

-International Plumbing Code

-National Standard Plumbing Code

-Residential Site Improvement Standards NJAC 5:21

All such users will be required to complete an informational form distributed by the sewer utility on an annual basis representing data on the number and type of sewer users. Such information may include the number and age of occupants, the number and type of fixtures, the number of bedrooms, gross floor area, the number of employees, the number of service bays, etc, as may be necessary for the utility engineer to estimate water usage and classification. Failure to submit an annual informational form or the falsification of same shall subject the owner to a minimum penalty of \$500.00 in addition to a minimum fee of \$500.00.

In the event that an un-related facility owner disagrees with the estimate of the utility engineer, they may appeal the estimate in the manner provided elsewhere herein. Further, the owner may elect to have a meter installed on the property to accurately assess usage.

Users shall be billed by the Sewer Utility under the criteria of Items (a) through (j).

h) MULTI-FAMILY RESIDENTIAL

MINIMUM CHARGE—A flow charge of \$225.00 per unit plus an excess flow charge of \$.02 per gallon shall be charged for flows in excess of 75,000 gallons per unit. Example: a ten (10) unit apartment using 1million gallons of water per year would be billed \$ 7,250.00 as follows: \$2,250.00 for the first 750,000 gallons per year plus \$.02 per gallon of the excess 250,000 Gallons in excess or \$5,000.00.

i) MIXED USE

MINIMUM CHARGE—Minimum charge shall be the sum of the Minimums for each use. Flows exceeding the combined flow allowance shall be billed at the highest rate of use for the property.

j) HOME OCCUPATION

MINIMUM CHARGE

0-75,000 GPY \$225.00

EXCEEDS 75,000 GPY \$225.00 plus \$.02 PER GALLON OVER
75,000 GALLONS

EXCEEDS 400,000 GPY \$6,725.00 plus \$.023 PER GALLON OVER
400,000 GALLONS

SECTION 2: APPEALS

All requests for appeals shall be received by the Utility on or before April 20th of every year or the appeal shall be deemed denied by the Municipal Sewer Utility.

SECTION 3: CALCULATION OF USAGE

The Clark Municipal Sewer Utility will assess user fees based on the bills submitted by the water purveyor dated November through April of the year prior to the year of the sewer bill. Said amounts shall be multiplied by two (2) to achieve an annualized flow estimate. This effectively eliminates the usage of water during the early Spring, Summer, and early Fall seasons when water is heavily used.

SECTION 4: REBATES

Senior Citizens eligible for the Senior Citizen Deductions on their Municipal Property Taxes, as per N.J.S.A. 54:4-8.44, shall receive a deduction of \$125.00 from their sewer bill.

SECTION 5: INCONSISTENT ORDINANCE

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 6 DECLARATION OF INVALIDITY

If an 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.

SECTION 7 : EFFECTIVE DATE

This Ordinance shall take effect upon adoption and publication according to law.

Effective Date:

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

FRANK G. MAZZARELLA
Council President

SALVATORE BONACCORSO
Mayor

Ord11/1-18SewerUtility

Aye Nay Abstain Absent

Albanese	_____	_____	_____	_____
Barr	_____	_____	_____	_____
Kazanowski	_____	_____	_____	_____
O'Connor	_____	_____	_____	_____
Toal	_____	_____	_____	_____
Whiting	_____	_____	_____	_____
Mazzarella	_____	_____	_____	_____