

**BOROUGH OF GARWOOD
UNION COUNTY, NEW JERSEY
MUNICIPAL BUILDING
403 SOUTH AVENUE
GARWOOD, NJ 07027**

ORDINANCE 25-07

AN ORDINANCE AMENDING THE BOROUGH CODE OF THE BOROUGH OF GARWOOD BY CREATING NEW CHAPTER 134, ENTITLED “SEWERS”, ARTICLE X, “CHARGES TO RESIDENTIAL USERS”.

WHEREAS, the Borough of Garwood (the “Borough”) has previously adopted Chapter 134, Sewers, which sets forth the different regulations regarding sewers and fees in the Borough; and

WHEREAS, the Borough Council seeks to establish an annual user fee for use of the sanitary sewer system; and

WHEREAS, the user fees collected will be allocated towards the costs of operation and maintenance of the Borough sewer system; and

NOW, THEREFORE, BE IT ORDAINED by the governing body of the Borough of Garwood that Chapter 134 (Sewers), Article X Charges to Residential Users, of the Borough Code of the Borough of Garwood is hereby created as follows (additions underscored, deletions ~~struck through~~):

Article X Charges to Residential Users

134-47 Purpose

The purpose of this section is to impose an annual residential user fee, as hereinafter defined, on all residential users of the sanitary sewer system of the Borough of Garwood. “User fee” is defined as a fee levied upon all users of the sanitary sewer system towards the annual cost of operation and maintenance of the Borough of Garwood sanitary sewer system.

134-48 Definitions

Multifamily Residential

Two or more residential dwelling units on a single water meter.

Single-Family Residential

One residential dwelling unit on a single water meter.

Apartment Complex

Shall mean a building or group of buildings constituting a multiple dwelling, as defined by the State of New Jersey, containing three or more dwelling units or apartments, which are located within close proximity of each other and are owned by the same owner.

Rental Unit

Shall mean a dwelling unit which is available for lease or rental purposes and is meant to include individual apartments located within apartment complexes.

Owner

Shall mean any person or persons, firm, corporation, or officer thereof, partnership association or trust who owns, operates, exercises control over or is in charge of a rental facility.

134-49 User Fees

- A. Fees established will apply equally to each unit of a single-family residence, multifamily residence, or apartment complex, with a fee being assessed on a per unit basis. Each rental unit of an apartment complex shall be billed annually whether it is occupied or unoccupied. The owner of an apartment complex shall receive one bill for the total amount due for all units within an apartment complex annually. Each single-family home and unit of a multifamily home shall be billed annually whether it is occupied or unoccupied.

- B. Fees established:
 - 1. \$100 per unit in 2025
 - 2. \$105 per unit in 2026
 - 3. \$110 per unit in 2027
 - 4. \$115 per unit in 2028
 - 5. \$120 per unit in 2029 and thereafter, unless amended by the Borough Council of the Borough of Garwood.

- C. Users shall be billed by the Borough under the criteria set forth herein.

134-50 Billing; late payments; rebates

- A. Billing of user fees. Residential users shall be billed annually by invoice mailed on or before June 1 of each year and due on July 1 of each year. The Borough Tax Collector is hereby designated as the collector of user fees herein.

- B. Late payments. Users will be subject to the payment of interest of 1.5% per month and penalties received after the due date.

- C. Rebates. Senior citizens eligible for the senior citizen deductions on their municipal property taxes, permanently and totally disabled persons who qualify for a senior or disabled person tax deduction on their municipal property, and veterans eligible for a veteran's tax deduction on their municipal property pursuant to the provisions of N.J.S.A. 54:4-8.44, N.J.S.A. 54:4-8.11, and N.J.S.A. 54:4-8.40 et seq., shall receive a deduction of \$25 from their sewer bills. Only one deduction, up to a maximum deduction of \$25, may be applied to a single-family residential home.

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.

