

BOROUGH OF PALMYRA

AN ORDINANCE OF THE BOROUGH OF PALMYRA
AMENDING CHAPTER 215 OF THE CODE OF THE
BOROUGH OF PALMYRA ENTITLED "SEWERS"

Ordinance No. 2015-11

WHEREAS, Chapter 215 of the Code of the Borough of Palmyra (the "Code") sets forth, inter alia service charges; and

WHEREAS, there is a need to amend Chapter 215, Section 5 entitled "Service charges."

NOW BE IT RESOLVED by the governing body of the Borough of Palmyra in the County of Burlington and State of New Jersey as follows:

Chapter 215, Section 5 of the Code shall be replaced with the following:

Service Charges

1. Definitions

a. A "dwelling unit" is defined as a residential unit providing complete, independent living facilities including permanent provisions for living, sleeping, eating, cooking and sanitation.

b. A "mixed use structure" is a structure/building containing one or more dwelling unit(s) and one or more commercial unit(s).

c. An "owner" is defined as any individual, corporation, limited liability company, partnership, association, trust or other legal entity that owns any dwelling unit, public building, commercial building, industrial establishment or mixed use structure.

2. Frequency of Charges

The frequency of billings shall be determined by the Administrator and the sewer service charges shall be payable at the Borough Hall. Contained herein are the sewer service charges that are fixed and officially established for the use of the Palmyra

sewer system. All rates set forth herein shall be retroactive to the first billing period of 2015.

3. Rates

A. Schedule A: Dwelling Units - Nonindustrial Waste

Use

The owner of each dwelling unit shall pay a sewer charge of \$350.00 per year. One annual \$20.00 credit shall be given per dwelling unit for any owner if the dwelling unit is his or her primary residence and the owner is 65 years or older as of January 1st of the billing year.

B. Schedule B: Public and Commercial Buildings - Nonindustrial Waste

Commercial uses including but not limited to:

Churches

Professional offices, retail business stores or shops

Garage and filling stations without car wash

Restaurants and caterers, fast-food takeout

Banks and financial institutions

Business and financial institutions

Business and alcoholic consumption

Beauty salons and barbershops

Post office

Funeral homes

Bowling alleys

Automobile dealerships, with showroom

Automobile dealerships, without showroom

Lodges and clubs

Bridge complexes

Other commercial properties

All of the above are referred to as "Category B Users"

ANNUAL RATE

The owner of each Category B User shall pay a Base Rate of \$600.00 annually that shall be paid semi-annually in two installments of \$300.00 each.

ADDITIONAL FEE

In addition to the Base Rate, there is an Additional Fee that shall be based upon the Category B User's Water usage during the Measurement Period. The Additional Fee shall be computed by reference to the Category B User's water usage data obtained from the New Jersey American Water Company record for the bills from September through February (the "Measurement Period").

The Additional Fee shall be paid semi-annually and shall be computed as follows:

For each semi-annual billing: there is no additional fee for up to the first 20,000 gallons of water used during the last Measurement Period; there is an additional fee of \$9.28 for every 1,000 gallons of water used during the last Measurement Period in excess of 20,000 gallons of water up to 35,000 gallons of water; and there is an additional fee of \$9.78 for every 1,000 gallons of water used during the last Measurement Period in excess of 35,000 gallons of water up to 50,000 gallons of water; and there is an additional fee of \$10.28 for every 1,000 gallons of water used during the last Measurement Period in excess of 50,000 gallons of water.

C. Schedule C: Industrial Establishments Without Industrial Waste as defined by N.J.A.C. 7:14A-1.2 and/or Industrial Establishments Without Significant Indirect User Permit issued by the New Jersey Department of Environmental Protection. ("Category C User")

ANNUAL RATE

The owner of each Category C User shall pay a Base Rate of \$1,200.00 annually that shall be paid semi-annually in two installments of \$600.00 each.

ADDITIONAL FEE

In addition to the Base Rate, there is an Additional Fee that shall be based upon the Category C User's water usage during the Measurement Period. The Additional Fee shall be computed by reference to the Category C User's water usage data obtained from the New Jersey American Water Company records for the bills from September through February (the "Measurement Period").

The Additional Fee shall be paid semi-annually and shall be computed as follows:

For each semi-annual billing: there is no additional fee for up to the first 20,000 gallons of water used during the last Measurement Period; there is an additional fee of \$9.28 for every 1,000 gallons of water used during the last Measurement Period in excess of 20,000 gallons of water up to 35,000 gallons of water; and there is an additional fee of \$9.78 for every 1,000 gallons of water used during the last Measurement Period in excess of 35,000 gallons of water up to 50,000 gallons of water; and there is an additional fee of \$10.28 for every 1,000 gallons of water used during the last Measurement Period in excess of 50,000 gallons of water.

D. Schedule D: Industrial Establishments With Industrial Waste as defined by N.J.A.C. 7:14A-1.2 and/or Industrial Establishments With Significant Indirect User Permit issued by the New Jersey Department of Environmental Protection. ("Category D User")

(1) If sewer discharged is metered, the monthly discharge amounts shall be reported to the Borough on a monthly basis.

ANNUAL FEE

The owner of each Category D User shall pay a Base Rate of \$1,200.00 annually that shall be paid semi-annually in two installments of \$600.00 each.

ADDITIONAL FEE

In addition to the Base Rate, there is an Additional Fee for treatment and disposal of factory effluents or industrial wastes as defined by N.J.A.C. 7:14A-1.2 and/or for a Significant Indirect User that has a Permit issued by the New Jersey Department of Environmental Protection based upon the gallons of sewer discharged as follows:

For this subsection only, there shall be two (2) measurement periods as follows: (1) from January 1st through June 30th ("Period 1"); (2) from July 1st to December 31st ("Period 2").

Based on the actual meter readings for Period 1, there is no additional fee for up to the first 20,000 gallons of sewer discharged during Period 1, there is an additional fee of \$9.28 for every 1,000 gallons of sewer discharge in excess of 20,000 gallons up to 35,000 gallons; and there is an additional fee of \$9.78 for every 1,000 gallons of sewer discharge for up to 50,000 gallons; and there is an additional fee of \$10.28 for every 1,000 gallons of sewer discharge in excess of 50,000 gallons.

The sewer charges payable by the owner for Period 2 shall be computed as set forth in the preceding paragraph.

For facilities that pre-treat their effluent to levels below the most stringent parameter limits as set forth in 215-9 (B), have a surcharge percentage of less than 100 percent as determined by 215-9 (C) and provide routine testing at a frequency satisfactory to the Borough Sewer Engineer to demonstrate discharges at such levels, the Borough reserves the right to waive the additional fees for excess sewer discharge above 35,000 gallons and continue to charge the fee of \$9.28 for every 1,000 gallons over 35,000 gallons discharged during each of the measurement periods.

At the Borough's discretion, billings maybe made quarterly as opposed to twice a year.

(2) **If sewer discharged is not metered:**

ANNUAL RATE

The owner of each Category D Use shall pay a Base Rate of \$1,200.00 annually that shall be paid semi-annually in two installments of \$600.00 each.

ADDITIONAL FEE

In addition to the Base Rate, there is an Additional Fee that shall be based upon the Category D User's water usage during the Measurement Period. The Additional Fee shall be computed by reference to the Category D User's water usage data obtained from the New Jersey American Water Company records for the bills from September through February (the "Measurement Period").

The Additional Fee shall be paid semi-annually and shall be computed as follows:

For each semi-annual billing: there is no additional fee for up to the first 20,000 gallons of water used during the last Measurement Period; there is an additional fee of \$9.28 for every 1,000 gallons of water used during the last Measurement Period in

excess of 20,000 gallons of water up to 35,000 gallons of water; and there is an additional fee of \$9.78 for every 1,000 gallons of water used during the last Measurement Period in excess of 35,000 gallons of water up to 50,000 gallons of water; and there is an additional fee of \$10.28 for every 1,000 gallons of water used during the last Measurement Period in excess of 50,000 gallons of water.

(3) The owner of each Category D User shall, in addition to the above, be subject to the provisions Section 215-9 of the Code.

E. Schedule E: MIXED USE STRUCTURES ("Category E User")

(1) In the event a Mixed Use Structure contains multiple uses and each use does not have its water usage metered independently from the other use within the structure then the sewer service charge shall be determined as follows:

ANNUAL RATE

The owner of each Category E User shall pay a Base Rate which shall be the sum of the total number of dwelling and commercial uses contained in the structure multiplied by the corresponding annual charge as defined in Section A through D of this Section 5. This Base Rate is due annually and shall be paid semi-annually in two equal installments.

For example, if a structure contains three (3) dwelling units and two (2) commercial units, the base rate shall be 3 X \$350.00 for the dwelling units and 2 X \$600.00 for the commercial units for a total of \$2,250.00 annually and the charge shall be paid semi-annually in two equal installments of \$1,125.00.

ADDITIONAL FEE

In addition to the Base Rate, there is an Additional Fee that shall be paid by the Category E User based upon the Category E User's water usage during the Measurement Period. The Additional Fee shall be computed by reference to the Category E User's water usage data obtained from the New Jersey American Water Company records for the bills from September through February (the "Measurement Period").

The Additional Fee shall be paid by semi-annually and shall be computed as follows:

For each semi-annual billing: there is no additional fee if the mixed use structure uses water during the last Measurement Period less than the sum of the following:

(a) (20,000 gallons of water) multiplied by (the number of individual commercial units in the structure); plus

(b) (12,000 gallons of water) multiplied by (the number of dwelling units in the structure.

This sum shall be referred to as the Base Amount.

In the event that the Base Amount of water usage is exceeded, then there is an additional fee of \$9.28 for every 1000 gallons of water used during the last Measurement Period in excess of the Base Amount up to the tier one water usage threshold. The tier one water usage threshold is the Base Amount plus the sum of the following:

(a) (15,000 gallons of water used) multiplied by (the number of individual commercial units in the structure);

In the event that the tier one water usage threshold is exceeded, then there is an additional fee of \$9.78 for every 1000 gallons of water used during the last Measurement Period in excess of the tier one water usage up to the tier two water usage threshold. The tier two water usage threshold is the tier one water usage threshold plus the sum of the following:

(a) (15,000 gallons of water used) multiplied by (the number of individual commercial units in the structure);

In the event that the tier two water usage threshold is exceeded, then there is an additional fee of \$10.28 for every 1000 gallons of water used during the last Measurement Period in excess of the tier two water usage.

(2) CREDIT FOR INSTALLATION OF AN ADDITIONAL METER TO SEPARATE THE USES

For mixed use structures, the Borough will provide the owner a onetime credit not to exceed \$500.00 (based on actual, verifiable costs) for the installation of an additional water meter to isolate the dwelling units from the commercial units within the structure. No more than one credit per property will be authorized.

Chapter 215, Section 1 shall be supplemented by the adding of the following sentence at the end:

Any newly constructed structure or existing structure that is expanded to include a new

dwelling unit or commercial unit for which sewer service is required shall have a water meter installed prior to occupancy. The water meter shall separately monitor the water usage for each new dwelling unit and for each new commercial unit within a mixed-use structure.

4. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

5. This Ordinance shall take effect after final adoption and publication according to law.

CERTIFICATION OF CLERK

I, Barbara Sheipe, Clerk of the Borough of Palmyra, County of Burlington, State of New Jersey, do hereby certify the foregoing to be a true and correct copy of an ordinance introduced by the Borough Council held on July 6, 2015. A public hearing and adoption of the foregoing Ordinance to be held on July 20, 2015.



Barbara Sheipe
Borough Clerk