

**TOWNSHIP OF GREENWICH
COUNTY OF WARREN
STATE OF NEW JERSEY**

ORDINANCE #106-2020

**AN ORDINANCE AMENDING CHAPTER 21 SECTION 9.6 OF THE REVISED
GENERAL ORDINANCES OF THE TOWNSHIP OF GREENWICH, NEW JERSEY
ENTITLED “SEWER CONNECTION FEES”**

WHEREAS, the Inter-Municipal Sewerage Agreement by and between the Town of Phillipsburg and the Township of Greenwich, dated December 1, 1998 (the “Inter-Municipal Sewerage Agreement”) provides, *inter alia*, that “[s]ewer use ordinances shall be enacted by all parties and shall contain the specific language included in the Phillipsburg Sewage Disposal System Code or alternative language approved by the Phillipsburg Sewer Utility so as to remain in full uniform compliance with all rules and regulations promulgated [by] the Town of Phillipsburg and by NJDEP”; and

WHEREAS, Chapter 485-11 of the Town of Phillipsburg’s Ordinances for Sewer Connection Fees states in relevant part:

A. It shall be assumed and established that for single-family dwellings and for multiple-family dwellings on a per-unit basis, said unit shall consume approximately 250 gallons per day, and the current charge for connection shall be \$8 per gallon or \$2,000 per residential unit.

B. For nonresidential units, said charge shall be based upon the actual gallonage as certified by the applicant and approved by the Municipal Engineer of the Town of Phillipsburg. For example, if an applicant proposes to produce 2,000 gallons of wastewater for treatment, the connection charge will be \$10 times 2,000 or \$20,000.

[Amended 2-3-1998 by Ord. No. O:98-02]

C. Connection charges for connections made as part of a development where the developer installs a sewage collection system at his/her/its own cost and where there are at least six connections to the sewer line shall be 75% of the amount of the charge outlined in Subsections **A** and **B** above.

[Amended 6-21-2011 by Ord. No. O:2011-11]

WHEREAS, the Township of Greenwich and the Township of Lopatcong (collectively, the “Plaintiffs”) and the Town of Phillipsburg (the “Defendant”) executed a settlement agreement in December 2019 regarding all claims and causes of action asserted with respect to Township of Greenwich v. Town of Phillipsburg, Docket No. WRN-136-14 (consolidated with) Township of Lopatcong v. Town of Phillipsburg, Docket No. WRN-L-41-14, filed in the Superior Court of New Jersey, Law Division (the “Settlement Agreement”); and

WHEREAS, in accordance with the Settlement Agreement, the Townships of Greenwich and Lopatcong are following the procedure in amending their municipal codes to provide that: (1) fifty percent (50%) of sewer connection fees for new or expanded sewer connections for properties located within their municipal boundaries shall be paid by the connectors directly to the Town of Phillipsburg, in an amount to be set by the Town of Phillipsburg by Ordinance in accordance with N.J.S.A. 40A:26A-11; and (2) no certificate of occupancy shall be issued by the Township of Greenwich as to the connector’s property until the connector provides proof of payment of the full sewer connection fee, which shall include proof of payment made by the connector to the Town of Phillipsburg of its fifty percent (50%) portion of the sewer connection fee.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Township Committee of the Township of Greenwich, in the County of Warren, State of New Jersey that Chapter 21, Section 9.6 of the Revised General Ordinances of the Township of Greenwich entitled “Sewer Connection Fees” is hereby amended as follows:

1. Any property owner that connects to the Township of Greenwich sewerage collection system, either directly or indirectly, shall be charged a sewer connection fee. The sewer connection fee shall be uniform within each class of users and said fee shall be equal to the amount set forth in Chapter 485-11 of the Town of Phillipsburg's Ordinances for sewer connection fees, which shall be calculated pursuant to N.J.S.A. 40A:26A-11, as amended and supplemented from time to time.
2. Upon sewer connection, fifty percent (50%) of the sewer connection fee to be paid pursuant to this section shall be paid by the connector to the Township of Greenwich and fifty percent (50%) of the sewer connection fee shall be paid by the connector directly to the Town of Phillipsburg.
3. No certificate of occupancy shall be issued by the Township of Greenwich as to the connector's property until the connector provides proof of payment of the full sewer connection fee, which shall include proof of payment made by the connector to the Township of Greenwich for fifty percent (50%) of the sewer connection fee and payment made by the connector to the Town of Phillipsburg for fifty percent (50%) of the sewer connection fee.
4. Severability. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.
5. Repealer. All Ordinances or parts of Ordinances inconsistent with or in conflict with the Ordinance are hereby repealed to the extent of such inconsistency.

6. Effective Date. This Ordinance shall take effect after final passage, adoption and publication according to law.

Robert Barsony, Mayor

Lisa Burd Reindel, RMC, CMR
Township Clerk

Introduction:	April 16, 2020
Publication:	April 23, 2020
Second Reading:	May 21, 2020
Adoption:	May 21, 2020
Publication:	May 28, 2020