

Adopted 7/18
Eff. 3/10

TOWNSHIP OF LOWER, COUNTY OF CAPE MAY, STATE OF NEW JERSEY

ORDINANCE NO. 2009 - 01

MUA
Ord. Book
Gen. Code

AN ORDINANCE OF THE TOWNSHIP OF LOWER REQUIRING MANDATORY CONNECTIONS OF ALL PROPERTIES TO THE LOWER TOWNSHIP MUNICIPAL UTILITIES AUTHORITY WATER SYSTEM

WHEREAS, the Township Council of the Township of Lower (the "Township Council") pursuant to N.J.S.A. 40:14B-1 et seq. and by ordinance No. 68-10 established the Lower Township Municipal Utilities Authority; and

WHEREAS, the Lower Township Municipal Utilities Authority has undertaken various capital projects which constitute its water system and provides water service through the water system to various properties in the Township; and

WHEREAS, the Township, pursuant to N.J.S.A. 40:63-52 (the "Initial Water Services Act"), has previously by ordinances numbered 71-15, adopted October 13, 1971, and 88-16, adopted October 13, 1988, identified and required certain properties in the Township to mandatorily connect to such water system; and

WHEREAS, the Township desires, pursuant to the County and Municipal Water Supply Act, N.J.S.A. 40A:31-1 et seq., the successor to the Initial Water Services Act referred to above, to require the mandatory connection of all property in the Township over a phased in time period in order to ensure that water provided and supplied to the residents and properties throughout the Township will at all times meet all governmental quality standards and will protect the health, safety and welfare of all residents of the Township.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Lower in the County of Cape May and the State of New Jersey as follows:

Section 1. Section 535 of the Code entitled "Sewer Connections" is hereby deleted in its entirety and replaced with the following:

Chapter 535: Water Connections.

§ 535-1. Definitions.

MUA. The Lower Township Municipal Utilities Authority, established by the Township of Lower pursuant to N.J.S.A. 40:14B-1 et seq. and by ordinance numbered 68-10, adopted July 4, 1968.

Water System. Capital projects that have been or will in the future be undertaken by the MUA to provide water to the residents of the Township.

Connection Fees. The cost charged by the MUA and required to be paid by each property owner in the Township for connecting to the water system.

User Fees. The annual fees charged by the MUA for water supplied to the property owners in the Township who are supplied water by the MUA through the Water System.

§ 535-2: Connection required.

All properties within the Township where a water supply main exists or is constructed from time to time shall be required to connect to the water system of the MUA and to pay the appropriate connection fees and annual user fees for such water services. The time required for such connection and the payment of the appropriate connection fees and user fees shall be as follows:

A. For property owners where new lines are constructed by or on behalf of the MUA and available for such water services, within one (1) year from the date of notice by the MUA or its

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designee; if such properties have not connected to the water system within the one (1) year period, the property owner shall pay the annual minimum users fees and a lien shall be placed on the property in the amount of the connection fee.

B. For property owners where federal, state or related grants have been provided for to the water system to service such properties, within one (1) year from the date of notice by the MUA or its designee; if such properties have not connected to the water system within the one (1) year period, the property owner shall pay the annual minimum user fees and a lien shall be placed on the property in the amount of the connection fee.

C. For property owners where water services already exist, within one (1) year from the date of notice by the MUA or its designee or immediately upon change in property ownership; if such properties have not connected to the water system within the one (1) year period, the property owner shall pay the annual minimum user fees and a lien shall be placed on the property in the amount of the connection fee.

D. Residential connection fees may be paid in equal annual installments upon connection to the system within the one (1) year period over a five (5) year period beginning on the actual connection of such property to the water system or one (1) year from the date of notice from the MUA or its designee as provided for in this §535-2 and with interest at the rate established for unpaid user fees on any unpaid balance beginning at the end of year five (5). Failure to comply with the payment plan will result in a lien being placed on the property for any balance due with interest.

§ 535-3. Rules of connection.

The property owner and the connection shall be subject to the rules and regulations of the MUA and N.J.S.A. 40:14B-1 et seq., the Municipal and County Utilities Authorities Law.

§ 535-4. Property owner responsible for connection.

The obligation to comply with the terms of this Chapter shall be the obligation of the record owner of the property, regardless of any lease provision.

§ 535-5 Connection fee.

The amount of the residential connection fee shall initially be \$1,600, which amount shall remain in effect for a period of five (5) years beginning on the effective date of this ordinance. Thereafter, any change in the connection fee shall be recommended by the MUA by resolution, which changes shall be based upon the capital investment of the MUA in constructing the water system consistent with applicable law.

§ 535-6. Notice.

All notices required by this Chapter shall be sent first class regular mail and certified mail, return receipt requested, to the last known property address for the owner of the affected property as contained in the then current Township tax records.

§ 535-7. Penalty.

In the event that the property owner refuses to make such connection or pay such connection fee or user fees within the applicable period of time set forth in this chapter, the unpaid connection fee and user fees shall constitute a lien on the affected property when approved by the Township Council and filed with the Clerk of Cape May County, New Jersey.

Section 2. A copy of this Ordinance shall be placed on file with the Township Clerk and with the Tax Assessor of Lower Township.

Section 3. Notice of the adoption of this Ordinance shall be published in a newspaper of general circulation in Lower Township and a newspaper of general circulation in Cape May County.

Section 4. All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed to the extent of such conflict or inconsistency.

Section 6. Should any section, paragraph, sentence, clause, or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect, and to this end the provisions of this Ordinance are hereby declared to be severable.

Section 7. This Ordinance shall become effective twenty (20) days after final passage and publication, according to law.



Thomas Conrad, Councilmember

Wayne Mazurek, Councilmember

Glen Douglass, Councilmember

Kevin Lare, Councilmember

Michael E. Beck, Mayor

Attest:



Claudia R. Kammer, Township Clerk

Adopted: February 19, 2009,