

**BOROUGH OF LODI  
INTRODUCTION NOTICE  
ORDINANCE # 2023-06**

**NOTICE IS HEREBY GIVEN** that the following proposed ordinance was introduced and passed on first reading at a meeting of the Borough Council of the Borough of Lodi, County of Bergen, State of New Jersey, held on July 11, 2023, and that said ordinance will be taken up for further consideration for final passage at the meeting of said Borough Council to be held at its meeting room in the Borough Hall in Lodi, N.J. on August 8, 2023 at 7:00 P.M., or as soon thereafter as said matter can be reached, at which time and place all persons who may be interested therein will be given the opportunity to be heard concerning the same. A copy of this ordinance has been posted on the bulletin board upon which public notices are customarily posted in the Borough Hall of the Borough of Lodi, N.J. and a copy is available up to and including the time of such meeting to the members of the general public of the Borough who shall request such copies, at the Office of the Borough Clerk in said Borough Hall in Lodi, N.J.

Rebecca Paladino, RMC  
Borough Clerk

**ORDINANCE # 2023-06  
BOROUGH OF LODI  
COUNTY OF BERGEN  
STATE OF NEW JERSEY**

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF LODI  
CHAPTER 445 SEWERS ARTICLE VI SEWER CONNECTIONS AND USE**

**WHEREAS**, the Borough of Lodi has a substantial governmental interest in protecting the health and safety of its residents;

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Lodi as follows:

**ARTICLE 1**

The Code of the Borough of Lodi Article VI Sewer Connections and Use Chapter 445 is hereby amended as follows:

1. Connection fees.
  - A. New Connections. The connection fee for each new direct or

indirect connection to the sewerage system shall be five thousand dollars (\$5,000.00) per EDU, which shall be calculated as follows:

1. Residential. Each single-family residential dwelling unit shall constitute one EDU. Each separate dwelling unit (e.g. apartment, condominium, townhouse) within a multiple family structure or complex shall also constitute one EDU.
2. Non-residential. The number of EDUs attributed to each non-residential connection shall be calculated by dividing the projected daily flow for such facility or use, as established by N.J.A.C. 7:14A-23.3, by three hundred (300) gallons (any reference to "seat" in N.J.A.C. 7:14A-23.3 shall be deemed to mean the maximum permitted occupancy established pursuant to the Uniform Construction Code and/or the Uniform Fire Code), with the exceptions indicated in the following table:

Use	Unit of Measurement	GPO
Flex Space	Per Square Foot	0.040
Church	Per Building	1 EDU
(Worship area only; other uses to be calculated separately)		

3. In the event that a type of facility or use is not listed in N.J.A.C. 7:14A-23.3 or in the table of exceptions above, the Borough shall use its best judgment in determining the estimated flow.
  4. There shall be a minimum connection fee of five thousand dollars (\$5,000.00) for each non-residential connection.
- B. Fees for Additional Connections and Increased Usage.
1. Additional/Altered Connections. An application for additional capacity shall be made whenever there is an increase in the estimated flow of sewage from any existing building, facility or structure resulting from any physical or

operational change for which a building permit, site plan, subdivision, variance or other municipal approval is required. A connection fee shall be charged whenever the increase in estimated flow associated with the aforesaid physical or operational change requires the installation of a larger size, or additional connection to the sewer system, to be calculated in accordance with the then current fees required for such new connections.

2. Increased Usage. For properties that have been connected to the Borough sewer system for less than twenty (20) years, an application for additional capacity shall be made whenever there is any addition, alteration, or change in use that materially increases the level of use and imposes a greater demand on the sewer system, but does not involve a new physical connection of the property to the sewer system. A connection fee shall be charged that is equal to the amount by which the increased use and demand on the sewerage system exceeds the use and demand that existed prior to such addition, alteration, or change in use.

C. Reduced Fees for Eligible Projects. The fees set forth in this Section 13.12.275 shall be reduced by fifty (50) percent for eligible projects, which shall include public housing authorities, non-profit organizations building affordable housing projects, and any other affordable housing, including affordable housing in inclusionary projects, as set forth in, and subject to the requirements of, N.J.S.A. 40A:26A-11.3. Connection fees assessed under this Section 13.12.275 to public housing authorities, non-profit organizations building affordable housing projects, and other affordable housing owners, for replacement units for demolished or refurbished units, and for which a connection fee was previously paid, are to be computed by charging the lesser of a.) the reduced rate of fifty (50) percent of the connection fee established in this ordinance, orb.) the connection fee established in this ordinance, minus a credit in the amount of a connection fee previously paid for the housing units being replaced, provided the public housing authority and non-profit organization can establish the connection fee previously paid. If the amount of the previous connection fee cannot be established, the reduced **rate** of fifty (50) percent of the connection fee established in this ordinance shall apply.

- D. Payment of Connection Fees. All sewer connection fees must be paid in full prior to the issuance of a construction permit for the premises. In the event a connection is made without prior payment thereof for any reason, the sewer connection fee shall

constitute a first lien upon the benefitted property and shall bear interest, as set forth in N.J.S.A. 40A:26A-12 and as otherwise provided by law. This shall be in addition to any violations, penalties or other remedies otherwise provided for.

- E. Reinstatement of Service. In the event that an application is made to reinstate sewer service that was previously terminated at a building, facility or structure, or abandoned when the prior building, facility or structure was demolished or substantially totally destroyed, no connection fee will be due provided that service is reinstated within two years of the date of the prior termination of service. If there is an increase in the estimated sewer usage of the building, facility or structure, then the application will also be considered as an application for additional capacity and a connection fee will be due in accordance with the conditions set forth above.
- F. At least once each year the Borough shall review the sewer connection fees established in this section, and revise such fees as necessary by way of resolution of the Mayor and Council, in accordance with the standards and procedures set forth in N.J.S.A. 40A:26A-11, et seq. The revised connection fee shall be imposed upon those who subsequently connect to the system in the new budget year. Any applications for connection made prior to the establishment of the fee for the year in which the connection takes place shall be subject to a pro rata adjustment of the connection fee when a new fee is established for the year in which the connection takes place. Any refund for reduction in fee will be made by the Borough within sixty (60) days and any additional sum due shall be paid by the owner or occupant of the property within sixty (60) days, of the date of the establishment of the new fee.

## **ARTICLE 2**

In the event any section, part or provision of this Ordinance shall be held unconstitutional or otherwise invalid by any Court of competent jurisdiction, such determination shall not affect the validity of this Ordinance or the remaining provisions which shall remain in full force and effect.

## **ARTICLE 3**

All Ordinances or parts thereof and all Codes or parts thereof which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

## **ARTICLE 4**

This Ordinance shall take effect ten (10) days after adoption and publication in the manner prescribed by law.