

**BOROUGH OF EMERSON  
COUNTY OF BERGEN**

**NOTICE OF ADOPTION**

**Introduced:** January 17, 2023

**Adopted:** February 7, 2023

**NOTICE IS HEREBY GIVEN** that the following ordinance was adopted on the second reading after a Public Hearing at the Regular Meeting of the Borough Council of the Borough of Emerson on the 7<sup>th</sup> day of February, 2023. Copies of Ordinance 1664-23 are available by contacting the Borough clerk or visiting our website at [www.emersonnj.org](http://www.emersonnj.org).

**ORDINANCE NO. 1664-23**

**AN ORDINANCE TO AMEND CHAPTER 228 SEWERS;  
ARTICLE III SEWER RATES AND CHARGES TO CREATE NEW SECTION 228-19.5  
BUILDING SEWERS, RESPONSIBILITY OF PROPERTY OWNERS**

Article III  
**Sewer Rates and Charges**

[Adopted 5-28-1974 by Ord. No. 628 (Ch. 100, Art. II, of the 1966 Code); amended in its entirety 2-16-1993 by Ord. No. 1017]

**§ 228-19 Regulation of sewer use.**

The use of all sanitary sewers in the Borough of Emerson shall be in compliance with the rules and regulations of the Bergen County Utilities Authority. The adoption of this article by the Borough of Emerson shall include the adoption of all future amendments to the aforesaid rules and regulations, provided that prior to the enactment thereof the Borough of Emerson shall be given 45 days' advance notice and further provided that the Borough of Emerson shall have been afforded an opportunity to comment thereon at a public hearing.

**§ 228-19.5 Building sewers, responsibility of property owners**

**A. The owners or occupants of premises in the Borough of Emerson shall be responsible for the proper maintenance and repair of all building sewer connections between the dwelling and the main sanitary sewer line.**

**B. In case a stoppage in the sanitary sewer occurs, the owner or occupant shall immediately notify the Director of Public Works and the Health Officer, who shall make an inspection of the sewer main line. If the main sewer is obstructed, it shall be the responsibility of the Director of Public Works to cause the obstruction to be removed. If the main sewer is not obstructed, the Director shall, immediately following his inspection, notify the owner or occupant that it is the responsibility of the building owner or occupant to remove the obstruction in the building sewer line.**

**§ 228-20 User charge system.**

The Borough of Emerson hereby adopts and enacts the user charge system contained in the rules and regulations of the Bergen County Utilities Authority and authorizes the implementation thereof beginning January 1, 1993. The annual user charges shall be computed on the previous calendar year's usage and the current calendar year's flow charge rate and billed in accordance with the procedure set forth in § 228-21.5 hereof.

**§ 228-21 Credit against user charges.**

- A. There shall be allowed as a credit against the annual user charge levied by § 228-20 hereof an annual credit equivalent to the user charge resulting from 35,000 cubic feet of flow. Such credit shall be computed using the flow charge rate imposed by the Bergen County Utilities Authority upon the Borough of Emerson for the current calendar year. Such credit shall not be accumulated from year to year, nor shall such credit reduce the charge otherwise payable under § 228-20 hereof to less than \$0 for any year.
- B. Such credit shall not be available to tax-exempt users in the Borough of Emerson. Said tax-exempt users shall be charged for sewer usage on a dollar for dollar basis on the basis of the Tier Two User Charge System Schedule for the Borough of Emerson tax-exempt users submitted by the Bergen County Utilities Authority.

**§ 228-21.1 Availability of credit.**

The credit extended by § 228-21 shall be available to each property using the sanitary sewers of the Borough of Emerson except as otherwise stated therein.

**§ 228-21.2 Multiple connections to single meter.**

The following provisions shall apply to any homeowners' association, condominium, cooperative or similar entity which has single water meters to measure water usage of more than one residential unit:

- A. The credit against user charges under § 228-21 hereof shall be multiplied by the number of residential units whose water usage is measured by the single water meter.
- B. The total credit available under Subsection A hereof shall be applied to the total user charge applicable to the single water meter. The homeowners' association, condominium, cooperative or similar entity shall be liable for any charges remaining after application of the credit.

**§ 228-21.3 Private water wells.**

All privately owned water wells which are connected to water systems eventually discharging into the sanitary sewers of the Borough of Emerson shall be subject to the following provisions:

- A. The owners of wells existing at the date of adoption of this article shall notify the Borough Clerk of the Borough of Emerson, in writing, of the existence and location of such wells within 30 days after the date of passage of this article.
- B. The owners of wells constructed or completed after the adoption of this article shall notify the Borough Clerk of the Borough of Emerson, in writing, of the existence and location of such wells within 30 days of the first usage of such wells.
- C. The Borough Engineer of the Borough of Emerson may inspect such well to determine the usage thereof. If, in the opinion of the Borough Engineer, such well's actual water production, together with the other water usage of the owner thereof, exceeds 35,000 cubic feet of water per year, the Borough Engineer shall transmit his opinion, in writing, to the Borough Council of the Borough of Emerson. After receiving such opinion, the Borough Council may require the owner of such well to install and maintain a water meter therein, at the owner's expense, by adoption of a resolution.

- D. If a water meter is required by resolution as provided in Subsection C hereof, the owner must install such meter within 60 days of adoption thereof. If the owner shall fail to do so, the Borough Council of the Borough of Emerson may, by resolution, provide for the installation of such meter and add the cost thereof to the user charge levied under § 228-20 hereof.

§ 228-21.4 **Conformance with certain regulations required.**

Before any sewer shall be permitted to flow into any sanitary sewer of the Borough of Emerson, the Plumbing Subcode Official shall first determine that such sewer and associated drains function properly, in accordance with all applicable rules, regulations and ordinances of the Borough of Emerson.

§ 228-21.5 **Billing procedures.**

Billing for the user charges imposed by § 228-20 hereof shall be in accordance with the following procedures:

- A. In February of each year, the Tax Collector shall attend to the preparation of bills computed on the previous calendar year's usage and the current calendar year's flow charge rate. [Amended 9-19-2000 by Ord. No. 1149]
- B. Bills shall be mailed by the Tax Collector of the Borough of Emerson to the owners of all properties incurring charges not later than February 28 of each year.
- C. Bills are due and payable to the Tax Collector on April 1 of each year. If such charges are not paid in full as of that date, the unpaid charges shall be deemed delinquent from such date, and such unpaid charges shall become a lien upon the properties incurring them as of that date.
- D. All user charges which become delinquent under the provisions of Subsection C hereof shall bear interest and penalties from the date of delinquency at the same rate as all charges for general taxation and shall be collected and enforced in the same manner as general taxation.
- E. No charge levied by § 228-20 hereof shall be invalid by reason of any error or omission in stating the name of the owner or owners of property affected by such charges if such property or properties have actually incurred such charges.
- F. No charge levied by § 228-20 shall be invalid by reason of the failure of a property owner to receive a bill therefor. Every owner is put on notice to ascertain from the Borough of Emerson the amount which may be due for such charges.
- G. After receipt of the Tier Two User Charge System Schedule for the Borough of Emerson for tax-exempt users from the Bergen County Utilities Authority, the Borough Clerk and Tax Collector shall prepare bills to be forwarded to such tax-exempt users based upon the Tier Two User Charge System Schedule. Bills shall be mailed by the Tax Collector of the Borough of Emerson to all tax-exempt users incurring charges, with the exception of properties owned by the Borough of Emerson and Emerson Board of Education. Bills are due and payable to the Tax Collector within 30 days of the mailing of such bills. If bills are not paid in full within said thirty-day period, the unpaid charges shall be deemed delinquent from such date, and such unpaid charges shall become a lien upon the properties incurring them as of that date. All such charges which become delinquent shall bear interest and penalties from the date of delinquency at the same rate as all charges for general taxation. No charge levied upon a tax-exempt user shall be invalid by reason of any error or omission in stating the name of the owner or owners of property affected by such charge if such property or properties have actually incurred such charges. Nor shall any charge levied upon a tax-exempt user be invalid by reason of the failure of a tax-exempt user to receive a bill therefor. Every tax-exempt user is put on notice to ascertain from the Borough of Emerson the amount which may be due for such charges.

§ 228-21.6 **Sewer flow into or out of Borough.**

A. In all instances where property is connected to the sanitary sewer system of another municipality, the user charge under § 228-20 hereof shall be calculated in accordance with the agreements between such municipality and the Borough of Emerson. Such property shall be entitled to a user credit under § 228-21 calculated in accordance with the lower of the following:

- (1) The Bergen County Utilities Authority's flow charge rate applicable to the Borough of Emerson for the current calendar year; or
- (2) The flow charge rate applicable under such agreement for the current calendar year.

B. In all instances where residential property which is located outside the Borough of Emerson is connected to the sanitary sewer system of the Borough of Emerson, there shall be a charge to the property owner in an amount as established periodically by resolution of the Mayor and Council. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**


§ 228-21.7 **Copies of regulations on file.**

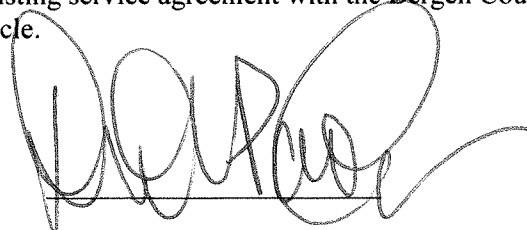
Not fewer than three copies of the rules and regulations of the Bergen County Utilities Authority shall be on file with the office of the Borough Clerk of the Borough of Emerson for public inspection during Borough business hours. In addition, copies of said rules and regulations are available from the Bergen County Utilities Authority for the costs of publication thereof.

§ 228-21.8 **Authorized signatures.**

The Mayor and Clerk of the Borough of Emerson are hereby authorized to act as signatories upon and to execute on behalf of the Borough of Emerson any amendment of the existing service agreement with the Bergen County Utilities Authority which embodies the intent and purpose of this article.

**ATTEST:**

  
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Jane Dietsche, RMC, Borough Clerk

  
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Danielle DiPaola, Mayor

COUNCIL	M O V E D	S E C O N D E D	A Y E S	N A Y E S	A B S E N T	A B S T A I N
McGuire		X	X			
Gordon					X	
Moore			X			
Timmerman	X		X			
Argenzia			X			
Rice			X			

*I hereby certify that Ordinance 1664-23 was duly adopted by the Borough of Emerson at a meeting held on February 7<sup>th</sup>, 2023.*

Attest:   
Jane Dietsche, RMC