

**BOROUGH OF FANWOOD,
UNION COUNTY, NEW JERSEY**

ORDINANCE: O-2022-01-S

**AN ORDINANCE OF THE BOROUGH OF FANWOOD, COUNTY OF UNION,
AND STATE OF NEW JERSEY
AMENDING CHAPTER 242 FOR SANITARY SEWERS**

WHEREAS, the Borough of Fanwood (“the Borough”), pursuant to the New Jersey Municipalities & County Sewerage Act, N.J.S.A. 40A:26A-1 *et seq.* and Fanwood Ordinance No. 18-02-R created “The Fanwood Sewer Utility”; and

WHEREAS, the Borough desires to amend said ordinance;

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

Chapter 242 is hereby amended as follows:

Section 242-9.1 Use of Terms.

Base Year is hereby deleted.

Class A Property is hereby deleted.

Class A Users is hereby deleted.

Class B Property is hereby deleted.

Class B1 Users is hereby deleted.

Class B2 Users is hereby deleted.

Class C Property is hereby deleted.

Class C Users is hereby deleted.

Class D Property is hereby deleted.

Class D Users is hereby deleted.

Class E Property is hereby deleted.

Class E Users is hereby deleted.

Class F Property is hereby deleted.

Class F Users is hereby deleted.

Class G Property is hereby deleted.

Class G Users is hereby deleted.

Class H Property is hereby deleted.

Class H Users is hereby deleted.

Class I Property is hereby deleted.

Class I Users is hereby deleted.

Material Change is hereby deleted.

Property Classifications is hereby added:

Residential Properties are those properties with a dwelling house situated on the lot and which are defined as property class code 2 by N.J.A.C. 18:12-2.2.

Tax Exempt Properties are defined as lots and parcels which are exempt from taxation by law and are defined as property class code 15F by N.J.A.C. 18:12-2.2.

Commercial Properties which are defined as property class code 4A, 4B & 4C pursuant to N.J.S.A. 40A: 21-1 et. seq., N.J.A.C 18;12-2.2 and those properties covered by Chapter 268 of the Borough Code.

Mixed Use Properties which are defined as having a residential and non-residential use as permitted by Chapter 184-119 of the Borough Code.

Public Properties are defined as property class code 15C pursuant to N.J.A.C. 18:12-2.2 and those properties owned by the Borough.

Vacant Land is defined as property class code 1 under N.J.A.C. 18:12-2.2.

Estimated User is defined as a user of the system with no information or data on actual wastewater use.

User Charge is hereby amended to read:

The charge levied upon each user of the treatment works of the Borough for the annual cost of treatment of sewage and other wastewater, as well as the operation and maintenance, including replacement, of trunk lines and other aspects of the treatment works.

Waste is hereby amended to read:

Wastewater generated by each user.

Section 242-10 Imposition of Charges is hereby amended to read:

A. The rate for the aforesaid usage shall be based upon the water consumption in gallons consumed at any such property as defined herein. To the extent possible, the Borough shall use records of the applicable water company servicing each property. The annual rate shall be set by the Mayor & Council by resolution by March 1st of the applicable year. In the event the rate is not set by March 1st, the Chief Financial Officer shall set the rate by March 15th. In either case, annual charges are due by **July 1st**.

B. If a user believes its water usage has had a material change from the last base year utilized, such user can appeal by submitting copies of actual water bills to the Borough Tax Collector. All appeals shall be submitted in writing within fifteen (15) days **after** the billing date. **In the event the appeal recalculation reveals a difference of less than \$25.00 no adjustment or refund will be made. A recalculation resulting in a difference of over \$25.00 but under \$100.00, users will receive a credit. Any recalculation resulting in a difference of \$100.00 or more, a refund check will issue to the user.** As it relates to new businesses, the Borough will determine the sewer charge based on the best information available at the time utilizing estimated water usage bills.

Section 242-13 Assessment of charges; disposition is hereby amended to read:

A. All user charges established and provided for herein shall be assessed against each 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.

B. User charges shall draw the same interest from the time they become due, as taxes upon real estate in the municipality, and shall be a lien upon the premises until paid, and the municipality shall have the same remedies for the collection thereof, with interest, costs and penalties, as it has by law for the collection of taxes upon real estate.

Section 242-14 Billing is hereby amended to read:

The bill for user charges shall be forwarded by the Tax Collector to each user, or other party designated in writing by the property owner, and shall be mailed at least 25 days in advance of the due date. The user charge shall be due **July 1st** of each year.

Section 242-17 Review of Charges is hereby deleted.

BE IT FURTHER ORDAINED that Chapter 242 shall take effect as provided by law.

Introduced: February 22, 2022

Adopted: March 21, 2022

Colleen Mahr, Mayor

Attest: _____
Kathleen Holmes, Clerk