

ORDINANCE NO. 3537
INTRODUCED BY: MAYOR JOSEPH P. SCARPELLI
INTRODUCED ON: DECEMBER 19, 2023
PUBLISHED: DECEMBER 28, 2023
PUBLIC HEARING: JANUARY 16, 2024
PUBLISHED: JANUARY 25, 2024

TOWNSHIP OF NUTLEY
COUNTY OF ESSEX

ORDINANCE NO. 3537

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF NUTLEY IN THE COUNTY OF ESSEX ESTABLISHING A SEWER UTILITY FUND

WHEREAS, by Ordinance No. 3536, the Township of Nutley (the “Township”) has created a water and sewer utility to be known as the “Township of Nutley Water and Sewer Utility”; and

WHEREAS, the Board of Commissioners desires to establish a fund to be known as the Nutley Township Water and Sewer Utility Fund to be phased in over a six (6) month period from July 1, 2024 through December 31, 2024, and then from January 1, 2025 through December 31, 2025.

NOW, THEREFORE, BE IT ORDAINED, by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, being the governing body thereof, as follows, that:

SECTION 1. Creation of the Township of Nutley Water and Sewer Utility Fund.

Part I, Administrative Legislation, Chapter 112, Municipal Sewer Utility, of the Code of the Township of Nutley is hereby supplemented as follows:

Section 112-8 Establishment of a Separate Water and Sewer Utility Fund.

The moneys derived from the operations of the sewer utility known as Township of Nutley Water and Sewer Utility and any other moneys applicable to its support shall be segregated by the Township and held in a separate fund to be known as the “Nutley Township Water and Sewer Utility Fund” as prescribed by Section 40A:4-62 of the Local Budget Law and shall be applied by the Township as provided in said Section 40A:4-62. The Township Chief Financial Officer and such other person as may be designated by the Commissioner of Revenue & Finance are hereby authorized and directed to take such action and prepare such documentation as shall be necessary or appropriate to affect the establishment of the Nutley Township Water and Sewer Utility Fund. Transfer of revenues to the Nutley Township Water and Sewer Utility Fund shall occur over a six (6) month period from July 1, 2024, through December 31, 2024, and then over a one (1) year period from January 1, 2025, through December 31, 2025 pursuant to a plan to be developed by the Township Board of Commissioners.

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Section 112-9 Purpose of Fund.

As required by Section 40A:4-63 of the Local Budget Law, moneys held in the Nutley Township Water and Sewer Utility Fund shall be treated by Township officials as moneys held in trust for the purposes for which the Nutley Township Water and Sewer Utility Fund was created, and no banking institution accepting the Nutley Township Water and Sewer Utility Fund shall divert the moneys therein to any other purpose.

SECTION 2. Repeal of All Inconsistent Ordinances. All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed to the extent of such conflict or inconsistency.

SECTION 3. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect, and to this end, the provision of this Ordinance are hereby declared to be severable.

SECTION 4. Effective Date. This Ordinance shall take effect upon its final passage and publication in accordance with applicable law.

| Record of Vote | Commissioner John V. Kelly, III | Commissioner Thomas J. Evans | Commissioner Alphonse Petracco | Commissioner Mauro G. Tucci | Mayor Joseph P. Scarpelli |
|-----------------------|--|---|---|--|--------------------------------------|
| <i>Yes</i> | | X | X | X | X |
| <i>No</i> | | | | | |
| <i>Not Voting</i> | | | | | |
| <i>Absent/Excused</i> | X | | | | |