

Explanation: This Ordinance supplements and amends Chapter XX entitled “Sewers,” by among other things, establishing the Sewerage Utility of the Township of Springfield. Annual service fees collected by the Sewerage Utility will be used to satisfy the Township’s annual service charges from the Rahway Valley Sewerage Authority.

**TOWNSHIP OF SRPINGFIELD**  
**ORDINANCE NO. 2010-\_\_\_\_\_**

AN ORDINANCE SUPPLEMENTING AND AMENDING CHAPTER XX ENTITLED “SEWERS” OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF SPRINGFIELD AND ESTABLISHING THE SEWERAGE UTILITY OF THE TOWNSHIP OF SPRINGFIELD.

**BE IT ORDAINED**, by the Township Committee of the Township of Springfield, County of Union, State of New Jersey, as follows:

**SECTION I.** Chapter XX entitled “Sewers” of The Revised General Ordinances of the Township of Springfield is hereby further supplemented and amended by creating new Section 20-5 (currently identified as “Reserved”) entitled “Sewerage Utility of the Township of Springfield” to read as follows:

**20-5 SEWERAGE UTILITY OF THE TOWNSHIP OF SPRINGFIELD.**

**20-5.1 Established.**

Pursuant to the “Local Budget Law,” N.J.S.A. 40A:4-1, *et seq.*, a sewerage utility is established in the Township of Springfield, to be known and cited as “The Sewerage Utility of the Township of Springfield” or “Sewerage Utility.”

**20.5.2 Effective Date.**

The Sewerage Utility shall commence as of January 1, 2010 and is retroactive to that date. All sewer bills billed and/or payable commencing January 1, 2010 shall be a credit of the Sewerage Utility.

**20-5.3 Budget Revenues.**

The Sewerage Utility shall set forth the anticipated revenues from the operation which is set forth in a separate section of the Township budget form as promulgated by the Division of Local Government Service within the State of New Jersey Department of Community Affairs. The annual service charges established by this Section 20-5 are intended to be a direct pass-through for each sewer connection within the Township of Springfield pursuant to and in accordance with the Township of Springfield’s agreement with the Rahway Valley Sewerage Authority (“RVSA”). Prior to January 1, 2010, the appropriation and comparable costs and charges relating to the RVSA and all related sewer maintenance costs were included in the current budget of the Township of Springfield. Through the implementation of this Ordinance, the appropriation and costs relating to sewer maintenance and sewerage disposal have been removed from the current

operating budget commencing with an effective date of January 1, 2010. Revenues collected by the Sewerage Utility will be used to pay those annual service charges imposed upon the Township of Springfield by the RVSA for the use of their sewerage system and the treatment of sewage flow into the RVSA sewerage system.

**20-5.4 Budget – Appropriations.**

The Sewerage Utility budget shall set forth the appropriations in the form and detail prescribed by the regulations of the Division of Local Government Services and shall include, at least:

- a. Operations;
- b. Interest and debt requirement; and
- c. Deferred charges and statutory expenditures.

**20-5.5 Accounting Procedures.**

The Chief Financial Officer shall be directed and empowered to adopt accounting procedures consistent with this Chapter and the aforesaid statutes relative to the creation of the Sewerage Utility.

**20-5.6 Existing Ordinances, regulations and rules.**

All currently existing ordinances, regulations and rules relating to sewerage fees, bills and/or other sewerage matters remain in effect until modified by appropriate action of the Township Committee.

**20-5.7 Governed by Township Committee.**

The Sewerage Utility shall be governed by the Township Committee of the Township of Springfield.

**20-5.8 Operation and Conduct of Sewerage Utility.**

All matters with respect to the operation and conduct of the Sewerage Utility not determined by this Chapter shall be determined by resolutions or by amendments to this Chapter to be hereafter adopted.

**SECTION II:** Chapter XX entitled ‘Sewers’ of the Revised General Ordinances of the Township of Springfield is hereby further supplemented and amended by creating a new Section 20-6 (currently identified as ‘Reserved’) entitled ‘Service Charges’ to read as follows:

**20-6 SERVICE CHARGES**

**20-6.1 Annual Service Charge.** Except as otherwise exempted as set forth in this Section 20-6, there shall be an annual service charge for each sewer connection based on the uses of the property in accordance with the following schedule:

- a. Residential uses – Class ‘R.’ Residential units shall consist of single family and multi-family residential units, including condominiums and townhouses; all class 4C apartment complexes, and all Class 15D Parsonages.
- b. Residential Rate – the annual service charge for Class ‘R’ residential units (except

for residential properties on septic) shall be calculated as follows:

- (i) two hundred fifty (\$250) dollars per annum for 48,000 gallons or less of water consumed per annum; and
- (ii) the per gallon rate adopted annually by Resolution of the Township Committee for each gallon of water consumed in excess of 48,000 gallons per annum.

c. All Class 4C apartment complexes shall be billed at the Residential Rate structure set forth in Section 20-6.1b. above, as follows:

- (i) the annualized average flow for each apartment unit will be calculated by dividing the annualized total flow for the entire apartment complex situated on the same lot by the total number of apartment units within that apartment complex; then
- (ii) the Residential Rate structure set forth in Section 20-6.1b. shall be applied to determine the “per apartment unit cost”; then
- (iii) the sewer bill for said apartment complex shall equal the sum of the “per apartment unit cost” multiplied by the number of units within said apartment complex situated on the same lot.

d. The Class 4C apartment complexes in existence within the Township as of the adoption of this Ordinance are identified on Schedule A hereto. Any future Class 4C apartment complexes may be added to said list by Resolution of the Township Committee.

e. All Class 15D “Parsonages” shall be billed at the Residential Rate set forth in Section 20-6.1b. above. The Parsonages in existence as of the adoption of this Ordinance are identified on Schedule “B” hereto. Any future Parsonages may be added to said list by Resolution of the Township Committee.

f. Exempt properties. Specifically exempt from annual sewer service charges are all township-owned properties – Class “15C”, including the following:

- 1. Town Hall and other Township-owned premises of similar use;
- 2. Rescue squad, fire department, and police department facilities;
- 3. Department of Public Works facilities;
- 4. Library; and
- 5. Parks, public recreational facilities.

g. Business, non-profit, commercial, miscellaneous and industrial uses – Classes 3A/3B, 4A, 4B, 15C (except for Township owned properties), 15D (except Parsonages), 15E and 15F shall be billed at the Non-Residential Rate set forth in subsection 20-6.1j. below.

h. Private educational uses – Class “15B”. The annual sewer service charge for

property used for private educational purposes shall be the same as Class 3A/3B, 4A, 4B, 15D, 15E and 15F uses and shall be billed at the Non-Residential Rate set forth in subsection 20-6.1j. below.

- i. Public educational uses – Class “15A”.The annual sewer services charge for property used for public educational purposes shall be the same as Class 3A/3B, 4A, 4B, 15D, 15E and 15F uses and shall be billed at the Non-Residential Rate set forth in subsection 20-6.1j. below.
- j. Non-Residential Rate – the annual sewer service charge for all non-residential uses described and detailed in Section 20-6.1f. (except for non-residential properties on septic) shall be calculated as follows:
  - (i) two hundred fifty (\$250) dollars per annum for 48,000 gallons of water consumed per annum; and
  - (ii) the non-residential per gallon rate adopted annually by Resolution of the Township Committee for each gallon of water consumed in excess of 48,000 gallons per annum.
- k. Where a property is occupied by a combination of types of occupancy, the total sewer service charge shall be determined by applying the usage classification assigned to the property by the Tax Assessor.
- l. The Township reserves the right where a private well of water supply is involved, if in its opinion it is deemed desirable, to require the owner to install facilities, at the owners expense, for measuring or determining the volume of sewage discharges into the sanitary sewage system. The volume thus metered or measured shall be the basis for sewer service charges in accordance with provisions stated elsewhere herein.
- m. If there exists no known data available to the Township to ascertain the amount of water consumed by the property owner, there shall be imposed a maximum annual service charge to said property of \$25,000, which sum shall take priority over the other charges set forth in this subsection 20-6.1.
- n. If a property owner has installed a separate water meter for a pool not flowing into the sewer system and/or a sprinkler system, the water flow from such separate water meter(s) shall not be included in the calculation of the annual sewer service charge; provided, however, that the property owner affords the appropriate Township officials reasonable access to the property to confirm the existence of such separate water meter(s).
- o. The Plumbing Sub-Code Official, Assistant Township Engineer, Health Officer, Building Sub-Code Official and other duly authorized employees of the Township bearing proper credentials and identification shall be permitted to enter upon all properties within the Township for the purpose of inspection, observation, measurement, sampling and testing, in accordance with the provisions of this Chapter

and in accordance with N.J.S.A. 40A:26A-19.

p. If the Sewerage Utility of the Township of Springfield is charged additional fees by the RVSA, pursuant to its existing agreement, based upon the quality and/or quantity of flow, the Sewerage Utility reserves the right to pass those charges on to those industrial users of the sewerage system to whom such additional fees are attributable. It is the intent of this subsection that these additional fees shall be in addition to the annual sewer charge computed in accordance with subsection 20-6.1j. above.

q. In addition to those annual sewer charges established by this Section 20-5, the Sewerage Utility shall have the right to include in the rate structure established hereby all direct and indirect costs and expenses associated with the administration and maintenance of the Sewerage Utility.

r. The Township shall also charge the Town of Westfield and the Borough of Mountainside for their use of the sewerage system within the Township of Springfield at the “Intra-municipality” rate adopted annually by Resolution of the Township Committee.

s. In the event that the common elements of any apartment complex, condominium association, homeowners association or co-operative corporation located within the Township include washing machines, cold water outlets or pools which flow into the sewerage system, the Sewerage Utility shall invoice such apartment complex, condominium association, homeowners association or co-operative housing corporation at the Residential Rate for such flow as set forth in subsection 20-6.1b above.

t. In the event that the RVSA imposes any penalties or charges upon the Sewerage Utility or the Township of Springfield for violating its flow limitation as forth in the agreement with the RVSA, the Sewerage Utility reserves the right to invoice those users of the sewerage system directly or indirectly responsible for such excessive flow. It is the intent of this subsection that these additional penalties or charges imposed upon the Sewerage Utility or the Township of Springfield by the RVSA be added to the sewer service charges which have been computed in accordance with Sections 20-6.1b. and 20-6.1j. hereunder.

u. Discounted Rates. The following property owners shall be entitled to a discount of ten (10%) percent off the annual service charge for Class “R” residential units (except for residential properties on septic) set forth in subsection 20-6.1b. above:

- (i) Qualified New Jersey resident senior citizens, disabled persons, or the surviving spouse meeting the criteria set forth in N.J.S.A. 54:4-8.40 *et seq.*; and
- (ii) 100% disabled Veterans or surviving spouse/surviving civil

union partner/surviving domestic partner of 100% disabled veterans or service persons meeting the criteria set forth in N.J.S.A. 54:4-8.10 *et seq.* and the rules and regulations set forth in N.J.A.C. 18:27-1 *et seq.*

The burden of proof to receive such discount shall be the responsibility of the individual or individuals seeking such discount through documentation acceptable to the appropriate representative(s) of the Sewerage Utility. Any property owner who becomes eligible for any of the discounts set forth above either (i) after the adoption of this ordinance, or (ii) after the annual sewer service charge has been billed in any subsequent year after the adoption of this ordinance, shall receive such discount beginning as of January 1 of the year after such eligibility has been established.

v. The Residential and Non-Residential rates established by Resolution as provided in this subsection 20-6.1 shall remain in effect until changed or modified by subsequent Resolution of the Township Committee.

**20-6.2 Collection of Sewer Service Charges.** The sewer service charges referenced in Section 20-6.1 shall be issued as one bill with two (2) payment stubs as detailed below. Such sewer service charges shall remain a lien upon the subject property until paid and satisfied.

**20-6.3 Billing.** The bill for the sewer service charge shall be based upon water consumption for the period beginning January 1 through December 31 of the immediately preceding year. The bill will be forwarded by the Tax Collector to the property owner and shall be issued as one (1) bill with two (2) payment stubs. The first payment (which shall be not less than fifty (50%) percent of the total annual sewer service charge) shall be due on April 1 of each year and the second payment shall be due on October 1 of each year. There shall be a ten (10) day grace period from each due date, after which interest on the overdue amount shall begin to accrue. Delinquent payments shall be charged interest at the same rate as is charged for delinquent taxes. Notwithstanding the foregoing, for calendar year 2010, the first payment (which shall not be less than fifty (50%) percent of the total annual sewer service charge) will be due September 1, 2010 and the second payment will be due on December 1, 2010.

**20-6.4 Change of Use.** In the event that the use of a property changes to such an extent that it affects the volume of sewage or water consumption, the Tax Assessor will revise the service charges levied in accordance with the new use.

**20-6.5 Appeal Of Annual Sanitary Sewer Charges.** All appeals on interpretation of this Chapter, including, but not limited to flow, classification or rates, shall be made in the following manner:

- b. a. The property owner shall first submit a copy of his, her or its water bill from the previous year to the representative of the Engineering Department designated by the Township Administrator for review. If the designated representative determines that there has been an error in the calculation of water flow or that the rate was calculated incorrectly, a

revised bill will be promptly issued by the Township. If the designated representative finds that the bill is accurate, he or she shall so notify the property owner in writing within fifteen (15) days from receipt of the bill from the property owner.

- c. b. If the property owner is not satisfied with the response from the designated representative, he, she or it may make a further written appeal to the Sewerage Utility Advisory Board (“SUAB”) comprised of the following Township officials:
  - (i) The Tax Collector;
  - (ii) The CFO;
  - (iii) A representative of the Engineering Department;
  - (iv) The Tax Assessor; and
  - (v) The Township Administrator.

Such appeal to the SUAB shall be filed within ten (10) days from the property owner’s receipt of the response from the representative of the Engineering Department. The SUAB shall conduct an informal investigation of the property owner’s concerns and may take such testimony from the property owner, and his, her or its experts as it deems necessary. A formal decision shall be issued by the SUAB within thirty (30) days of the property owner’s appeal to the SUAB, unless the SUAB obtains an extension from the property owner.

- d. c. The decision of the SUAB shall be final and binding upon the Township and the property owner.
- e. Notwithstanding the foregoing, under all circumstances, in order to take advantage of any of the appeal/procedures set forth above (a. or b.), all sewer bills must first be paid in full. If the appeal process results in a refund to the property owner, such refund shall promptly be made by Resolution of the Township Committee.

**SECTION III.** Chapter XX entitled “Sewers” of the Revised General Ordinance of the Township of Springfield is hereby further supplemented and amended by creating a new Section 20-7 (currently identified as “Reserved”) entitled “Penalties” to read as follows:

**20-7 PENALTIES.**

**20-7.1 Violation and Penalty.**

For each violation of any provision of this Chapter, the owner, contractor or other persons interested as general agent, architect, building contractor, owner, tenant or any other persons who commit, take part or assist in any violation of this Chapter, or who maintain any building or premises in which any violation of this Chapter

shall exist, shall for each and every violation be liable to the greater of (i) the penalty as stated in Chapter I, Section 1-5.1 (Maximum Penalty), or (ii) the actual damages sustained by the Sewerage Utility caused by such violations. Each and every day that such violation continues shall be considered a separate specific violation of this Chapter.

**SECTION IV.** Subsection 20-4.2 entitled “Permit Required” of Section 20-4 entitled “Sewer Connections” of Chapter XX entitled “Sewers” of the Revised General Ordinances of the Township of Springfield is hereby amended by increasing the twenty (\$20.00) dollar permit fee set forth in clause b. to fifty (\$50.00) dollars.

**SECTION V.** Subsection 20-4.3 entitled “Fees” of Section 20-4 entitled “Sewer Connections” of Chapter XX entitled “Sewers” of the Revised General Ordinance of the Township of Springfield is amended to read as follows:

**20-4.3 Fees.**

There shall be obtained with each application a fee established by [ordinance] resolution of the Township Committee for each separate connection with the sewerage system, and the [Construction] Engineering Department shall turn over the fees to the [Treasurer] CFO at the first regular meeting each month of the Township Committee. The fees established by Resolution for each separate connection shall remain in effect until changed or modified by subsequent Resolution of the Township Committee. It is the intent of this subsection that there be established two separate and distinct rates for connection fees, one for residential properties and one for non-residential properties.

**SECTION VI.** Subsection 20-4.7 entitled “Discharge of Certain Wastes Forbidden” of Section 20-4 entitled “Sewer Connections” of Chapter XX entitled “Sewers” of the Revised General Ordinances of the Township of Springfield, is hereby deleted in its entirety and substituted with the following new Subsection 20-4.7 entitled “Prohibited Discharges into Sanitary Sewers”, to read as follows:

**20-4.7 Prohibited Discharges into Sanitary Sewers.** Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

- a. Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit.
- b. Any water or waste which may contain more than 100 milligrams per liter by weight of fat, oil, wax, grease, or other substances which may solidify or become vicious at temperatures between 32 and 150 degrees Fahrenheit.
- c. Any gasoline, benzene, naphtha, alcohol, tar, fuel oil or other flammable or explosive liquid, solid, gas or vapor.

- d. Any garbage except properly shredded garbage. The installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower or greater are subject to the review and approval of the Township.
- e. Having a flash point lower than 187 degrees Fahrenheit are determined by the Tagliabue (Tag) close cup method.
- f. Any ashes, cinders, stones, sand, mud, straw, shavings, or sawdust, metal sticks, coarse rubbish, glass, rags, tar, feathers, plastics, water, rubber, animal guts or tissues, entrails, blood, hair, hides, wood, paunch manure or any other substance likely to damage, destroy or cause an obstruction to the flow of any sewer or which may interfere with the proper operation of the sewerage works.
- g. Any waters, sewerages, or wastes having a pH lower than 5.0 or higher than 9.5, or having other corrosive or detrimental property capable of causing damage or hazard to the sewage works or personnel.
- h. Any waters or wastes containing a toxic, poisonous or radioactive substances in sufficient quantity to injure or interfere with any sewage treatment process or to constitute a hazard to humans, animals or marine life, or create any hazard in the receiving waters.
- i. Any noxious, malodorous or taste-producing gas, vapor or substance, such as phenols, capable of creating a public or private nuisance, or which may prove toxic to the sewage treatment processes, or which may exceed acceptable limits for discharge to receiving waters.
- j. Materials which exert or cause:
  - 1. Unusual concentrations or inert suspended solids, such as but not limited to Fuller's earth, lime slurries and lime residues, or of dissolved solids, such as but not limited to sodium chloride and sodium sulfate;
  - 2. Excessive discoloration, such as but not limited to dye wastes and vegetable tanning solutions;
  - 3. Unusual BOD, suspended solids, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
  - 4. Unusual volume of flow or concentration of wastes constituting "slugs", as defined herein.

- k. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment process employed, or are amendable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- l. Any substance prohibited by any federal, state, county or municipal regulatory or government body including but not limited to the Federal Environmental Protection Agency, the New Jersey Department of Environmental Protection, the Rahway Valley Sewerage Authority or the Sewerage Utility of the Township of Springfield as set forth or determined by the rules, regulations of requirements or such regulatory agencies or bodies.

**SECTION VII.** Subsection 20-9.4 entitled “Annual Charge Payable to Township” of Section 20-9 entitled “Residential Waste” of Chapter XX entitled “Sewers” of the Revised General Ordinances of the Township of Springfield is hereby deleted in its entirety and all remaining subsections in said Section 20-9 are to be renumbered accordingly.

**SECTION VIII.** Subsection 20-9.11 entitled “Domestic Sewage” of Subsection 20-9 entitled “Residential Waste” of Chapter XX entitled “Sewers” of the General Ordinances of the Township of Springfield is hereby deleted in its entirety. Existing subsection 20-9.12 entitled “Payments” is renumbered 20-9.11.

**SECTION IX.** All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

**SECTION X.** If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

**SECTION XI.** This Ordinance shall take effect immediately after the adoption and after final publication according to law.

**SECTION XII.** Upon adoption, the Township Clerk is directed to forward a certified copy of this Ordinance to the Executive Director of the Rahway Valley Sewerage Authority.

**SIGNATURE PAGE TO FOLLOW:**

ATTEST:

TOWNSHIP OF SPRINGFIELD

By: \_\_\_\_\_

Kathleen Wisniewski  
RMC/CMC, Township Clerk

By: \_\_\_\_\_

Ziad Andrew Shehady, Mayor

Dated: \_\_\_\_\_

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Note to Codifier: Language in brackets [ ] is to be deleted from original text; language underlined is to be added to the original text.

**SCHEDULE A**  
**LIST OF CLASS 4C**  
**APARTMENT COMPLEXES**

<b><u>Block</u></b>	<b><u>Lot</u></b>	<b><u>Tax Address</u></b>	<b><u>#Units</u></b>
<u>102</u>	<u>1</u>	<u>Short Hills Avenue, sect. 2,3</u>	<u>138</u>
<u>103</u>	<u>1</u>	<u>Short Hills Avenue, sect. 1</u>	<u>104</u>
<u>402</u>	<u>26</u>	<u>50-64 Maple Avenue</u>	<u>75</u>
<u>406</u>	<u>22</u>	<u>200 Springfield Avenue</u>	<u>148</u>
<u>505</u>	<u>5</u>	<u>545 Morris Avenue</u>	<u>48</u>
<u>803</u>	<u>1</u>	<u>Mountain Ave. &amp; Wabeno Ave.</u>	<u>182</u>
<u>902</u>	<u>21</u>	<u>81 Morris Avenue</u>	<u>30</u>
<u>903</u>	<u>16</u>	<u>45-51 Morris Avenue</u>	<u>16</u>
<u>1002</u>	<u>2</u>	<u>100 Stone Hill Road</u>	<u>228</u>
<u>3003</u>	<u>55</u>	<u>627 S. Springfield Ave</u>	<u>16</u>
<u>3601</u>	<u>3</u>	<u>835 Mountain Ave</u>	<u>29</u>
<u>3601</u>	<u>4</u>	<u>815 Mountain Ave</u>	<u>18</u>
<u>3601</u>	<u>84</u>	<u>884 Springfield Ave</u>	<u>41</u>
<u>3701</u>	<u>6</u>	<u>785 South Springfield Ave</u>	<u>149</u>
<u>506</u>	<u>7</u>	<u>Briant Park Drive</u>	<u>138</u>
<u>1105</u>	<u>27</u>	<u>100 Wilson Road</u>	<u>93</u>
<u>209</u>	<u>5</u>	<u>32 Blacks Lane</u>	<u>40</u>

**SCHEDULE B**  
**LIST OF CLASS 15D PARSONAGES**

<b><u>Block</u></b>	<b><u>Lot</u></b>	<b><u>Service Address</u></b>
<u>1104</u>	<u>16</u>	<u>Holy Cross Lutheran Church</u> <u>175 Hawthorne Avenue</u>
<u>1301</u>	<u>57</u>	<u>First Congregation Presbyterian Church</u> <u>64 Shunpike Road</u>
<u>1807</u>	<u>8</u>	<u>Springfield Emanuel Methodist Church</u> <u>58 Country Club Lane</u>