

**TOWNSHIP OF MONTGOMERY
Ordinance No. 10-1350**

**AN ORDINANCE AMENDING CHAPTER XII
SEWER AND WATER OF THE CODE OF THE
TOWNSHIP OF MONTGOMERY (1984) TO
ESTABLISH 2010 SEWER USER RATES**

WHEREAS, it is necessary to establish Sewer Service Rates for the year 2010 in Montgomery Township; and

WHEREAS, the public water utility that serves many sewer users in Montgomery Township changed its water meter and billing procedures during mid-year 2009;

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Montgomery in Somerset County, New Jersey, as follows:

Section 1. Subsections **12-10.2 “Sewer Service Charge Rate,”** and **12-10.4 “Unmetered Premises”** of the Code of the Township of Montgomery (1984) (hereinafter “Code”) are amended in their entirety to read as follows:

12-10.2 Sewer Service Charge Rate.

a. There is hereby established an annual sewer service charge per unit to be computed as follows:

1. \$218.00 per unit for costs of billing, administration and debt service; *plus*
2. \$7.00 per CCF (\$0.00936 per gallon), or part thereof, per unit of the lesser of:
 - (i) provided there has been positive metered water use in the calendar year preceding the service year, the unit’s metered water use for the calendar year¹ preceding the service year, *or*

¹ The public water utility company that provides water service in the Township and from which the Township obtains metered water use readings altered the frequency of water meter readings and billings from quarterly to monthly in 2009. To account for this change, and for purposes of 2010 sewer service rates only, the terms “calendar year” and “annual metered water use” shall include the period for the first quarter billed in 2009 (mid-November 2008) to the last billing month in 2009 (mid-December 2009). This definition shall not apply to premises that are not connected to the public water utility or to non-residential sewer premises using sewage effluent meters to measure sewage discharges.

- (ii) provided there has been positive metered water use in each of the first two quarters and the last month in 2009, the sum of the unit's first two quarters of metered water use, charged prior to June 30 of the calendar year preceding the service year, multiplied by two, and added thereto the last month's water use reading in 2009

for costs of operation, improvement, contingencies and maintenance of the sewer system.

In the event there has not been positive metered water use in each of the first two quarters and the last month in 2009, the portion of the sewer service charge attributable to costs of operation, improvement, contingencies and maintenance of the sewer system shall be calculated pursuant to subparagraph 12-10.2a2(i) above, but if the unit's annual metered water use for the calendar year preceding the service year is not positive, *i.e.*, negative or zero, the prior calendar year's water use shall be used; and, if that year is not positive, it shall be based upon a reasonable estimate of water consumption for the use, taking into consideration the average water consumption of comparable uses, as determined by the Township Engineer.

In the event a non-residential use is equipped with a sewage effluent meter pursuant to subsection 12-10.4, in lieu of using metered water use, the volume of sewage discharged to the sewer system in the calendar year preceding the service year, using a conversion factor of one (1) gallon equals 0.001337 CCF, shall determine the portion of the unit's sewer service charge attributable to operation, improvement, contingencies and maintenance of the sewer system under this subsection 12-10.2a2.

b. The annual sewer service charge for billing, administration and debt service for the year in which a new connection is made shall be pro-rated as of the date of connection to the sewer system. The annual sewer service charge for costs of operation, improvement, contingencies and maintenance for the year in which a new connection is made shall be based upon a reasonable estimate of water consumption for the new use, taking into consideration the average water consumption of comparable uses, as determined by the Township Engineer, prorated as of the date of connection to the sewer system.

c. Sewer service charges are subject to revision by the Township as may be appropriate under *N.J.S.A.* 40A:26A-10.

12-10.4 Premises Not Connected to Public Water Utility.

If a single-family dwelling is not connected to a public water utility and obtains its water supply from an un-metered private well, for the purpose of calculating its water use under subsection 12-10.2a2 above, it shall be estimated to use 90 CCF of water per year. If a use other than a single-family dwelling unit is not connected to a public water utility and obtains its water supply from an un-metered private well, and is not served by a sewage effluent meter, for the purpose of calculating its water use under subsection 12-10.2a2, it shall be deemed to use an amount equivalent to its allocated capacity using a conversion factor of one (1) gallon equals 0.001337 CCF.

In instances where a unit is served by a private well, the unit owner may install, at the owner's cost and expense, and in accordance with rules and regulations promulgated by the Township Engineer and approved by resolution of the Township Committee, additional water meter(s) obtained from the Township. Meters installed pursuant to this subsection 12-10.4, shall be read by the unit owner in accordance with the rules and regulations promulgated by the Township Engineer and approved by the Township Committee, subject to the Township's right to inspect the optional meter between the hours of 8 a.m. and 6 p.m., and recalculate the charges in the event the unit owner submits inaccurate meter readings to the Township. The water use readings for such premises shall be used in a manner consistent with subsection 12-10.2a2 to determine the portion of the sewer service charge attributable to costs of operation, improvement, contingencies and maintenance of the sewer system, rather than estimated water use.

All connections to the sewer made after October 1, 2007 shall be equipped with either a water meter or, where permitted by the Chief Sewer Plant Operator for non-residential uses having consistent and high volume flow, a sewage effluent meter for each unit.

Section 2. Repealer. All ordinances and resolutions or parts thereof inconsistent with this ordinance are hereby repealed.

Section 3. Severability. If any section, paragraph, subsection, clause or provision of this ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged and the remainder of this ordinance shall be valid and enforceable.

Section 4. Effective Date. This ordinance shall take effect upon final passage and publication in accordance with law.

v:users/kph/seweruserfeecommittee/2010rateordinance