

**BOROUGH OF ALLENTOWN
COUNTY OF MONMOUTH
STATE OF NEW JERSEY**

ALLENTOWN BOROUGH

NOV 29 2018

RECEIVED

ORDINANCE NO. 13-2018

**AN ORDINANCE OF THE BOROUGH OF ALLENTOWN,
COUNTY OF MONMOUTH, STATE OF NEW JERSEY
AMENDING THE REVISED GENERAL ORDINANCE
CHAPTER 18: "SEWERS" OF THE BOROUGH CODE TO
MODIFY THE RATE CALCULATION TIME PERIOD,
INCREASE FEES CHARGED TO NON-RESIDENTS,
PROHIBIT IRRIGATION METERS, AND EXEMPT CERTAIN
EMERGENCY SERVICES FACILITIES FROM USAGE FEES**

BE IT ORDAINED by the Mayor and Council of the Borough of Allentown, County of Monmouth, State of New Jersey, that Chapter 18 of the Revised General Ordinances of the Borough of Allentown, is hereby amended as follows (~~stricken text~~ indicates deletions, underlined text indicates additions):

18-1 FEES AND CHARGES.

18-1.1 Schedules Established.

The following schedules of charges and rents for connection with and the use and services of the sewer utility system of the Borough are hereby fixed and prescribed.

18-1.2 Connection Fees.

- a. Every building or other structure now existing in the Borough wherein water is used shall be connected to the sewer collection line designated by the Borough. Any building or structure hereafter erected wherein water is used shall be connected to the designated sewer collection line before it shall be lawfully occupied or used.
- b. The charge for each connection, imposed upon the owner of each connecting property, shall be three thousand two hundred (\$3,200.00) dollars.
- c. In addition to the connection fees as set forth in paragraph b. herein, all changes and expenses associated with connecting to the sewer system, including service saddles, teewye fitting, clean-outs and street excavation, shall be paid by the owner making application therefor. Such connection shall be made under Borough supervision and in accordance with methods approved by the Sewer Utility Operator or Borough Engineer. In the event of an opening for the purpose of repair or replacement of sanitary sewer lateral, either within or out of the Borough limits, the cost of such repair or replacement shall be borne by the owner of the property from the property side of the curb or edge of pavement to the dwelling or structure. The cost of repair or replacement from the sewer main to the roadside face of the

curb or edge of pavement shall be the responsibility of the Borough, except if the repair or replacement is necessitated by action or inaction by a homeowner. In the context, the words "repair" or "replacement" shall be synonymous with "maintenance." The Borough reserves the right to determine the type, size and quality of the pipe to be utilized from the sewer main to the dwelling or other structure. The property owner or the contractor shall contact the Borough to obtain copies of the sewer lateral repair and construction details.

18-1.3 Annual Sewer Rents.

- a. Effective January, 2014~~2019~~, the annual sewer rate for each commercial and residential use or unit, which has a single connection with the system, shall be five hundred forty (\$540.00) dollars per year, per use or unit in the Borough of Allentown plus ~~eighty (80%)~~ four-hundred (400%) percent of the prior year's ~~annual~~ first quarter water usage billed at 7.5 cents per cubic foot. (A cubic foot approximates 7.5 gallons).

1. Billing Dates:

March 1 of each year to cover service received during the months of November, December and January.

June 1 of each year to cover service received during the months of February, March and April.

September 1 of each year to cover service received during the months of May, June and July.

December 1 of each year to cover service received during the months of August, September, October.

Billings will be sent out annually with four (4) remittance stubs for each quarterly payment.

Any connections of service made mid-billing cycle shall be billed on the next regular billing with a prorated amount for balance of annual billing cycles effective the date of change.

The Borough shall be under no obligation to reduce, adjust, or otherwise modify the billing of any service hereunder by virtue of irrigation meter readings or other evidence of water usage, except as may otherwise be provided or permitted by New Jersey law.

The Chief Financial Officer shall have the right to waive de minimis amounts due that are under \$1.00 in value.

- b. For purposes of computation, the definition of "dwelling unit" for various uses shall be determined as follows:

1. Apartments:

- (a) Any apartment in a building or apartment complex that has at least one bathroom shall be equivalent of a full dwelling unit and shall be charged the full sewer rental.

2. School Buildings:
 - (a) Elementary and Middle Schools – Every twenty (20) pupils, teachers and employees, or portion thereof, in regular attendance at the various hours as of the first of the month proceeding each billing date, shall be equivalent to one (1) dwelling unit.
 - (b) High Schools – Every twelve (12) pupils, teachers and employees, or portion thereof, in regular attendance at the various hours as of the first of the month proceeding each billing date, shall be equivalent to one (1) dwelling unit.
 - (c) Vocational Schools- Every twenty (20) pupils, teachers and employees, or portion thereof, in regular attendance at the various hours as of the first of the month proceeding each billing date, shall be equivalent to one (1) dwelling unit.
- c. Any service (commercial or residential) provided to a property located outside of the boundaries of the Borough of Allentown shall be charged per unit at the annual rate of ~~one and one-half two~~ times (1.52.0) the flat rate annually charged, that amount being ~~eight hundred ten (\$810.00)~~ one thousand eighty (\$1,080.00) dollars per unit plus ~~80% four-~~ hundred (400%) of the prior year's ~~annual~~ first quarter water usage billed at ~~11.25-15~~ cents per cu. foot.
 1. If the property owner does not purchase water from the Borough of Allentown, it shall be the property owner's obligation to supply the Borough with the amount of water usage for that property for the previous year. In the event the owner fails to supply the water usage information, the Borough of Allentown will apply the average residential use or average commercial use for the previous year.
 2. When water is drawn from private wells or no proof can be provided, the average commercial or residential use defined by users of the Borough, will be applied.
- d. Any service provided to a property that is utilized for the provision of volunteer emergency response services to the Borough of Allentown shall be charged five hundred forty (\$540.00) dollars per year, regardless of whether said property is located within the boundaries of the Borough of Allentown.
- ~~d.e.~~ Violations and Penalties. Any person violating or failing to comply with any of the provisions of this section shall, upon conviction thereof, be punishable by a fine of not more than two thousand (\$2,000.00) dollars, imprisonment for a term not to exceed ninety (90) days or by a period of community service not exceeding ninety (90) days, or by each such fine, imprisonment and community service, at the discretion of the Judge. The continuation of such violation on each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuation of the violation may be punished as provided above for each separate offense.

18-1.4 Payments; Delinquent Charges.

Rental will be accepted until the thirtieth day following the due date without interest. Thereafter, rentals shall be deemed delinquent and interest at the rate of eight (8%) percent per annum shall be added to all delinquent rentals. Said eight (8%) percent shall be retroactive to the date that the sewer rental was due. In the event the delinquent amount exceeds one thousand five hundred

(\$1,500.00) dollars then the interest shall be eighteen (18%) percent per annum. No discount will be allowed if paid in advance.

18-1.5 Sewer Shut-Off; Nonpayment.

In the event that charges for sewer are not paid within forty-five (45) days after the bill for such service is due, a first notice letter will be sent to the owner of the premises stating that the amount is past due. If the account ages ninety (90) days, a twenty-five (\$25.00) dollar late fee will be assessed, a final notice will be sent stating that if the account is not paid within ten (10) days the water and sewer will be shut off and/or disconnected at the owner's expense and at the Borough of Allentown's option. The Borough reserves the right to disconnect and/or discontinue utility service to any property listed on the Borough's vacant property or abandoned property lists per Borough Ordinance. The owner will have the right to request a hearing before the Borough of Allentown, said hearing must be requested in writing to the Borough Clerk prior to the final ten (10) day notice of termination of service.

If service is terminated the Monmouth County Board of Health and the Allentown Housing Official will be notified.

All fees due for water and sewer service must be fully paid up-to-date prior to water and sewer service being restored; no personal checks will be accepted.

A reconnection charge of one hundred (\$100.00) dollars will be imposed to reconnect the service.

BE IT FURTHER ORDAINED that should any section, paragraph, sentence, clause, or phase of this ordinance be declared unconstitutional or invalid for any reason, the remaining portion of this ordinance shall not be affected thereby and shall remain in full force and effect, and to that end the provisions of this ordinance are hereby declared to be severable.

BE IT FURTHER ORDAINED that all ordinances or parts of ordinances inconsistent with this amending ordinance are hereby repealed to the extent of their inconsistencies only.

BE IT FURTHER ORDAINED that this ordinance shall be in full force and take effect after final passage and publication, as required by law.



GREGORY WESTFALL, Mayor

ATTEST:

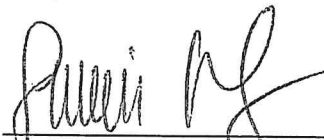

LAURIE A. GAVIN, R.M.C

DATED: 12/11/2018

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PUBLIC NOTICE

PLEASE TAKE NOTICE that the foregoing Ordinance was introduced and passed on first reading on the 27th day of November, 2018, at a meeting of the Mayor and Council of the Borough of Allentown and will be taken up for final consideration and passage at a regularly scheduled meeting of the Mayor and Council of the Borough of Allentown to be held on the 11th day of December, 2018 at the Municipal Building, 8 N. Main Street, Allentown, NJ.

A handwritten signature in black ink, appearing to read "Laurie A. Gavin", written over a horizontal line.

LAURIE A. GAVIN, MAS, RMC, CMR
Municipal Clerk