

**TOWNSHIP OF MONTGOMERY  
ORDINANCE #16-1513**

**AN ORDINANCE AMENDING CHAPTER XII  
SEWER AND WATER OF THE CODE OF THE  
TOWNSHIP OF MONTGOMERY (1984) TO  
ESTABLISH 2016 SEWER CAPACITY  
CHARGES AND 2016 SEWER SERVICE RATES.**

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

**Section 1. 2016 Sewer Capacity Charges.** Subsection 12-7.4c. of the Code of the Township of Montgomery (1984) is amended to read as follows:

- c. The capacity charge shall be \$49.00 per gallon of anticipated daily volume of sewage effluent. This charge is subject to revision by the Township as may be appropriate.

**Section 2. Sewer Service Charges.** Subsection 12-10.2a. of the Code of the Township of Montgomery (1984) is amended in its 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. \$266.00 per unit for costs of billing, administration and debt service; *plus*
  - 2. \$9.92 per CCF (\$13.26 per 1000 gallons), or part thereof, per unit of the lesser of:
    - (a) 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 year preceding the service year, *or*
    - (b) Provided there has been positive metered water use in at least three of the first four months and the last two months of the calendar year preceding the service year, the sum of the unit's first four months and the last two months of metered water use of the calendar year preceding the service year, multiplied by two,

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

- (c) In the event there has not been positive metered water use in at least three of the first four months and the two last months of the calendar year preceding the service year, 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, or if there is not sufficient data, or the data is otherwise erroneous and does not reflect an actual discharge to the sewer system, 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.
  
- (d) In all instances, if there is not sufficient data, or the data is otherwise clearly erroneous and does not reflect an actual discharge to the sewer system, the rate 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.

**Section 3. Repealer.** All ordinances and resolutions or parts thereof inconsistent with this ordinance are hereby repealed.

**Section 4. 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 5. Effective Date.** This ordinance shall take effect upon final passage and publication in accordance with law.