

ORDINANCE NO. 2018-37

ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING THE TOWNSHIP CODE IN ORDER AMEND CHAPTER 74, ENTITLED “WATER AND SEWER UTILITY”

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey, as follows:

SECTION 1. As a result of adoption and signing into Law P.L. 2018, c.74, certain revisions need to be made to the Township Code as it pertains to connection fees to the municipal water and sewerage systems. Chapter 74, Article II of the Township Code entitled “Water/Sewer Utility,” in particular § 74-16 entitled “Connection” is hereby repealed and replaced and shall read as follows:

§ 74-16. Connection fees.

- A. Fees for connection to the Barnegat Township Water Distribution System shall be nine hundred dollars (\$900) per unit for connection. Where the unit is an Affordable Housing unit, the fee for connection shall be four hundred and fifty (\$450) dollars. Where a developer installs the water mains and lateral, and the unit is not an Affordable Housing unit, then the connection fee shall be six hundred dollars (\$600) per unit for connection.
- B. Connection fees for the reconnection of a disconnected unit shall be calculated according to the following schedule:
 - 1. A credit, applicable to the connection fee to be charged for a reconnection of a disconnected property that was previously connected to the water distribution system, shall be given, provided that:

- a. The property has been connected to the water distribution system for at least 20 years; and
- b. Service charges have been paid for the property in at least one of the last five years.

2. The credit required under subsection (1) shall be calculated as follows:

- a. If the reconnection does not require any new physical connection or does not increase the nature or size of the service or the number of units, or does not expand the use of the water distribution system, the credit shall be equal in amount to the new connection fee.
- b. If the reconnection requires a new physical connection, increases the nature or size of the service or the number of service units, or expands the use of the water distribution, the credit shall be equal in amount to any connection fee previously paid for the property, and the Township shall charge the difference between the credit and the connection fee for the new use.
- c. If no connection fee was ever paid for the property, but all service charges due and owing on the property have been paid for at least 20 years, the credit shall be equal in the amount to new connection fee; provided, however, that any charges due and owing pursuant to paragraph (b) of this subsection shall be paid.

3. If no connection fee was ever paid for a disconnected property that is to be reconnected and which was previously connected to the water distribution system for at least 20 years, the Township shall charge, in addition to amount due and owing after application of a credit pursuant to this section, a connection fee equal to the lesser of:

- a. 20 percent of the service charges that would have been paid based upon the usage for the last full year that the property was connected to the water distribution system for the period from the date of the disconnection from the water distribution system to the date of the new connection; or
- b. The new connection fee.

4. A credit shall not be allowed under this section for a property that has been disconnected from the water distribution system for more than five years.

5. As used in this section, “disconnected property” means a property that has been physically disconnected from the water distribution or a property not physically disconnected but to which service has been discontinued without payments being made. A “disconnected property” shall not include a property that has been

temporarily disconnected from the water distribution system or to which service has been discontinued without payments being made for less than 12 consecutive months and is being reconnected as it existed, prior to the temporary disconnection of discontinuance of service.

6. For a property connected to the water distribution system for less than 20 years, the Township may charge an additional connection fee for an addition, alternation, or change in use that materially increases the level of use and imposes a greater demand on the water distribution system, but does not involve a new physical connection of the property to the water distribution system.

7. The connection fee authorized by subsection (6) of this section shall be equal to the amount by which the increased use and demand on the water distribution system exceeds the use and demand that existed prior to such addition, alteration or change in use.

8. Nothing in this section shall be construed to preclude the Township from charging a new or additional connection fee for any new or additional connections of a property to the water distribution, or for any increase in the size of an existing connection or for any new construction or additional service units connected to the water distribution system that materially increases the level of use or demand on the water distribution system.

9. As used in this section, “disconnected property” means a property that has been physically disconnected from the water distribution system or a property not physically disconnected but to which service has been discontinued without payments being made. A “disconnected property” shall not include a property that has been temporarily disconnected from the water distribution system or to which service has been discontinued without payments being made for less than 12 consecutive months and is being reconnected as it existed, prior to the temporary disconnection of discontinuance of service.

10. As used in this section, “materially increases” means any increase in the number of service units; or any other change which increases the level of use or demand on the water distribution system by 15 percent or more over the highest actual annual use and demand that existed prior to the 10-year period immediately preceding the addition, alternation or change in use; provided, however, that, if the property has been connected to the water distribution system for less than 10 years, the average level of use and demand shall be calculated based on the actual period of connection.

SECTION 2. All ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 4. This Ordinance shall take effect upon publication in an official newspaper of the Township, as required by and in conformance with law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed by the Township Committee of the Township of Barnegat on first reading at a meeting held on the **2nd day of October, 2018 at 6:30 p.m.** The Ordinance will be considered for second and final reading at a meeting of the Township Committee which is scheduled for the **13th day of November, 2018 at 10:00 a.m.,** or as soon thereafter as the matter may be reached, at the Municipal Building located at 900 West Bay Avenue, Barnegat, New Jersey, at which time the public is invited to ask questions, raise objections, or provide public comment with regard to the proposed adoption of this Ordinance.

**:/MICHELE RIVERS, RMC
MUNICIPAL CLERK**