

**BOROUGH OF RED BANK
COUNTY OF MONMOUTH
STATE OF NEW JERSEY**

ORDINANCE NO. 2025-02

**ORDINANCE AMENDING CHAPTER 695: "WATER AND SEWER" OF THE
BOROUGH'S REVISED GENERAL ORDINANCES TO PROVIDE FOR
CONNECTION FEE DISCOUNTS FOR AFFORDABLE HOUSING UNITS IN
COMPLIANCE WITH N.J.S.A. 40:14B-22.3**

BE IT ORDAINED by the Mayor and Council of the Borough of Red Bank, County of Monmouth, State of New Jersey, that Chapter 695: "Water and Sewer" of the Borough's Revised General Ordinances is amended as follows (~~stricken~~ text deleted; underlined text added):

CHAPTER 695: "WATER AND SEWER"

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ARTICLE VIII: "SEWER CONNECTION FEES"

§ 695-51 Fees.

The connection fee for each direct or indirect connection to the sewerage system shall be as follows:

- A. Class 1: Residential. Single-family, condominiums, townhouses, apartments, multifamily, duplex, age restricted, trailers, mobile homes (per unit): \$3,246.
- B. Class 2: Hotel or motel: \$1,623 (per room). This portion of the connection fees applies only to the number of living units. An additional connection fee is imposed for kitchens, restaurants, taverns, laundries, offices and the like. In the case where dormitory-style sleeping quarters are provided, the total number of dwelling units shall be determined by the total authorized occupancy capacity of the facility divided by two.
- C. Class 3: Nonresidential.
 - (1) Per gallon per day (based upon the Borough's estimate of water consumption): \$21.15.
 - (2) Minimum connection fee per unit: \$3,246.
- D. Estimated projected flows for nonresidential uses.
 - (1) The projected flow criteria contained in N.J.A.C. 7:14A-23.3 shall be used to determine the estimated flows for nonresidential uses whenever practicable. In the event that a type of use is not listed in N.J.A.C. 7:14A-23.3, the Borough shall use its best judgment in determining estimated flow.
 - (2) The following projected flow criteria are hereby adopted by the Borough as additions or exceptions to those contained in N.J.A.C. 7:14A-23.3:

Use	Unit of Measurement	GPD
Flex space	Per square foot	0.030
Convenience stores or convenience store/filling station combinations (no public toilet facilities)	Per square foot	0.30
Church (worship area only; other uses to be calculated separately)	Per building	1 EDU

(3) For the purpose of this article, 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.

E. Additional sewer capacity for nonresidential users. A nonresidential user shall be entitled to use the amount of sewer capacity, in gallons per day, that was originally obtained through the payment of connection fees. An application for additional capacity shall be made by any nonresidential user 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 to the user 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.

F. ~~Sewer connection fees to public housing authorities and nonprofit organization building affordable housing projects that consist of new connections to the system are to be computed by providing a 50% reduction in the connection fee established in this article. Connection fees to public housing authorities and nonprofit organizations building affordable housing projects that consist of 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: the reduced rate of 50% of the connection fee established in this article; or the connection fee established in this article, minus a credit in the amount of a connection fee previously paid for the housing units being replaced, provided the public housing authority and nonprofit organization can establish the connection fee previously paid. If the amount of the previous connection fee cannot be established, the reduced rate of 50% of the connection fee established in this article shall apply.~~

F. Sewer connection fees to be charged to public housing authorities, to non-profit organizations building affordable housing projects, and to any other affordable housing, including affordable housing units in inclusionary projects shall be reduced by 50%, pursuant to N.J.S.A. 40:14B-22.3, and in addition:

(1) For units previously connected to the Borough's sewerage system that were demolished or refurbished to allow for new affordable housing units, and for which a connection fee was previously paid, there shall be a credit to public housing authorities, to non-profit organizations building affordable housing projects, and to any other affordable housing, including affordable housing units in inclusionary

projects, for the amount of the connection fee(s) previously assessed and paid for the units previously connected to the Borough's system.

- (2) The connection fee assessable against a public housing authority, non-profit organization, or other affordable housing owner, for units previously connected to the Borough's system that were demolished or refurbished to allow for new affordable housing units, including affordable housing units in inclusionary projects, shall be the lesser of the 50% reduced rate provided for in this Section F, or the current non-reduced rate applicable to other types of housing developments minus the credit provided under Subsection (1) of this Section F for units for which a connection fee was previously paid, provided that said public housing authority, non-profit organization, or other affordable housing owner can establish the connection fee was previously assessed and paid for connection with the Borough's. If the same cannot be established, the 50% reduced rate provided for in this Section F shall be assessed.

* * *

ARTICLE IX: "WATER CONNECTION FEES"

§ 695-54 Fee.

The connection fee for each direct or indirect connection to the water system shall be as follows:

- A. Class 1: Residential. Single-family, condominiums, townhouses, apartments, multifamily, duplex, age restricted, trailers, mobile homes (per unit): \$1,383.
- B. Class 2: Hotel or Motel: \$692 (per room). This portion of the connection fees applies only to the number of living units. An additional connection fee is imposed for kitchens, restaurants, taverns, laundries, offices and the like. In the case where dormitory-style sleeping quarters are provided, the total number of dwelling units shall be determined by the total authorized occupancy capacity of the facility divided by two.
- C. Class 3: Nonresidential:
 - (1) Per gallon per day (based upon the Borough's estimate of water consumption): \$9.01.
 - (2) Minimum connection fee per unit: \$1,383.
- D. Estimated water consumption for nonresidential users.
 - (1) The projected flow criteria contained in N.J.A.C. 7:14A-23.3 shall be used to determine the estimated water consumption for non-residential uses, whenever practicable. In the event that a type of use is not listed in N.J.A.C. 7:14A-23.3, the Borough shall use its best judgment in determining estimated water consumption.
 - (2) The following projected flow criteria are hereby adopted by the Borough as additions or exceptions to those contained in N.J.A.C. 7:14A-23.3:

Use	Unit of Measurement	GPD
Flex space	Per square foot	0.030
Convenience stores or convenience store/filling station combinations (no public toilet facilities)	Per square foot	0.30
Church (worship area only; other uses to be calculated separately)	Per building	1 EDU

- (3) For the purpose of this article, 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.

E. Additional water capacity for nonresidential users. A nonresidential user shall be entitled to use the amount of water capacity, in gallons per day, that was originally obtained through the payment of connection fees. An application for additional capacity shall be made by any nonresidential user whenever there is an increase in the estimated flow of water 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 to the user 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 water system, to be calculated in accordance with the then-current fees required for such new connections.

~~F. Water connection fees to public housing authorities and nonprofit organization building affordable housing projects that consist of new connections to the system are to be computed by providing a 50% reduction in the connection fee established in this article. Connection fees to public housing authorities and nonprofit organizations building affordable housing projects that consist of 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: the reduced rate of 50% of the connection fee established in this article; or the connection fee established in this article, minus a credit in the amount of a connection fee previously paid for the housing units being replaced, provided the public housing authority and nonprofit organization can establish the connection fee previously paid. If the amount of the previous connection fee cannot be established, the reduced rate of 50% of the connection fee established in this article shall apply.~~

F. Water connection fees to be charged to public housing authorities, to non-profit organizations building affordable housing projects, and to any other affordable housing, including affordable housing units in inclusionary projects shall be reduced by 50%, pursuant to N.J.S.A. 40:14B-22.3, and in addition:

- (1) For units previously connected to the Borough's water system that were demolished or refurbished to allow for new affordable housing units, and for which a connection fee was previously paid, there shall be a credit to public housing authorities, to non-profit organizations building affordable housing projects, and to


any other affordable housing, including affordable housing units in inclusionary projects, for the amount of the connection fee(s) previously assessed and paid for the units previously connected to the Borough's system.

- (2) The connection fee assessable against a public housing authority, non-profit organization, or other affordable housing owner, for units previously connected to the Borough's system that were demolished or refurbished to allow for new affordable housing units, including affordable housing units in inclusionary projects, shall be the lesser of the 50% reduced rate provided for in this Section F, or the current non-reduced rate applicable to other types of housing developments minus the credit provided under Subsection (1) of this Section F for units for which a connection fee was previously paid, provided that said public housing authority, non-profit organization, or other affordable housing owner can establish the connection fee was previously assessed and paid for connection with the Borough's. If the same cannot be established, the 50% reduced rate provided for in this Section F shall be assessed.

BE IT FURTHER ORDAINED that any ordinances or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance.

BE IT FURTHER ORDAINED that if any provision of this Ordinance or the application of such provision to any person or circumstance is declared invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect, and to this end, the provisions of this Ordinance are declared to be severable.

BE IT FURTHER ORDAINED that this Ordinance shall take effect immediately upon adoption and publication in accordance with the laws of the State of New Jersey.

Moved	Sec.	Aye	Nay	Abs.	Absent	Councilmember	Moved	Sec.	Aye	Nay	Abs.	Absent
		X				Kristina Bonatakis			X			
		X				David Cassidy			X			
X		X				Nancy Facey-Blackwood		X	X			
	X	X				Ben Forest			X			
		X				Laura Jannone			X			
		X				Kate Triggiano	X		X			
		X				Mayor William Portman			X			
Introduction: January 23, 2025						I hereby certify the above ordinance was adopted by the Borough Council of the Borough of Red Bank, County of Monmouth, State of New Jersey on the aforementioned date.  Mary Moss, RMC- Borough Clerk						
Adoption: February 13, 2025												