

RESOLUTION OF THE TOWNSHIP OF HILLSBOROUGH MUNICIPAL UTILITIES AUTHORITY ESTABLISHING CERTAIN SEWER SERVICE CHARGES AND CONNECTION OR TAPPING FEES

WHEREAS, the Township of Hillsborough Municipal Utilities Authority (hereinafter the “Authority”) is required by law (NJSA 40:14B-22) and by Section 303 of its Service Contract with the Township of Hillsborough to promulgate certain uniform service charges and connection or tapping fees or charges so that the revenues therefrom will at all times be adequate to pay the expenses of operation and maintenance of the utility system, including reserves, insurance, extensions and replacements, and to pay the principal of and interest on any bonds and to maintain such reserves or sinking funds therefor as may be required by the terms of any contract of the Authority or as it may deem necessary or desirable:

NOW, THEREFORE, BE IT RESOLVED by The Township of Hillsborough Municipal Utilities Authority that it hereby adopt, prescribe and establish the following sewer service and connection or tapping charges, rates or fees, the same to become effective at 1:00 a.m. on April 1, 2017.

SECTION I. ANNUAL SERVICE CHARGES

- A. The annual service charge shall be calculated on the basis that one Equivalent Dwelling Unit (“EDU”) is 300 gallons per day.
- B. The annual service charge for each “EDU” (300 gallons per day) shall be \$420.00.
- C. The annual service charge shall be calculated for various uses utilizing the flow criteria set forth in Schedule 1 attached hereto.
- D. The annual service charge for all non-residential uses shall be, as a minimum, one “EDU”, and the user shall be billed \$420.00 for each “EDU” or part thereof.
- E. The annual service charge for facilities with combined uses shall be determined by the summation of all appropriate flow values.
- F. The annual service charge for all other industrial, research commercial or mixed uses not specifically mentioned in Schedule 1 shall be determined by the following formula:

$$\frac{\text{Estimated Daily Flow (gallons)} \times \$420.00}{300}$$

(a factor to be determined by the Authority Engineer taking into Account the excess Biochemical Oxygen Demand (B.O.D.) and Suspended Solids (S.S.) of the Sewerage.)

In utilizing this formula:

1. All analysis shall be in accordance with the current edition of “Standard Methods for the Examination of Water and Waste Water” published by the American Public Health Association, the American Water Works Association and the Water Environment Federation, which methods and definitions are adopted by reference herein. A copy of said edition shall be on file with the Executive Director of the Authority.
 2. The estimated daily flow shall be determined by the Authority Engineer according to accepted engineering standards and practices, and this determination shall be filed with the Authority.
- G. Where the Authority determines that any customer, residential or non-residential, is discharging a combination of sewerage and storm water or drainage or water from any source into the lines of the Authority in excess of the estimated basic standard of 300 gallons per day for an EDU, the Authority shall determine the quantity of such excess and may charge therefor \$420.00 per year for each 300 gallons per day or part thereof of such estimate or actual flow which is in excess of the aforesaid basic standard. Such charge shall be in addition to the annual charge to such customer set forth in Schedule 1 hereof, and will be added to the billing of such customer for the next quarter following the quarter when such excess has been determined.

SECTION II. BULK RATE SERVICE CHARGES

The Authority may, at its discretion, and subject to formal written agreement, accept as a customer and permit the connection of a sewer collection system formerly owned and operated as an entity separate and apart from the Authority’s facilities. Such customer shall be referred to as a “Bulk Customer”.

Service charges for a “Bulk Customer” shall be based on metered flow at the same rate per gallon as a single-family residential dwelling and shall be calculated annually based on the average annual flow per unit. In the event, however, that the owner of such system retains responsibility for some portion of the administration or operation of said system, the annual service charges shall be reduced by calculating the percentage of the total annual operating budget represented by those budget line item appropriations for which the owner will retain responsibility. The resulting service charge shall be the “Bulk Rate”. The “Bulk Rate” will be set forth in the agreement and the percentage reduction shall be recalculated annually upon final adoption of the annual operating budget.

SECTION III. METERED FLOWS – NON-RESIDENTIAL USERS

In all cases of non-residential uses set forth in Schedule 1, any customer being charged for daily flows at or in excess of 15,000 gallons per day, may, on application to the Authority, and with its permission, install a meter at the expense of the customer to continuously measure the flow for the purpose of assisting the Authority Engineer to determine rates and charges utilizing the formula set forth in Paragraph E of Section I. The Authority may consider applications from customers being charged for less than the minimum annual flow set forth herein, but such consideration shall be solely within the discretion of the Authority.

The customer shall give to the Authority, its agents and officers, the right of access to such meters at all reasonable times and the right to inspect all flow records. The Authority may from time to time require any customer to install a meter at such customer's expense. All meters installed hereunder shall meet the design and installation standards of the Authority and shall be approved by the Authority Engineer.

The Authority shall have the right to recompute the estimated daily flow of effluent in gallons. In the event that such a recomputation shows that the actual flow is in excess or less than the estimated flow, the Authority shall bill the customer on the basis of the actual flow commencing with the next quarter's billing at the rate of \$2,800.00 for every 2,000 gallons or part thereof.

SECTION IV. CONNECTION OR TAPPING FEES

In addition to the annual service charges or rates established in Section I hereof, the Authority hereby adopts, prescribes and establishes the following connection or tapping fees as authorized by N.J.S.A. 40:14B-22. The connection or tapping fees are calculated in accordance with the provisions of N.J.S.A. 40:14B-22 and shall be recalculated at the end of each fiscal year.

Single family residential dwelling	\$2,814
Multiple family residential dwellings Including townhouses, condominiums, and apartments.	
1 bedroom unit	\$1,688
2 bedroom unit	\$2,392
3 bedroom unit	\$2,814
Senior housing (age restricted):	
1 bedroom unit	\$1,041
2 bedroom unit	\$1,604
3 bedroom unit	\$2,111

Assisted living facilities:

Per bed \$ 938

All other uses – charge per gallon
of estimated average daily flow

\$ 9.38

The estimated average daily flow shall be determined by the Authority on the basis of the factors specified in N.J.S.A. 40:B-22 and such other data and information made available to the Authority from its consulting engineer and the results of its other investigations and studies. Any such determination shall be filed with the Executive Director of the Authority and shall be available for public inspection. The charge may, if the Authority so shall determine, be in the nature of an estimated charge which shall be subject to revision after the installation or construction is completed. In no event shall the connection or tapping fee be reduced from the original charge.

As used in the above paragraph, the phrase “estimated average daily flow” shall be based on that consecutive period of three months which had the highest total flow within the first calendar year provided that there is no change in use.

SECTION V. CHARGES FOR DISCHARGE OF STORM AND/OR DRAIN WATER

Where the Authority determines that any customer, residential or nonresidential, is discharging a combination of sewerage and storm water or drainage water from any source into the lines of the Authority in excess of the estimated basic standard of 300 gallons per day for an EDU, the Authority shall determine the quantity of such excess and may charge such customer an additional connection or tapping fee at the rate of \$9.38 per gallon of estimated or actual daily flow which is in excess of the aforesaid basic standard. Such charge shall be in addition to the connection or tapping fee charged in Section IV of this Resolution, and will be added to the billing of such customer for the next following quarter after such excess has been determined.

SECTION VI. PAYMENT OF CHARGES

- A. The aforesaid annual service charges as set forth in Section I hereof shall be payable in advance in quarterly installments as billed by the Authority.
- B. The connection or tapping fees established in Section IV hereof shall be due and payable to the Authority at or prior to the time of the issuance of a sewer connection permit by the Authority. In lieu thereof, however, the Authority may, in its discretion, and in written agreements with the party or parties involved, permit such payment to be paid in installments and with such terms and conditions as may seem proper to the Authority. The Authority may, in such a case, charge interest on the unpaid balance at a rate to be established by the Authority.

SECTION VII. REMEDIES FOR NON-PAYMENT

- A. In the event a service charge of the Authority with regard to any parcel of real property shall not be paid as and when due, interest shall accrue and be due to the Authority on the unpaid balance at the rate of 1-1/2% per month until such service charge, and the interest thereon, shall be fully paid to the Authority.
- B. In addition to the interest authorized in A above, in the event that any service charge of the Authority with regard to any parcel of real property shall not be paid as and when due, the Authority may, in its discretion, enter upon such parcel and cause any connection or connections thereof leading directly or indirectly to or from the sewer system to be cut and shut off until such service charge and any subsequent service charge with regard to such parcel and all interest accrued thereon shall be fully paid to the Authority.
- C. The collector or other officer of the municipality charged by law with the duty of enforcing municipal liens on real property shall enforce, with and as any other municipal lien on real property in such municipality, all service charges and the lien thereof shown in any statement filed with him by the Authority pursuant to N.J.S.A. 40:14B-41 of the municipal utilities authorities law, L.1957, c.183, and shall pay over to the Authority the sums or a pro rata share of the sums realized upon such enforcement or upon liquidation of any property acquired by the municipality by virtue of such enforcement.
- D. In the event that any service charge of the Authority shall not be paid as and when due, the unpaid balance thereof and all interest accrued thereon, together with attorneys' fees and costs, may be recovered by the Authority in a civil action, and any lien on real property for such service charge and interest accrued thereon may be foreclosed or otherwise enforced by the municipal authority by action or suit in equity as for the foreclosure of mortgage on such real property.
- E. The words or phrase, "service charge" as used in this Section (Section VII) shall mean and include the annual charge imposed by Section I hereof and the connection or tapping fee imposed by Section IV hereof, and the rights and remedies of the Authority granted in these sections for the collection and enforcement of service charges shall be cumulative and concurrent as provided in N.J.S.A. 40:14B-47.
- F. The Authority shall have and its officers shall exercise all of the power and authority conferred upon it and them by the provisions of the municipal utilities authorities law, L.1957, c.183, N.J.S.A. 40:B-1 et seq. as amended and supplemented and by statutes in such case made and provided for the imposition of liens for unpaid bills and the collection thereof.

SECTION VIII. DEVELOPERS REIMBURSEMENT AGREEMENTS

- A. It is lawful for the Authority to enter into any contract to rebate to any person, firm, association or corporation (herein, collectively, a “contractor”) any such part or portion of any connection or tapping fee as the same is defined in Section IV hereof if:
1. Such contractor shall have first constructed and conveyed to the Authority title to a trunk system, part of which was designed in excess of said contractor’s needs and for service to other users of the system, and
 2. Such other users shall have connected to the Authority system and shall have paid their respective connection or tapping fee to the Authority pursuant to such connection, and
 3. The terms, conditions, schedule and amount of such rebate shall have first and previously been established by written agreement between the Authority and the contractor.
 4. Nothing in this Section, however, shall be deemed or construed to modify or waive, partially or in whole, the contractor’s obligation to pay to the Authority its initial connection or tapping fees set forth in Section IV hereof.

SECTION IX. NON-USE OF THE SEWER SYSTEM

No deduction or credit on the annual sewer service charge shall be allowed by reason of non-use of the sewerage system for any part of a year with respect to premises required to be connected, directly, or indirectly, to the sanitary sewerage system of the Authority.

SECTION X. PRIOR RATE RESOLUTIONS

All prior rate resolutions of the Authority are hereby superseded by this resolution, but any charges due the Authority under such prior resolution or resolutions shall remain due and payable notwithstanding the adoption of this resolution.

SECTION XI. SEVERABILITY

In the event any section, subsection, paragraph, clause or provision of this resolution shall be adjudged unconstitutional, unlawful or to be ineffective in whole or in part, such judgment or invalidity of any section, subsection, paragraph, clause or provision of this resolution shall not be taken to affect or prejudice in any way the applicability or validity of such section, subsection, paragraph, clause or provision in any other instance or under any other circumstance.

THE TOWNSHIP OF HILLSBOROUGH
MUNICIPAL UTILITIES AUTHORITY

SCHEDULE 1

Type of Establishment	Measurement Unit	Gallons Per Day
Single family residential dwelling	dwelling	300
Multiple family residential dwellings including townhouses, condominiums and apartments.		
1 bedroom unit	dwelling	180
2 bedroom unit	dwelling	255
3 bedroom unit	dwelling	300
Senior (age restricted) housing:		
1 bedroom unit	dwelling	110
2 bedroom unit	dwelling	170
3 bedroom unit	dwelling	225
Assisted living facilities *	bed	100
Health care facilities: *		
Hospitals	bed	175
Nursing or rehabilitation facilities	bed	125
Hotels, Motels*	bedroom	75
*The gallons per day for these facilities apply to the beds or bedrooms only. Additional flows will be calculated for kitchens, restaurants, bars, laundries, etc. in accordance with Section I.(D).		
Restaurants:		
full service	seat	35
bar/cocktail lounges	seat	20
fast food	seat	15
24 hour service	seat	50
curb service/drive-in	car space	50
Catering/banquet hall	person	20

SCHEDULE 1 (CONT'D.)

Type of Establishment	Measurement Unit	Gallons Per Day
Schools (includes staff):		
no shower or cafeteria	student	10
with cafeteria	student	15
with cafeteria and showers	student	20
with cafeteria, showers and laboratory	student	25
boarding	student	75
Churches (worship area only)	seat	3
Clubs:		
residential	member	75
non-residential	member	35
tennis, racquetball	per court per hour	80
Camps:		
childrens' residential	bed	50
day camps (no meals)	person	15
parked mobile trailer site	site	200
campground/mobile recreational vehicle/tent	site	100
Firehouses, rescue squad buildings	seat	3
Theaters	seat	3
Dinner theaters	seat	20
Bowling alleys	alley	200
Sports Stadiums	seat	3
Laundromats	machine	300
Automobile service stations	filling position	125
with service bays	bay	50
with mini-market	sq. ft.	.100

SCHEDULE 1 (CONT'D.)

Type of Establishment	Measurement Unit	Gallons Per Day
Stores and shopping centers	sq. ft.	.100
Office Buildings	sq. ft.	.100
Factories, warehouses, industry (does not include process wastewater)	employee	25
Factories, warehouses, industry with showers (does not include process wastewater)	employee	40