

BOROUGH OF GARWOOD

ORDINANCE NO. 23-05

Adopted: _____

Introduced:	
Motion:	
Seconded:	

Public Hearing:	
Motion:	
Seconded:	

AN ORDINANCE AMENDING THE BOROUGH CODE OF THE BOROUGH OF GARWOOD BY AMENDING CHAPTER 134, ENTITLED "SEWERS", ARTICLE V, "INDUSTRIAL WASTE AND FEES", SUBSECTION 134-15, "INDUSTRIAL SEWER CHARGE AND SUBSECTION 134-16, "RATE SCHEDULE".

WHEREAS, the Borough of Garwood (the "Borough") has previously adopted Chapter 134, Subsection 134-15 and 134-16 which defines an industrial user subject to sewer charges and sets forth the rate for those charges; and

WHEREAS, the Borough has determined that it seeks to broaden the determination of who is an industrial user in order to help reduce the impact of costs upon on the non-industrial user residents of the Borough; and

WHEREAS, the Borough seeks to set a new rate; and

WHEREAS, the Borough Council seeks to amend the Code to update the definition of industrial user and set forth the new rate; and

NOW, THEREFORE, BE IT ORDAINED by the governing body of the Borough of Garwood that Chapter 134 (Sewers), Article V (Industrial waste and fees), subsection 134-15 and 134-16 of the Borough Code of the Borough of Garwood is hereby amended as follows (additions underscored, deletions ~~struck through~~):

§ 134-15 Industrial sewer charge.

[Amended 6-14-1988 by Ord. No. 88-12; 6-14-1994 by Ord. No. 94-13; 3-14-1995 by Ord. No. 95-04; 2-27-1996 by Ord. No. 96-03; 3-10-1998 by Ord. No. 98-02; 4-11-2000 by Ord. No. 00-04; 4-11-2000 by Ord. No. 00-04; 5-14-2002 by Ord. No. 02-10; 4-11-2006 by Ord. No. 06-06; 2-27-2007 by Ord. No. 07-02; 6-26-2007 by Ord. No. 07-15; 5-13-2008 by Ord. No. 08-10]

- A. Every industrial user connected to the Borough sewerage system and discharging industrial waste shall pay a charge to the Borough to cover the cost of treatment of said waste.
- B. "Industrial user" as used in this section shall mean any nonresidential user that discharges more than the equivalent of ~~50,000~~ 20,000 gallons of wastewater per year.
- C. Payment for industrial waste shall be based upon industrial waste flow.
- D. (Reserved)
- E. The rate schedule for industrial waste may be based upon the charges imposed upon the Borough by the Rahway Valley Sewerage Authority for the treatment of sewerage waste, together with such other factors which the Mayor and Council shall deem proper and equitable. In fixing rates, the Mayor and Council shall establish a rate structure that allows for:
 - (1) Recovery of all costs of treatment and of acquisition, construction or operation, including the costs of raw materials, administration, real or personal property, maintenance, taxes, debt service charges, fees and an amount equal to any budget deficit relating to sewers and sewerage occurring in the immediately preceding

fiscal year.

- (2) Establishing a surplus in an amount sufficient to provide for the reasonable anticipation of any contingency that may affect the opening of the Borough's sewerage facilities.
- (3) Providing for such additional revenue as may be permitted by law.
- F. The Borough reserves the right to include additional charges for industrial waste characteristics as may be imposed by the RVSA or to modify the rate so imposed to additionally provide for any cost to the Borough to be recovered.

§ 134-16 Rate Schedule.
[Amended 4-11-2006 by Ord. No. 065-06]

A. The rate schedule for industrial waste as set forth in the listed above § 134-15C shall be established by ordinance of the Mayor and Council.

1. The rate schedule for the industrial user charge shall be as follows:

<u>Flow:</u>	
<u>Per Million Gallons</u>	\$4,405.70

B. The Borough will accept industrial waste into the sanitary sewerage system only upon the issuance of a permit by the RVSA, if required, and subject to the rules and regulations propounded by the RVSA and amendments adopted thereto from time to time.

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect after final passage and publication in accordance with applicable law.

ATTEST:

APPROVED:

Catherine D. Cameron, R.M.C.
Borough Clerk

Jennifer Blumenstock, Mayor

RECORDED VOTE

INTRODUCTION:

ADOPTION

**COUNCILWOMAN HERZ
COUNCILMAN KEARNEY
COUNCILMAN LAZAROW
COUNCILWOMAN NOLDE
COUNCILWOMAN SALMON
COUNCIL PRESIDENT GRAHAM**