

**TOWNSHIP OF MONTVILLE**

**ORDINANCE NO. 2025 - 16**

**AN ORDINANCE OF THE TOWNSHIP OF MONTVILLE, COUNTY OF MORRIS, STATE OF NEW JERSEY TO AMEND CHAPTER 394 "WATER", ARTICLE II "WATER CHARGES", SECTION 394-21 "RATES GENERALLY", CHAPTER 300 "SEWERS", ARTICLE III "BUILDING SEWERS; CONNECTIONS; FEES; PUBLIC SEWER SYSTEM EXTENSION", SECTION 300-17 "SEWER RATES", AND CHAPTER 169 ENTITLED "FEE SCHEDULE", SECTION 169-13 "WATER AND SEWER FEES" OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF MONTVILLE**

**WHEREAS**, the Township Code contains information necessary for the calculation of the connection fees for water and sewer service for all new connections to Township water and sewer systems; and

**WHEREAS**, an engineering consultant was retained by the Township to conduct a thorough analysis of the Township's connection fee formulas, the applicable statutes and regulations and to recommend amendments in order to ensure compliance with the applicable statutes and regulations; and

**WHEREAS**, Township Administration and the Township Water and Sewer Department have reviewed the results of the analysis and determined that modification is necessary; and

**WHEREAS**, these changes are prospective and shall apply to all sewer and water connection applications for projects where building permits have not been issued as of the effective date of this Ordinance; and

**WHEREAS**, the Township Committee has reviewed the suggested revisions and has determined that same should be enacted.

**NOW THEREFORE, BE IT ORDAINED**, by the Mayor and Township Committee of the Township of Montville, in the County of Morris and State of New Jersey, that amendments set forth below are made to the Revised General Ordinances of the Township of Montville.

**Section 1.** Chapter 394 "Water", Article II "Water Charges", Section 394-21 "Rates Generally" shall be amended to add a new subsection D to read as follows:

**§394-21 Rates Generally.**

- A. The provisions of N.J.S.A. 40A:31A-11.1, N.J.S.A. 40A:31A-11.2 and N.J.S.A. 40A:31A-11.3 are incorporated herein as if set forth fully.
- B. Quarterly water usage charges shall be determined by the schedule in Chapter 169, Fee Schedule.
- C. Standby fire sprinkler systems. Charges for standby fire connections shall be based on the diameter of the fire line as set forth in Chapter 169, Fee Schedule.

D. Water connection fee.

- (1) Definitions. As used in this section, except for single-family residential units, the term Equivalent Dwelling Unit or EDU shall mean each individual residential, commercial or industrial unit, whether in a single or multi-unit structure, having a demand on the water system equal to 279 gallons per day (gpd).
- (2) Each single-family detached residential unit shall equal one (1) EDU.
- (3) Calculation of connection fee. The owner or occupant of a residential, commercial or industrial unit who may wish to or who is legally required to connect to the Township water system shall pay a connection fee for each EDU in the amount set forth in Chapter 169, Fee Schedule. The total water connection fee shall be determined by multiplying the number of EDUs as calculated per number 4 below times the connection fee per EDU set forth in Chapter 169.
- (4) Determination of number of EDUs. The number of EDUs shall be calculated by dividing the projected average daily water demand for the proposed project by the average daily water demand for the single-family residence of 279 gpd. Any fractional EDU resulting from the EDU calculation shall be considered one (1) EDU.
- (5) The projected water demand for the proposed project shall be calculated by the Applicant, subject to review and approval by the Township Water and Sewer Director, based on the New Jersey Administrative Code §5:21-5.2, Table 5.1, Water Demand by House Type and Size for Residential Units. For other than residential units, the Projected Flow criteria set forth in N.J.S.A. 7:14A-23.3 shall be used.
- (6) The minimum connection fee shall be equal to one EDU.
- (7) Fire line connection fee. There shall be imposed for each fire line connected to the Township's water main the sum set forth in Chapter 169, Fee Schedule.
- (8) Payment plan for water connection fee. The connection fee may be paid in payments over a period of no more than five years with interest of 12% when the connection is for an existing property and is mandated by the Township. In order to qualify for the payment of the connection fee through a payment plan, the property owner must provide satisfactory proof of the inability to pay the connection fee by submitting an application for approval by the Township Committee. If the Township Committee agrees to accept payment of the connection fee by a payment plan, it shall do so conditioned upon the property owner executing documents securing the payment to the Township as is determined by the Township Attorney to be necessary.

- (9) Deferral of payment of connection fee for tax exempt properties. The connection fee for water service to properties which are exempt from taxation may be deferred at the request of the property owner. The connection fee shall be fully due and owing at such time as the property ceases to maintain its exemption from real property taxation.
- (10) Water connection fees shall be assessed for all new connections, additional connections, increase in the size of existing connections, or new construction of additional service units connected to the water distribution system in accordance with N.J.S.A. 40A:31-11.1.
- (11) Credit towards a water connection fee for reconnection of a disconnected property that was previously connected to the water distribution system shall be applied provided that the property has been connected to the water distribution system for at least 20 years and the service charges have been paid for the property in at least one of the last five years in accordance with N.J.S.A. 40A:31-11.2.

E. Affordable Housing, senior citizen and disabled persons rate reduction.

- (1) Per N.J.S.A. 40A:31-11.3, public housing authorities, non-profit organizations building affordable housing and other affordable housing, including affordable housing in inclusionary projects, shall be allowed a fifty percent (50%) reduction in the Connection Fee for new connections to the water system.
- (2) Pursuant to N.J.S.A. 40A:31-10.1, the Township may provide a reduction in rates for residential water service to qualifying senior citizens and disabled persons.

**Section 2.** Chapter 300 "Sewers", Article III "Building Sewers; Connections; Fees; Public Sewer System Extension", Section 300-17 "Sewer Rates" shall be amended to read as follows:

**§300-17 Sewer Rates.**

The sanitary sewer rates (quarterly) shall be as follows:

- A. The provisions of N.J.S.A. 40A:26A-11.1, N.J.S.A. 40A:26A-11.2 and N.J.S.A. 40A:26A-11.3 are incorporated herein as if set forth fully.
- B. Quarterly sewer usage charges shall be as set forth in Chapter 169, Fee Schedule.
- C. For users not connected to the Township water system, excessive usage above 20,000 gallons per quarter shall be determined by one of the following methods:
  - (1) By sewage meter installed and maintained at the owner's expense.
  - (2) By any other method considered reasonable by the Township in consultation with the Engineer.

- D. Where a significant amount of water as measured by the water meter is not discharged into the sanitary sewer system due to product consumption or lawn sprinkling, the Township may elect to adjust the sewer overage charges by one of the following methods:
- (1) By an approved water meter to measure product losses or lawn sprinkling.
  - (2) By alternate means or procedures approved by the Township in consultation with the Engineer.
- E. Sewer connection fee.
- (1) Definitions. As used in this section, except for single-family residential units, the term Equivalent Dwelling Unit or EDU shall mean each individual residential, commercial or industrial unit, whether in a single or multi-unit structure, with a projected flow to the sewer system equal to 271 gallons per day (gpd).
  - (2) Each single-family detached residential unit shall equal one (1) EDU.
  - (3) Calculation of connection fee. The owner or occupant of a residential, commercial or industrial unit who may wish to or who is legally required to connect to the Township sewer system shall pay a connection fee for each EDU in the amount set forth in Chapter 169, Fee Schedule. The total sewer connection fee shall be determined by multiplying the number of EDUs as calculated per number 4 below times the connection fee per EDU set forth in Chapter 169.
  - (4) Determination of number of EDUs. The number of EDUs shall be calculated by dividing the projected average daily sewer flow for the proposed project by the average daily sewer flow for the single-family residence of 271 gpd. Any fractional EDU resulting from the EDU calculation shall be considered one (1) EDU.
  - (5) The projected sewer flow for the proposed project shall be calculated by the Applicant, subject to review and approval by the Township Water and Sewer Director, based on the Projected Flow Criteria set forth by N.J.S.A. 7:14A-23.3.
  - (6) The minimum connection fee shall be equal to one EDU.
  - (7) Payment plan for sewer connection fee. The connection fee may be paid in payments over a period of no more than five years with interest of 12% when the connection is for an existing property and is mandated by the Township. In order to qualify for the payment of the connection fee through a payment plan the property owner must provide satisfactory proof of the inability to pay the connection fee by submitting an application for approval by the Township Committee. If the Township Committee agrees to accept payment of the connection fee by a payment plan it shall do so conditioned

upon the property owner executing documents securing the payment to the Township as is determined by the Township Attorney to be necessary.

- (8) Deferral of payment of connection fee for tax-exempt properties. The connection fee for sewer service to properties which are exempt from taxation may be deferred at the request of the property owner. The connection fee shall be fully due and owing at such time as the property ceases to maintain its exemption from real property taxation.
- (9) Sewer connection fees shall be assessed for all new connections, additional connections, increase in the size of existing connections, or new construction of additional service units connected to the sewerage system in accordance with N.J.S.A. 40A:26A-11.1.
- (10) Credit towards a connection fee for reconnection of a disconnected property that was previously connected to the sewerage system shall be applied provided that the property has been connected to the sewerage system for at least 20 years and the service charges have been paid for the property in at least one of the last five years in accordance with N.J.S.A. 40A:26A-11.2.

F. Affordable Housing, senior citizen and disabled persons rate reduction.

- (1) Per N.J.S.A. 40A:26A-11.3, public housing authorities, non-profit organizations building affordable housing and other affordable housing, including affordable housing in inclusionary projects, shall be allowed a fifty percent (50%) reduction in the Connection Fee for new connections to the water system.
- (2) Pursuant to N.J.S.A. 40A:26A-10.1, the Township may provide a reduction in rates for residential sewer service to qualifying senior citizens and disabled persons.
- (3) Residential property owned or occupied by individuals who qualify as senior citizens or disabled persons will receive a rate reduction of \$21.75 per quarter credit against sewer bills.

All other portions of this Section not addressed herein shall remain unchanged.

**Section 3.** Chapter 169 "Fee Schedule", Section 169-13 "Water and Sewer Fees" shall be amended to read as follows:

**§169-13 Water and Sewer Fees.**

B. Connection fees:

- (1) Water connection, per EDU: \$5,838
- (2) Sewer connection, per EDU: \$10,750
- (3) Fire line: \$1,800.

All other portions of this Section not addressed herein shall remain unchanged.

**Section 4.** If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

**Section 5.** Nothing herein shall implicate zoning matters, these changes being an exercise of the Township's police powers in connection with its regulation of the health and safety of the public.


**Section 6.** These changes are prospective and shall apply to all sewer and water connection applications for projects where building permits have not been issued as of the effective date of this Ordinance.

**Section 7.** In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Township of Montville, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Revised General Ordinances of the Township of Montville are hereby ratified and confirmed, except where inconsistent with the terms hereof.


**Section 8.** If any section, subsection, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect the remaining portion of this ordinance.

**Section 9.** This Ordinance may be renumbered for purposes of codification.

**ATTEST:**

  
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Stacy Kostka, Township Clerk

**TOWNSHIP OF MONTVILLE  
COUNTY OF MORRIS  
STATE OF NEW JERSEY**

  
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Matthew S. Kayne, Mayor

Introduction: 7/22/2025  
Public Hearing: 8/12/2025  
Adoption: 8/12/2025