

TOWNSHIP OF CLARK
Ordinance No. 06-05
Adopted April 10, 2006

Introduced: <u>March 20, 2006</u>	Public Hearing: <u>April 10, 2006</u>
Motion: <u>Entire Council</u>	Motion: <u>Entire Council</u>
Seconded: <u>Entire Council</u>	Seconded: <u>Entire Council</u>

**AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES
OF THE TOWNSHIP OF CLARK IN ORDER TO CREATE
THE CLARK TOWNSHIP SANITARY SEWER UTILITY**

WHEREAS the Township of Clark is engaged in the construction, development, operation and maintenance of sanitary sewer facilities within the Township; and

WHEREAS it is the desire and intention of the Township that all such sewage facilities be part of a single operating system hereafter to be known as the Clark Township Sanitary Sewer Utility; and

WHEREAS the Township of Clark as a member of the Rahway Valley Sewerage Authority (RVSA) which annually charges the Township of Clark for the treatment of sewerage plus the pro-rata cost of capital improvements to the treatment facilities; and

WHEREAS the RVSA is implementing a Significant Capital Improvement plan to satisfy a Judicial Consent Order at a cost of over \$250 million, said costs to be imposed on the 11 member municipalities of which Clark has the third highest percentage of obligation; and

WHEREAS it is the responsibility of the Township to administer said sewage facilities of the Clark Township Sanitary Sewer Utility, including all contractual relationships relating to same, within the Township Government, hereafter to be known as the Clark Township Sanitary Sewer Utility.

WHEREAS the Mayor and Council of the Township of Clark have determined that the most equitable manner of funding the expense of wastewater collection and treatment and administrative expenses associated therewith is the imposition of a "user fee"; and

WHEREAS the Mayor and Council of the Township of Clark have determined that such a usage system has significant benefits for those that conserve water, particularly senior citizens and imposes the cost of 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 Township Council of the Township of Clark, County of Union, and State of New Jersey as follows:

SECTION 1. **Creation of Clark Township Sanitary Sewer Utility.** The Governing Body of the Township of Clark in the County of Union 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 Township of Clark a sewer utility hereinafter known as "The Clark Township Sanitary Sewer Utility."

SECTION 2. **Purpose.** The utility as defined hereinabove shall be responsible for the operation and maintenance of the Township of Clark'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. **Inconsistent Ordinances.**
 Any ordinances inconsistent with the foregoing are hereby repealed to the extent of such inconsistency.

SECTION 4. **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 5. **Effect.**
 This Ordinance shall take effect upon adoption and upon publication according to law.


Effective Date: May 4, 2006

ATTEST:

APPROVED:


KATHLEEN LEONARD
 Township Clerk


PATRICK O'CONNOR
 Council President


SALVATORE BONACCORSO
 Mayor

Ord06/SewerUtilityNew

	Aye	Nay	Abstain	Absent
Albanese				✓
Barr	✓			
Bothe	✓			
Mazzarella	✓			
Toal	✓			
Whiting				✓
O'Connor	✓			