

**TOWNSHIP OF WARREN
ORDINANCE NO. 22-04**

**AN ORDINANCE CREATING THE TOWNSHIP OF WARREN
SEWER DEPARTMENT**

WHEREAS, the Township of Warren, in the County of Somerset, State of New Jersey (the “Township”) had created a sewerage authority entitled “The Township of Warren Sewerage Authority” (the “Authority”); and

WHEREAS, the Authority has been dissolved by Ordinance No. 22-02, public hearing on May 11, 2022 and adopted on second reading June 16, 2022, with such dissolution to be effective on July 1, 2022; and

WHEREAS, it is the intention of the Township to create a utility to administer and operate such sewage facilities, including all contractual relationships relating thereto, within the Township administrative code (the “Code”), with its rights, duties and responsibilities set forth in the Code as “The Sewer Department” ; and

WHEREAS, the Township has determined that the creation of the Township of Warren Sewer Utility will allow the Township to more efficiently maintain operations, and utilize resources; and

WHEREAS, the Township has determined that it is in the best interests to establish the Township of Warren Sewer Utility.

NOW THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Warren, County of Somerset, State of New Jersey, as follows:

SECTION 1. Creation of the Township of Warren Sewer Department. Section 2-14 entitled “Sewerage Authority” of *The Revised General Ordinances of the Township of Warren* is hereby deleted in its entirety and substituted with the following:

Section 2-14. SEWER DEPARTMENT.

Section 2-14.1. Established and Purpose. The Township Committee of the Township of Warren does hereby establish a sewer utility to be called the “Sewer Department”, in accordance with the enabling legislation, namely, N.J.S.A. 40A-26A-1 et seq. (the “Enabling Legislation”). The Sewer Department shall be responsible for the operation, functioning and maintenance of the Township of Warren sewerage system; shall be empowered to make such improvements as may be necessary to effectuate the foregoing and 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.

Section 2-14.2. Establishment of Department Head; Organizational Chart. The Township Committee shall select a Director for the Sewer Department, who shall serve at the pleasure of the Township Committee. The Sewer Department director shall report to the Township Administrator and receive such compensation as established by the Township Committee. Additional staff may be hired in accordance with normal Township procedures and in accordance with the Sewer Department budget, however certain functions of the Sewer Department shall be performed by existing Township departments, as more specifically identified in the Organizational Chart attached hereto and made a part hereof. All employees of the Sewer Department shall be employees of the Township (except that the Township Committee may retain consulting professionals to perform certain services).

The organization of the Sewer Department and its function shall be in accordance with the Organizational Chart, which shall be filed with the Township Clerk, and shall be updated by resolution of the Township Committee as required.

Section 2-14.3. Establishment of Usage Rates. Rates for the connections, user fees and services are set by separate ordinance of the Township, which is herein incorporated by reference. Such rates, including but not limited to connections, meters, and usage may be subject to periodic review and change as shall be determined by the head of the Sewer Department.

Section 2-14.4. Operation of the Sewer Department. The anticipated revenues from the operation of the Sewer Department and the appropriations therefor shall be set forth in a separate section of the Township budget, and maintained in the sewer utility fund as established by ordinance.. Dedicated revenues shall not be stated in the Township budget in an amount which is in excess of the appropriation therein for the purposes to which the same are applicable, or in excess of the amount actually realized in cash from the same source during the preceding fiscal year, unless the director of the Division of Local Government Services shall, upon application to the Township Committee, determine that the facts clearly warrant the expectation that such excess amount will actually be realized in cash during the fiscal year and shall certify such determination in writing to the Township.

Section 2-14.5. Appropriations for the Sewer Department. Appropriations for the Sewer Department shall be in the form and detail prescribed by the regulations of the Township and in accordance with the Local Finance Board and the Division of Local Government Services, and shall include, at least: (i) operations, (ii) interest and debt retirement, and (iii) deferred charges and statutory expenditures.

Section 2-14.6. Sewer Department Operations; Surplus; Deficit. If, in any year as a result of operations of such utility there shall be a surplus, or such surplus can be reasonably anticipated, then such surplus, when authorized by the Township Committee, may be included in the budget as an item of miscellaneous revenue, under the caption of "Surplus from the Sewer Department". If any year, as result of such operation, there shall be a deficit or anticipated deficit, then an appropriation for such deficit shall be included in the budget under the caption "Deficit of the Sewer Department". If any anticipated deficit shall exceed the appropriation therefor, the excess shall be provided in the budget for the following year. This section shall not, however, supersede the specific dedication of receipts from the Sewer Department as provided in any law which authorizes the establishment or creation if such utility unless so directed by the Township Committee.

SECTION 2. Repeal of All Inconsistent Ordinances. All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed to the extent of such conflict or inconsistency.

SECTION 3. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect, and to this end, the provision of this Ordinance are hereby declared to be severable.

SECTION 4. Effective Date. This Ordinance shall take effect upon the later to occur of (i) its final passage and publication according to law, and (ii) 11:59 p.m. Eastern Standard Time on June 30, 2022 (assuming the adoption of Ordinance No. 22-02).

ATTEST:

TOWNSHIP OF WARREN

Cathy Reese, RMC
Township Clerk

Victor J. Sordillo, Mayor

INTRODUCED: March 24, 2022

ADOPTED: June 16, 2022

EFFECTIVE: June 30, 2022

revised

WARREN TOWNSHIP SEWER DEPARTMENT ORGANIZATIONAL CHART

