

BOROUGH OF FANWOOD

ORDINANCE NO. 13-06-R

**AN ORDINANCE AMENDING SECTIONS 9 TO 19
OF CHAPTER 242 OF THE FANWOOD BOROUGH CODE
TO REVISE SEWER USER CHARGES IN THE BOROUGH**

BE IT ORDAINED by the Mayor and Council of the Borough of Fanwood (the "Borough"), County of Union, State of New Jersey, as follows:

Section 1. Section 242-9.2 of Chapter 242 is amended as follows:

§ 242-9.2. Use of terms.

CLASS A PROPERTY means property utilized for single family and multifamily use, but does not include property which is utilized for any other purpose such as a home occupation.

CLASS A USERS means the owners and/or occupants of single family and multifamily residential units, including apartments and group homes, excluding assisted living and nursing home establishments and residential units also utilized for any other purpose such as a home occupation.

CLASS B PROPERTY means property utilized by Class B Users including where a home occupation(s) is (are) operated on the property. Class B Property does not include that portion of Class B Property which is properly occupied by Class A Users.

CLASS B USERS means the owners and/or occupants of business, commercial, industrial, institutional and governmental uses that discharge less than 100,000 gallons of sewerage a year.

CLASS C PROPERTY means property utilized by Class C Users including where a home occupation(s) is (are) operated on the property. Class C Property does not include that portion of Class C Property which is properly occupied by Class A Users.

CLASS C USERS means the owners and/or occupants of business, commercial, industrial, institutional and governmental uses that discharge 100,000 gallons or more but less than 200,000 gallons of sewerage a year.

CLASS D PROPERTY means property utilized by Class D Users, including where a home occupation(s) is (are) operated on the property. Class D Property does not include that portion of Class D Property which is properly occupied by Class A Users.

CLASS D USERS means the owners and/or occupants of business, commercial, industrial, institutional and governmental uses that discharge 200,000 gallons or more but less than 300,000 gallons of sewerage a year.

CLASS E PROPERTY means property utilized by Class E Users, including where a home occupation(s) is (are) operated on the property. Class E Property does not include that portion of Class E Property which is properly occupied by Class A Users.

utilize the records of the applicable water company servicing each Class B through Class I Property and utilize the actual usage for the preceding year. The charges shall be set by the Mayor and Council of the Borough on an annual basis by resolution beginning for year 2014 no later than May of each year. For year 2013, the Borough shall apply the charges set forth in Section 242-10B.

- B. The annual charge to be imposed by the Mayor and Council pursuant to resolution as set forth in Section 242-10A above shall not be less than the following: Class B User - Two Hundred (\$200.00) Dollars; Class C User - Five Hundred (\$500.00) Dollars; Class D User - Seven Hundred Fifty (\$750.00) Dollars; Class E User - One Thousand (\$1,000.00) Dollars; Class F User - One Thousand Two Hundred Fifty (1,250.00) Dollars; Class G User - Two Thousand Five Hundred (\$2,500.00) Dollars; Class H User - Five Thousand (\$5,000.00) Dollars; Class I User - Seven Thousand Five Hundred (\$7,500.00) Dollars;

Section 3. Section 242-11 of Chapter 242 is deleted and all Sections that follow are renumbered.

Section 4. Current Section 242-12 of Chapter 242 is renumbered as Section 242-11 and is amended as follows:

§ 242-11. Private wells.

The Borough reserves the right where a private well of water supply is involved on a Class B through Class I Property, if in the Borough's opinion, the owner should be required to install facilities, at the owner's expense, for measuring or determining the volume of Waste discharged into the Treatment Works based upon the water consumption in gallons consumed at any such premises for the twelve (12) months of the preceding year. The volume thus metered or measured shall be the basis for User Charges.

Section 5. Section 242-14 of Chapter 242 is renumbered as Section 242-13 and amended as follows:

§ 242-14. Assessment of charges; disposition.

- A. All User Charges established and provided for herein shall be assessed against each Class B through Class I User from which said Waste emanates on an annual basis. The User Charges shall be collected annually by the Borough of Fanwood at a time to be determined by resolution of the Mayor and Council as real estate taxes are collected therein.

- B. * * *

Section 6. Section 242-15 of Chapter 242 is renumbered as Section 242-14 and is amended as follows:

§ 242-15. Billing.

The bill for User Charges shall be forwarded by the Tax Collector to each Class B through Class I Property Owner, or other party designated in writing by the property owner, and shall be mailed at least twenty-five (25) days in advance of the due date. The bills shall be mailed no later than July 1st of each year. The annual User Charge bill shall be due on August 1st and shall be paid without interest or penalty if paid in a timely manner.

Section 12. All ordinances or parts of ordinances which are inconsistent with this ordinance are hereby repealed.

Introduction: April 16, 2013

Public Hearing
and Adoption: May 7, 2013

Colleen Mahr, Mayor

Attest:

Eleanor McGovern,
Borough Clerk