

ORDINANCE NO. 3607
INTRODUCED BY: COMMISSIONER JOSEPH P. SCARPELLI AND
COMMISSIONER THOMAS J. EVANS
INTRODUCED ON: MARCH 3, 2026
PUBLISHED: MARCH 12, 2026
PUBLIC HEARING: APRIL 7, 2026
PUBLISHED: APRIL 16, 2026

TOWNSHIP OF NUTLEY
ESSEX COUNTY, NEW JERSEY

ORDINANCE NO. 3607

AN ORDINANCE TO AMEND AN ORDINANCE CODIFIED IN THE CODE OF THE TOWNSHIP OF NUTLEY, CHAPTER 585, ENTITLED “SEWER”, PARTICULARLY ARTICLE VII, “RATES”

BE IT ENACTED by the Board of Commissioners of the Township of Nutley that Section 585, Article VII entitled “Rates” be **AMENDED**:

AMEND

ARTICLE VII – RATES , SECTION 585-58 SANITARY SEWER USER FEES

A. Definitions

Average Billing shall mean a method of billing for the third and fourth quarters based on the prior year's average water consumption in months or quarters. Average billing shall only apply to Residential Tier 1 properties.

B. All owners of property, including, but not limited to, residential, commercial, industrial, institutional, including nonprofit and religious, including their tenants shall be required to use the sanitary sewer system. Such owners shall be charged a sanitary sewer charge consisting of a distribution system improvement charge, base sewer charge and usage sewer charge for the use of the sanitary system of the Township of Nutley as per the below table, determined by the amount of water supplied by the Township of Nutley or by such other system supplying water to the user, as reflected in the water meter readings for said property.

The rates to be charged to consumers for sewer usage are established by the Township of Nutley Board of Commissioners and are as follows:

| | Distribution System Improvement Charge | Base Sewer Charge (First 500 Cu. ft) | Usage Sewer Charge (Each additional 100 Cu. ft.) |
|------------------------|--|--------------------------------------|--|
| Residential Tier 1 | \$6.22 | \$ 35.00 | \$ 5.72 |
| Residential Tier 2 | \$8.51 | \$ 45.00 | \$ 9.72 |
| Residential Tier 3 | \$10.80 | \$ 60.00 | \$ 11.61 |
| Commercial | \$10.80 | \$ 60.00 | \$ 11.61 |
| Government – Municipal | N/A | N/A | N/A |
| Government – County | \$10.80 | \$ 60.00 | \$ 11.61 |

ORDINANCE NO. 3607

**INTRODUCED BY: COMMISSIONER JOSEPH P. SCARPELLI AND
COMMISSIONER THOMAS J. EVANS**

INTRODUCED ON: MARCH 3, 2026

PUBLISHED: MARCH 12, 2026

PUBLIC HEARING: APRIL 7, 2026

PUBLISHED: APRIL 16, 2026

| | | | |
|----------------------|---------|----------|----------|
| Government – State | \$10.80 | \$ 60.00 | \$ 11.61 |
| Government – Federal | \$10.80 | \$ 60.00 | \$ 11.61 |
| Schools Public | N/A | N/A | N/A |
| Schools Private | \$10.80 | \$ 60.00 | \$ 11.61 |
| Industrial | \$10.80 | \$ 60.00 | \$ 11.61 |
| Non-Profit | \$6.22 | \$ 30.00 | \$ 5.30 |
| Medical | \$10.80 | \$ 60.00 | \$11.61 |

C. Adjustment of Bills

The Nutley Sewer Department shall be authorized to adjust the sanitary sewer user charge bills which are irregular due to their being extraordinarily high, based on a temporary situation in the following circumstances:

1. Where the property owner can demonstrate that the meter reading was a reflection of a leak or other condition which was repaired, and the water leakage did not go into the sanitary sewer system, then the Director of the Department of Public Works or their designee shall have the authority to adjust the sewer bill to account for the irregularity.
2. Where a property owner demonstrates that a meter reading resulted from a leak or other condition arising from extraordinary circumstances that could not have been prevented, avoided, or reasonably controlled by the property owner, that the condition has since been repaired, and that the excess water entered the sanitary sewer system, the Director of the Department of Public Works, or their designee, shall have the authority to grant a sewer billing adjustment for a period not to exceed one billing cycle, provided that such adjustment shall not exceed fifty percent (50%) of the sewer bill.

No user shall be entitled to more than one adjustment in any five-year period, unless the user can demonstrate extraordinary circumstances justifying an additional adjustment. Any requests for adjustments pursuant to this section must be made in writing to the Nutley Water & Sewer Department within 30 days of the date of the bill for which the adjustment is being sought or the request will not be considered.

D. Credit for Non-Sewer Water Usage

This section establishes the requirements, eligibility criteria, and procedures for applying an average billing adjustment or installing a sewer deduction water meter to account for non-sewer-related water usage for residential properties within the Township.

1. **Eligibility** – Eligibility for the average billing adjustment or sewer deduction water meter shall be limited to properties that meet the following criteria:

ORDINANCE NO. 3607

**INTRODUCED BY: COMMISSIONER JOSEPH P. SCARPELLI AND
COMMISSIONER THOMAS J. EVANS**

INTRODUCED ON: MARCH 3, 2026

PUBLISHED: MARCH 12, 2026

PUBLIC HEARING: APRIL 7, 2026

PUBLISHED: APRIL 16, 2026

- a. Documented water usage history in the Township's billing system, including a minimum of twenty-four (24) consecutive months of water usage with no gaps in billing history.
 - b. To be eligible for approval to install a sewer deduction meter, the property owner must demonstrate that the water usage during the third and fourth quarters is primarily attributable to outdoor, non-sewered water use (e.g., irrigation, pools, or other uses that do not enter the sanitary sewer system), and that such usage represents at least fifty percent (50%) of the total water consumption for the period.
 - c. The property is in good standing with Township utility accounts, demonstrated by:
 - i. No outstanding utility balances.
 - ii. No history of payment delinquency within the previous twelve (12) months.
 - iii. Compliance with all other Township utility regulations.
2. **Average Billing** – Average billing shall only apply to Residential Tier 1 properties. The sewer bill for the third and fourth quarters shall be calculated based on the average water consumption from the previous year (January through December.) The average billing will be the default method for determining sewer charges for the non-sanitary sewer discharge, unless the property owner submits a request for the installation of a sewer deduction water meter to measure such usage. This request must be made on forms provided by the Nutley Sewer Department. If the actual water consumption for the third and fourth quarters is lower than the average billing, the lower actual consumption amount will be used to calculate the sewer charge for that quarter.

The average billing method shall be subject to the following:

- a. Annual review and adjustment as necessary.
- b. Verification of continued eligibility for participation.
- c. Compliance with all program requirements.
- d. Review of payment history and usage pattern.

All other quarters will be billed based on the actual water consumption for that period.

BE IT FURTHER ENACTED that all other terms and conditions in Chapter 585 shall remain as heretofore set forth in the Code of the Township of Nutley, except where such a reading would not give meaning to and further the application of this amendment. In such case and in such event, the terms and conditions shall have a meaning consistent with the intent of this amendment; and

BE IT FURTHER ENACTED that the within ordinance shall become effective twenty (20) days after adoption, pursuant to law.