

**TOWNSHIP OF DOWNE
CUMBERLAND COUNTY, NEW JERSEY**

ORDINANCE NO. 2024-09

**ORDINANCE OF THE TOWNSHIP OF DOWNE, COUNTY OF CUMBERLAND AND
STATE OF NEW JERSEY TO PROVIDE FOR THE ESTABLISHMENT OF A
MUNICIPAL SEWER UTILITY**

WHEREAS, pursuant to N.J.S.A. 40:62 et seq., a municipality is permitted to operate municipal public utilities; and

WHEREAS, pursuant to N.J.S.A. 40A:1-1, a municipal public utility is defined as any enterprise from which a municipality anticipates it will receive fees, rents or other charges; and

WHEREAS, a municipal public utility is required for accounting and budgetary purposes, to be treated as a separate and distinct entity pursuant to N.J.S.A. 40A:4-62; and

WHEREAS, the Township of Downe, in the County of Cumberland, New Jersey, a public body corporate and politic of the State of New Jersey (the "**Township**") intends to construct and own a new wastewater treatment plant and sewer lines serving the Fortescue and Gandy's Beach Sections of the Township (the "**Sewer System**"); and

WHEREAS, the Township wishes to create a municipal utility for the management of the Sewer System to accurately and properly budget and account for the expenses and revenues relating thereto in a manner which is permitted by statute and which is separate and distinct from the usual operations of municipal government; and

WHEREAS, the Township has determined to adopt service rate schedules, billing, monitoring, maintenance and administration and will enforce this schedule with employees or agents of the Township; and

WHEREAS, the Township has adopted Ordinance No. 2020-12 on October 12, 2020, establishing sewer connection requirements for the Village of Fortescue, Gandy's Beach and Garrison Trailer Park in the Township; and

WHEREAS, the Township now desires to provide for the creation of the Sewer System Utility.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Downe, in the County of Cumberland, and State of New Jersey, as follows:

SECTION 1. ESTABLISHMENT; OFFICIAL NAME.

There is hereby created and established in the Township, and in accordance with New Jersey statutes, a public utility for budgetary purposes. The name by which this utility shall be known is the "**Township of Downe Sewer Utility**" (hereinafter, the "**Utility**"). For budgetary and accounting purposes, the Utility shall be a separate entity.

SECTION 2. POWERS

The Utility, which constitutes an agency of the Township, exercising public and essential governmental functions, shall have all the powers necessary and convenient to carry out and effectuate the purpose and the provisions of the New Jersey Statutes.

SECTION 3. FUNCTIONS.

It shall be the function of the Utility to budget and account for the Sewer System; to enforce the Township's laws and regulations concerning sewer service; to raise money necessary to pay for the lands, buildings, equipment and facilities or other rights or interest therein acquired for the Sewer System, and for improving and equipping the same; to construct, reconstruct, alter, provide, renew and maintain the Sewer System or other structures and equipment and provide for the care, custody and control thereof in the operation of the Utility; to pay or make provision for the payment of the reasonable expenses in each fiscal year of the Utility; and to pay to those persons entitled thereto the interest and principal on notes and bonds of the Utility, and to deposit and accumulate reserve funds or reserves. The Utility shall monitor the Sewer System operator's responsibilities to preserve, care for, lay out, construct, maintain, improve and operate lands, buildings, equipment and facilities used for the provision of the Sewer System.

SECTION 4. GOVERNING REGULATIONS.

The Utility shall be governed by and in accordance with the laws of the State of New Jersey, the ordinances, the Township Code, and the resolutions adopted by the Township, and administrative directives. The Township shall amend its ordinances, as needed, to effectuate the establishment of a sewer utility.

SECTION 5. FINANCIAL AFFAIRS; DISPOSITION OF FUNDS.

The financial affairs of the Utility shall be governed in accordance with the statutes applying to the financial affairs of a municipality and utilities in general.

SECTION 6. ACQUISITION OF PROPERTY AND/OR EQUIPMENT.

The Utility may, from time to time, acquire such real property and/or equipment in the name of Township as may be authorized by the Township Committee in accordance with the laws of the State of New Jersey.

SECTION 7. APPOINTMENT OF EMPLOYEES, SALARIES AND COMPENSATION.

The Township shall have the full authority to appoint and employ all necessary employees for the Utility. Salaries of the employees will be in accordance with classification and salary ordinances duly adopted by the Township Committee. Portions of salaries of existing employees may be pro-rated based on the amount of time spent on Sewer System operations compared to the employees' full time Township responsibilities.

SECTION 8. UTILITY CHARGES.

The Utility shall have authority to charge and collect monies for the use of the Sewer System whether they be user charges, rental fees, or lease payments, and to use these monies to defray the cost of acquisition of lands, buildings, equipment and facilities, rights and interests therein, to equip the facilities, to pay the Utility's current expenses and to pay the interest and principal on notes and bonds, and to establish a surplus in an amount sufficient to provide for the reasonable anticipation of any contingency that may affect the operating of the Utility.

SECTION 9. OPERATION OF THE UTILITY

The Utility shall be under the administration, operation and control of the Township. In accordance with the Uniform Shared Services Consolidation Act, N.J.S.A. 40A:65-1, et seq., the Township shall have the power and authority to enter into agreements with any other local unit or units to provide or receive any service(s) that may be required for the administration, operation, maintenance and control of the Sewer System and the Utility, including without limitation the County of Cumberland and the Landis Sewerage Authority.

SECTION 10. REPEAL OF INCONSISTENT PROVISIONS

All provisions of the Code of the Township of Downe inconsistent with the provisions of this ordinance are hereby repealed.

SECTION 11. EFFECTIVE DATE.

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

TOWNSHIP OF DOWNE

ATTEST:



Nadine E. Lockley
Municipal Clerk



Michael L. Rothman
Mayor

[SEAL]



**TOWNSHIP OF DOWNE
CUMBERLAND COUNTY, NEW JERSEY
RECORD FOR ORDINANCE # 2024-09**

Introduce Ordinance on First Reading

Motion: JORDAN

Second: CAMPBELL

Introduce Ordinance / First Reading Date: APRIL 8, 2024

Ordinance Published: APRIL 15, 2024

Ordinance Posted: APRIL 8, 2024

Public Hearing / Second Reading Date: APRIL 22, 2024

ROLL CALL	YES	NO	ABSTAIN	ABSENT
Jordan, L.	X			
Byrne, S.	X			
Rothman, M.	X			
Bart, E.	X			
Campbell, R.	X			

Adoption of Ordinance

Motion: CAMPBELL

Second: BYRNE

ROLL CALL	YES	NO	ABSTAIN	ABSENT
Jordan, L.	X			
Byrne, S.	X			
Rothman, M.	X			
Bart, E.				X
Campbell, R.	X			

Final Adoption Date: APRIL 22, 2024

Notice of Final Passage Published: APRIL 25, 2024

Notice of Final Passage Posted: APRIL 22, 2024

April 22, 2024
Date

Nadine E. Lockley
Nadine E. Lockley, Municipal Clerk