

**BOROUGH OF DUNELLEN**

**ORDINANCE 2012-13**

**AN ORDINANCE TO CREATE THE BOROUGH OF DUNELLEN  
SANITARY SEWER UTILITY**

**WHEREAS**, the Borough of Dunellen is engaged in the construction, development, operation and maintenance of sanitary sewer facilities within the Borough; and

**WHEREAS**, it is the desire and intention of the Borough that all such sewage facilities be part of a single operating system; and

**WHEREAS**, it is the intention of the Borough to create a utility to administer said sewage facilities, including all contractual relationships relating to same, within the Borough Government, such utility hereafter to be known as the Dunellen Borough Sanitary Sewer Utility.

**WHEREAS**, the Borough of Dunellen is a member of the Plainfield Area Regional Sewerage Authority which annually charges the Borough of Dunellen for the removal of sewerage to the Middlesex County Utilities Authority for treatment; and

**WHEREAS**, the Borough of Dunellen has an ongoing need to implement various capital improvement projects in order to maintain the sewer system in peak condition; and

**WHEREAS**, the Mayor and Council of the Borough of Dunellen have determined that the most equitable manner of funding the expense of wastewater collection and treatment, the infrastructure improvements necessary, and administrative expenses associated therewith is the imposition of a "user fee"; and

**WHEREAS**, the Mayor and Council of the Borough of Dunellen have determined that such a usage system has significant benefits for those that conserve water, particularly senior citizens, and imposes the costs associated with wastewater treatment on its users not based on the value of their property but on the amount of wastewater generated.

**NOW, THEREFORE, BE IT ORDAINED** by the Borough Council of the Borough of Dunellen, County of Middlesex, and State of New Jersey as follows:

SECTION 1. Creation of the Dunellen Borough Sanitary Sewer Utility. The Governing Body of the Borough of Dunellen in the County of Middlesex and State of New Jersey in accord with the enabling legislation provided by Title 40A, Chapter 4 of the New Jersey Revised Statutes hereby creates for and in the Borough of Dunellen a sewer utility hereinafter known as "The Dunellen Borough Sanitary Sewer Utility."

SECTION 2. Purpose. The utility as defined hereinabove shall be responsible for the operation and maintenance of the Borough of Dunellen's sewerage system; shall be empowered to make such improvements as may be necessary thereto and issue bonds in connection therewith; shall have the authority to establish, charge and collect fees for connections, usage and services for direct or indirect use of the sewerage system and shall have all such other powers and duties as may be specified and prescribed in the enabling legislation heretofore referenced and in such other applicable law.

SECTION 3. Establishment of usage rates. Rates for user fees and services shall be set by separate ordinance which is herein incorporated by reference. Such rates, including but not limited to connections, meters, and usage may be subject to periodic review and change as determined by the Dunellen Borough Sanitary Sewer Utility.

SECTION 4. Inconsistent Ordinances.

Any ordinances inconsistent with the foregoing are hereby repealed to the extent of such inconsistency.

SECTION 5. Invalidity.

If any article, section, subsection, term or condition of this Ordinance is declared invalid or illegal for any reason, the remainder of this Ordinance shall be deemed severable and shall remain in full force and effect.

SECTION 6. Effect.

This Ordinance shall take effect upon adoption and upon publication according to law.