

**TOWNSHIP OF MONTGOMERY  
Ordinance No. 11-1378**

**AN ORDINANCE AMENDING CHAPTER XII SEWER  
AND WATER OF THE CODE OF THE TOWNSHIP  
OF MONTGOMERY (1984) TO ESTABLISH 2011  
SEWER USER RATES**

**WHEREAS**, it is necessary to establish Sewer Service Rates for the year 2011 in Montgomery Township;

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

**Section 1.** Subsection **12-10.2 “Sewer Service Charge Rate,”** 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. \$233.00 per unit for costs of billing, administration and debt service; *plus*
2. \$8.05 per CCF (\$0.011 per gallon), or part thereof, per unit of the lesser of:
  - (i) 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*
  - (ii) provided there has been positive metered water use in each 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.

In the event there has not been positive metered water use in each 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, 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.

In the event a non-residential use is equipped with a sewage effluent meter pursuant to subsection 12-10.4, in lieu of using metered water use, the volume of sewage discharged to the sewer system in the calendar year preceding the service year, using a conversion factor of one (1) gallon equals 0.001337 CCF, shall determine the portion of the unit's sewer service charge attributable to operation, improvement, contingencies and maintenance of the sewer system under this subsection 12-10.2a2.

b. The annual sewer service charge for billing, administration and debt service for the year in which a new connection is made shall be pro-rated as of the date of connection to the sewer system. The annual sewer service charge for costs of operation, improvement, contingencies and maintenance for the year in which a new connection is made shall be based upon a reasonable estimate of water consumption for the new use, taking into consideration the average water consumption of comparable uses, as determined by the Township Engineer, prorated as of the date of connection to the sewer system.

c. Sewer service charges are subject to revision by the Township as may be appropriate under *N.J.S.A. 40A:26A-10*.

**Section 2. Repealer.** All ordinances and resolutions or parts thereof inconsistent with this ordinance are hereby repealed.

**Section 3. 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 4. Effective Date.** This ordinance shall take effect upon final passage and publication in accordance with law.

**I, Donna Kukla, Clerk for the Township of Montgomery, hereby certify that Ordinance #11-1378 was introduced on first reading by the governing body of the Township of Montgomery, County of Somerset, on February 3, 2011.**

**Public hearing and consideration for adoption was held on February 17, 2011, at which time the Ordinance was finally adopted.**

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**Donna Kukla  
Township Clerk**