

TOWNSHIP OF LONG HILL
ORDINANCE #408-18
AN ORDINANCE ESTABLISHING THE TOWNSHIP WASTEWATER TREATMENT
SYSTEM AS A MUNICIPAL PUBLIC UTILITY EFFECTIVE JANUARY 1, 2018

WHEREAS, “Municipal Public Utility” is defined in *N.J.S.A.* 40A:1-1 as “any water, sewer, electric power or gas system, or any combination thereof or any public parking system, or any other utility, enterprise or purpose authorized to be undertaken by a local unit from which it may receive fees, rents or other charges”; and

WHEREAS, *N.J.S.A.* 40A:26A-4 provides that, “A local unit may . . . acquire, construct or operate a sewerage facility upon a determination by the governing body of the local unit . . . that the public health, safety or welfare can best be assured by the acquisition, construction or operation of sewerage facilities by the local unit . . .”; and

WHEREAS, *N.J.S.A.* 40A:26A-5a provides that:

“One or more local units adopting an ordinance or resolution in accordance with *N.J.S.A.* 40A:26A-4 are authorized and empowered . . . [t]o acquire, construct, improve, extend, enlarge or reconstruct and finance sewerage facilities, and to operate, manage and control all or part of these facilities and all properties relating thereto . . . “; and

WHEREAS, *N.J.S.A.* 40A:26A-5g provides that:

“One or more local units adopting an ordinance . . . in accordance with *N.J.S.A.* 40A:26A-4 are authorized and empowered . . . [t]o fix and collect rates, fees, rents and other charges in accordance with *N.J.S.A.* 490A:26A-1 et seq . . .”; and

WHEREAS, *N.J.S.A.* 40A:4-45.2 provides that:

“In each budget year . . . , whenever any municipality shall have transferred to any local public utility . . . , during the immediately preceding budget year, or at any time during the current budget year prior to the final adoption of the budget, any service or function funded during

the immediately preceding budget year, either partially or wholly, from appropriations in the municipal budget, the municipality shall deduct from its final appropriations under which its permissible expenditures are calculated pursuant to this section the amount which the municipality expended for that service or function during the last full budget year throughout which the service or function so transferred was funded from appropriations in the municipal budget.”;

NOW THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Long Hill in the County of Morris, State of New Jersey, as follows:

Section 1. There is hereby established in the Township of Long Hill (the “Township”) a municipal public sewer utility, to be effective January 1,2018.

Section 2. The Township wastewater treatment system heretofore operated by the Township shall be operated as a municipal public sewer utility as defined in and subject to the provisions of Title 40A of the Statutes of the State of New Jersey. All rents, rates, fees or other charges received by the Township in connection therewith shall be kept in funds separate from other Township revenues to be used only for the purposes of such municipal public sewer utility.

Section 3. The local public sewer utility shall include the Township’s wastewater treatment plant and all appurtenant structures and facilities, including but not limited to all sewer mains, pump stations and other wastewater treatment equipment and facilities under the jurisdiction of or maintained by the Township.

Section 4. Any and all other ordinances or parts thereof in conflict or inconsistent with any of the terms hereof are hereby repealed to such extent as they are so in conflict or inconsistent.

Section 5. In case any article, section or provision of this ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect any other article, section or provision of this ordinance except insofar as the article, section or provision so declared

invalid shall be inseparable from the remainder or any portion thereof.

Section 6. This ordinance shall take effect immediately upon final passage and publication as required by law.

NOTICE

The foregoing ordinance having been introduced and passed on first reading by the Township Committee of the Township of Long Hill, in the County of Morris on Wednesday, January 24, 2018 will be considered for final passage and adoption at a public hearing held at a meeting beginning at 7:30 p.m. on Wednesday, February 28, 2018 at the Municipal Building, 915 Valley Road, Gillette, New Jersey, when and where or at such time and place to which said meeting may be adjourned, all persons interested will be given an opportunity to be heard concerning said ordinance.

Deborah Brooks, RMC, CMR, Clerk

First Reading and Introduction: January 24, 2018

1st Publication: February 1, 2108

Second Reading and Adoption: February 28, 2018

2nd Publication: March 8, 2018