



Individual Resolutions
Meeting of the Municipal Council
Wednesday, September 23, 2020
RESOLUTION SUMMARY

2020-290



RESOLUTION NO. 2020-290

**City of Asbury Park
County of Monmouth
State of New Jersey**

RESOLUTION ESTABLISHING A NEW SEWER RATE SCHEDULE (CONNECTION FEES) FOR THE CITY OF ASBURY PARK, NEW JERSEY.

WHEREAS, pursuant to N.J.S.A. 40A:26A-11 and City Code Section 18-5.6, the City of Asbury Park wishes to revise the Sewer Rate Schedule and general requirements applicable to sewer connection fees within the City; and

WHEREAS, a properly noticed public hearing concerning the said revised Rate Schedule was held on September 23, 2020, at which time all members of the public were afforded the opportunity to be heard thereon; and

WHEREAS, following the conclusion of the public hearing, the Mayor and Council of the City of Asbury Park have determined to approve and adopt the new Sewer Rate Schedule as set forth herein.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Asbury Park, in the County of Monmouth and State of New Jersey, that the following Sewer Rate Schedule is hereby approved and adopted for the City of Asbury Park:

RATE SCHEDULE

The provisions of the City of Asbury Park Rules and Regulations which fix and determine the time or times when, and the place or places where, the charges contained in this Rate Schedule are due and payable are incorporated herein and made a part hereof.

**THE CITY OF ASBURY PARK
SCHEDULE 1
SEWER CONNECTION FEES**

CLASS 1. RESIDENTIAL

Single-family, condominiums, townhouses, apartments
Multi-family, duplex, age restricted, trailers, mobile
Homes (per unit)

\$5,904.00

CLASS 2. HOTEL OR MOTEL \$2,952.00

(Per guest room) This portion of the connection fees applies only to the number of guest rooms. The balance of the connection fee is based upon estimated water usage from the remainder of the building, including kitchens, restaurants, taverns, laundries, offices, convention or meeting rooms, sport or athletic facilities, common areas and the like.

CLASS 3. NON-RESIDENTIAL: GENERAL

Per Gallon Per Day	\$31.98
Minimum Connection Fee (per unit)	\$5,904.00

A minimum sewer connection charge for nonresidential users shall be imposed, in an amount equal to the residential connection fee regardless of whether the estimated usage is less than the residential rate of usage.

CLASS 4. CERTAIN AFFORDABLE HOUSING PROJECTS

Connection fees to public housing authorities and organizations building affordable housing projects that consist of replacement units for demolished or refurbished units, and for which a connection fee was previously paid, are to be computed by charging the lesser of a) the reduced rate of 50% of the connection fee established in the Rate Schedules, or b) the connection fee established in this Rate Schedule, minus a credit in the amount of a connection fee previously paid for the housing units being replaced, provided the public housing authority and organization can establish the connection fee previously paid. If the amount of the previous connection fee cannot be established, the reduced rate of 50% of the connection fee established in this Rate Schedule shall apply.

GENERAL REQUIREMENTS APPLICABLE TO SEWER CONNECTION FEES

- A. An applicant shall pay a sewer connection fee for each equivalent dwelling unit at the time that a construction permit is requested, in an amount as established by the City's Rate Schedule in effect at the time that service is requested. All sewer connection fees shall be paid in full prior to the issuance of a construction permit for the premises.
- B. Connection fees for nonresidential users shall be based upon the City's calculation of estimated usage multiplied by the rate per gallon per day contained in the Rate Schedule. A minimum sewer connection charge for nonresidential users shall be imposed, in an amount equal to the residential connection fee regardless of whether the estimated usage is less than the residential rate of usage.
- C. The projected flow criteria contained in N.J.A.C. 7:14A-23.3 shall be used to determine the estimated sewer usage for non-residential uses, whenever practicable. In the event that a type of use is not listed in N.J.A.C. 7:14A-23.3,

the City may adopt additions or exceptions to the flow projections contained in N.J.A.C. 7:14A-23.3 by resolution. For the purpose of this Rate Schedule, any reference to “seat” in N.J.A.C.7:14A-23.3 or in any projected flow criteria adopted by the City shall be deemed to mean the maximum permitted occupancy established pursuant to the Uniform Construction Code and/or the Uniform Fire Code.

- D. In the event that an application is made for sewer service to a non-residential building, facility or structure for which the types or sizes of the uses therein have not been determined by the applicant, or are subject to change in the future a connection fee shall be assessed based upon the maximum potential estimated sewer usage in the building, facility or structure. The City, in its discretion, may enter into a deferred connection fee agreement under which an initial connection fee would be imposed only for those uses that are currently contemplated, and which would defer the payment of the balance of the connection fee until such time as a use for which the initial connection fee was paid is changed to a use that will generate additional sewer usage. Any connection fee paid under a deferred connection fee agreement shall be paid at the connection fee rate then prevailing at that time that payment is made.
- E. An application for additional capacity shall be made by any existing non-residential user whenever there is an increase in the estimated, projected sewer usage for any existing building, facility or structure resulting from an increase in size in the building, facility or structure. A connection fee shall be charged to the user based upon the increase in estimated sewer usage associated with the aforesaid increase in size.
- F. In the event that an application is made to reinstate sewer service to a residential structure that was previously abandoned or terminated when the prior structure was demolished or substantially totally destroyed because of catastrophe, no additional connection fee shall be due provided that the application for service is made within two (2) years of the date of the prior termination of service.
- G. In the event that an application is made to reinstate sewer service to a non-residential structure that was previously abandoned or terminated when the prior structure was demolished or substantially totally destroyed because of catastrophe, no additional connection fee shall be due, provided that 1) the applicant has continued to pay sewer service charges for the property on a quarterly basis as those charges became due, and 2) there is no change in the estimated sewer usage of the building, In the event that condition 1) herein has been satisfied, but there will be an increase in the estimated sewer usage of the building, then the applicant shall pay a connection fee only on the amount of the increase in the estimated sewer usage.

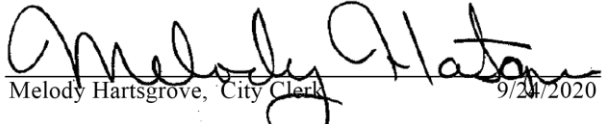
BE IT FURTHER RESOLVED, that the aforesaid Sewer Rate Schedule shall hereby supersede any and all prior Sewer Rate Schedules relating to Connection Fees which were previously adopted and effective within the City.

BE IT FURTHER RESOLVED, that a certified copy of the within Resolution shall be provided to each of the following:

- a. Donna Vieiro, City Manager;
- b. Michael J. Manzella, Deputy City Manager;
- c. David Kaplan, CPA, RMA, PSA, City Auditor;
- d. JoAnn Boos, Chief Financial Officer; and
- d. Frederick C. Raffetto, Esq., Municipal Attorney.

I, MELODY HARTSGROVE, City Clerk of the City of Asbury Park, Monmouth County, New Jersey, DO HEREBY CERTIFY the foregoing to be a true and exact copy of RESOLUTION NO. 2020-290 which was finally adopted by the City Council at a meeting held on the 23rd day of September, 2020

CERTIFIED BY ME THIS 24th DAY OF September, 2020.


 Melody Hartsgrove, City Clerk 9/24/2020

MELODY HARTSGROVE
 CITY CLERK

✓ Vote Record - Resolution 2020-290					
<input checked="" type="checkbox"/> Adopted					
<input type="checkbox"/> Adopted as Amended					
<input type="checkbox"/> Defeated					
<input type="checkbox"/> Tabled					
<input type="checkbox"/> Withdrawn					
<input type="checkbox"/> Second Reading					
		Yes/Aye	No/Nay	Abstain	Absent