



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

ORDINANCE 0-19-24

An Ordinance Amending Chapter 9 of the Borough of Highlands Municipal Code Relating to Sewer Fees

WHEREAS, Chapter 9 of the Borough Code, Section 9-8 entitled "Fees" regulates, among other things, sewer maintenance responsibilities and the deposits and fees associated with such maintenance in the Borough of Highlands; and

WHEREAS, the governing body of the Borough of Highlands has determined that it is in the best interest of the Borough to revise Section 10-13 to update provisions addressing deposits associated with street openings when necessary for sewer maintenance, and to clarify sewer maintenance responsibilities within the Borough.

NOW, THEREFORE, BE IT ORDAINED by the governing body of the Borough of Highlands as follows:

SECTION I.

Borough Code Section 9-8 "Fees" shall be amended as follows: (All additions are shown in ***bold italics with underlines***. The deletions are shown as ~~***strikeovers in bold italics***~~.)

9-8 FEES.

9-8.1 Sewer Rates and Charges.

Sewer service charges shall be as follows:

<i>User Classification</i>	<i>Quarterly Rate</i>
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 Minimum Charges.

There shall be due and payable beginning on 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 January 1 for the entire fiscal year. Annual interest at the rate of eight (8%) percent shall be chargeable on each quarterly bill beginning thirty (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 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 (1) 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. If a street opening is required to access any sewer system, the local property owner shall submit an application for a permit and deposit pursuant to Section 8-2 of the Borough Code.~~

9-8.9 Reserved.

9-8.10 Sewer Ownership and Maintenance.

a. *Municipal.* The Borough shall have ownership and be responsible for the maintenance of all public sanitary sewer (~~public sanitary sewer system~~) mains, and manholes, ~~clean-outs and laterals~~ within its right-of-way, ~~or~~ within the right-of-way of governmental agencies, or within sewer easements dedicated to and accepted by the Borough. Any breaks, leaks or blockages in public sanitary sewer mains or manholes in the right-of-way or sewer easements 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. The local property owner shall have ownership of the entire service lateral from the building to the main, including any connections, curb boxes, cleanouts, and other associated apparatus; the maintenance, operation, repair and eventual replacement of any such portion of the sanitary sewer system, including any breaks, leaks or blockages, shall be the responsibility of the local property owner. The local property owner shall also be responsible for any sanitary sewer mains and manholes located within private property unless located within a right-of-way or subject to an easement as set forth in paragraph (a), above.~~

c. *Municipal Maintenance Responsibility.* The Borough shall maintain its municipal sanitary sewer system, as ~~defined herein~~ set forth in paragraph (a), 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~~ set forth in paragraph (b), 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 led to the discovery of the problem in the non-municipal portion of the system.

~~*This figure was determined by taking the highest overtime salary (\$42.52/hr.) in the Sewer Department x's 4 (2 men) a minimum callout of 2 hours each.~~

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 Requirements and Fees; Definitions.

a. *Definitions.*

Connection fee shall mean an amount charged for new or additional units connecting to any collection system served by the Borough's system. State statute provides for this fee to compensate existing users for the parts of the system they have already paid for and that a new user will benefit from. Statute defines this fee as "fair payment toward the cost of the system" and requires that it be a proportionate share of the Borough's capital costs already paid by existing users. It does not include any materials or work related to the physical connection to any system. State statute requires that it be updated each year.

Unit or sewage unit shall mean a residential property as defined in N.J.S.A. 40:14A-8.1(a). For residential uses, the term unit includes a single-family dwelling or apartment. For all non-residential users, "Unit", "sewage unit" or "EDU" shall be defined as 65,000 gallons per year of water consumption. Flow calculations for non-residential uses shall be rounded up to the nearest whole number of units, with a minimum of one unit. Additions to an existing home for the expanded residential use of a single family shall not create an additional "unit" unless there is Borough approval that increases the number of residential units permitted on the property.

b. *Connection Fee(s) and Credits.*

1. Fees: Prior to the start of construction, a connection fee of \$5,142.00 per sewage unit shall be paid to the Borough for every new connection or expansion of an existing connection or use, less a credit for the number of previously legally connected sewage units that are removed, except as otherwise provided for by N.J.S.A. 40:14A-8.3.

2. Credits for Prior Connections.

(a) In calculations of credit for previous units on the property, full credit shall be given for units disconnected and removed from Borough sewer bills within two years of the application to the Borough; if over two years, a decreasing credit of 10% per year from the Borough billing removal date shall be received; if over ten years, no credit shall be received.

(b) For projects where credit is claimed for three or more previous units, the maximum credit shall be the lesser of: the number of previous dwelling units, or for both

residential and non-residential, the whole number of sewage units, without rounding, based upon the average annual water consumption of the previous units for the last five years divided by 65,000 gallons.

(c) There shall be no accrual or transfer of connection rights or connection fee credits for units removed in excess of new units.

c. *Connection Requirements.*

1. The size of the connection shall be limited to the minimum size needed to carry the estimated maximum daily flow for the number of units approved, a larger connection may be installed subject to Borough approval.

2. In the event that additional equipment, infrastructure or expansion of any part of the system is required to service a new project, additional fees shall be charged. These fees shall equal all costs related to the additional equipment, infrastructure or expansion of the system, including design, legal fees and other costs incurred. During the five years following completion, new connections using these items shall pay an additional fee proportionate to their use of these items. Previous payers of these items shall be reimbursed this fee on a proportional basis, less all related Borough expenses.

d. *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 thirty (30) days of February 1, May 1, August 1 or November 1 as the case may be. In the event that any charges are not paid within thirty (30) days of the February 1, May 1, August 1 or November 1 due date, then the charges shall be considered delinquent as of the due date. Interest shall accrue from the date of delinquency on all unpaid delinquent balances at the rate of eight (8%) percent per annum on the first one thousand five hundred (\$1,500.00) dollars of any unpaid balances and eighteen (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 II. SEVERABILITY. 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 III. REPEALER. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION IV. EFFECTIVE DATE. This ordinance shall take effect immediately upon its passage and publication in accordance with law.

Motion to Introduce Ordinance 19-24

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BRASWELL			X			
BROULLON			X			
MAZZOLA			X			
RYAN		X	X			
O'NEIL	X		X			


I, Matthew Conlon, RMC, Municipal Clerk of the Borough of Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body, at its Council Meeting, held December 4, 2019. WITNESS my hand this 19TH day of December 2019.


 Matthew Conlon, RMC
 Municipal Clerk
 Borough of Highlands, New Jersey

**Public Hearing, Final Reading and Adoption of Ordinance 19-24:
 Public Hearing December 18, 2019**

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BRASWELL			X			
BROULLON		X	X			
MAZZOLA			X			
RYAN			X			
O'NEIL	X		X			

I, Matthew Conlon, RMC, Municipal Clerk of the Borough of Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body, at its Council Meeting, held December 18, 2019. WITNESS my hand this 19th day of December 2019.


 Matthew Conlon, RMC
 Municipal Clerk
 Borough of Highlands, New Jersey

Mayor: 

Clerk: 

