

BOROUGH OF ELMER
SALEM COUNTY, NEW JERSEY

ORDINANCE 99-11

Title: ORDINANCE REGULATING THE USE OF
WATER FROM THE PUBLIC WATER SYSTEM
AND AMENDING ORDINANCE 99-7

Date of Introduction: August 11, 1999

Anticipated Date of Adoption: September 8, 1999

Contents: Ordinance
First Resolution
Notice of Introduction
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Notice of Adoption

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ONE MILL STREET
WOODSTOWN, NEW JERSEY 08098

ORDINANCE 99-11

ORDINANCE REGULATING THE USE OF WATER
FROM THE PUBLIC WATER SYSTEM
AND AMENDING ORDINANCE 99-7

BE IT ORDAINED by the Mayor and Borough Council of the Borough of Elmer,
County of Salem, and State of New Jersey as follows:

1. Any person, firm or corporation receiving a supply of water for any purpose from the Elmer Borough Water Department shall be subject to the rules and regulations as set forth herein or by special or additional rules and regulations which may be adopted by ordinance or resolution.

2. The owner of any house, tenement, building or lot shall each be liable for the payment of the price or rent as fixed herein or by the Borough Council for the use of water and for the installation, purchase price, repair and testing of any water meter, water service connections, appliances or parts and renewals thereof, heretofore or hereafter furnished or made by the Water Committee in or upon such house, tenement, building or lot or connecting with such house, tenement, building or lot and the interest and penalties charged, and such price or rent or other costs, expenses, interest and penalties as fixed herein shall be a lien upon said house, tenement, building or lot until the same shall be paid and satisfied.

3. (a) The Water Collector of the Borough of Elmer shall have the following duties: he/she is hereby designated as the collector of all accounts receivable due for water service in the Borough of Elmer; he/she shall be responsible to make out and send all water bills; he/she shall keep accurate records of all water accounts and shall be required to carry out the provisions of this ordinance in relation to delinquent accounts, notices of shut-off and upon payment, the

restoration of the water service; he/she shall account to the Chief Financial Officer monthly, for all moneys of the water service received, turning over to said Chief Financial Officer for the purpose of the said Borough, all such moneys and a complete record thereof. He/She shall enter into a bond for the faithful performance of the aforesaid duties in such an amount as the Borough Council of the Borough of Elmer may require.

(b) The Water Superintendent of the Borough of Elmer shall have the following obligations and/or duties: he/she shall be required to report to the proper New Jersey State Authorities concerning the operation of said water system; he/she shall be properly licensed for the duties herein described; he/she shall be responsible for the daily operation of the Water Department; he/she shall inspect and issue permits to all private wells within the Borough or located on property serviced by the Borough Water System and ensure that no cross connections occur. The Borough may appoint an Assistant Water Superintendent to assist the Water Superintendent with all duties and obligations described herein. The Assistant Superintendent shall have all powers of the Superintendent.

4. No water connection shall be made to any portion of the water supply system by any person or persons, firm, association, partnership, corporation or organization except upon proper permit issued by a duly authorized officer after proper application has been made, necessary fees paid in advance and approval secured in writing from the Water Committee, including the opening of any street or sidewalk for the introduction or change of water facilities.

5. All applications for water service or the extension of the water distribution system shall contain an assent by the owner of the property where the water service is desired or by said owner's duly authorized agent to these rules, rates and regulations. The application shall state the

date, name of party, kind and extent of service applied for, description and location of property to be supplied and the rates and terms of payment.

6. All water taps are to be made by and through the Water Superintendent.

7. Application for the extension of the water distribution system may be made only where sufficient demand for service warrants. The Mayor and Council of the Borough of Elmer shall determine the terms and conditions upon which such applications or petitions may be granted.

8. All applications for water service shall continue in force from year to year unless 30 days notice in writing is given to the Water Collector of a desire to terminate the service. In the event of a discontinuance of the use of water service from a tap, the Water Superintendent shall disconnect or turn off the tap at the main.

9. Each house and/or building on a property requiring or using water services with separate supply from a main shall be separately metered and charged. The owner of the property shall be responsible for water rents, fees or charges and if the water be cut off from said premises, the same shall not be turned on until all the rent or fees or charges due and all expenses for cutting off and turning on the water services shall be paid in full.

10. Service may be disconnected or turned off for any of the following reasons:

a. For the use of water on any other property or building or purpose than for which charge is being made;

b. For willful waste of water through improper or imperfect pipe, fixtures or otherwise;

- c. For failure to maintain in good order connections, service lines or fixtures owned by the purchaser;
 - d. For tampering, disturbing or interfering with any service pipe or any other appliance of the water system owned by the Borough of Elmer;
 - e. In case of vacancy of premises;
 - f. For neglecting to make or renew advance payments or for non-payment of water service or any other charges accruing under the application;
 - g. For refusal of reasonable access to the property for purposes of inspection, reading the meter or repairs;
 - h. For fraudulent representation on the part of the consumer or the owner of the premises; and,
 - i. Persistent violation of the rules and regulations of the Water Committee.
11. No person shall be entitled to damages or rebate of any portion of payments due because of accidents, additions or repairs to any portion of the water system.
12. In case of prolonged scarcity of water from any cause, the Water Committee reserves the right upon public notice to restrict or prohibit:
- a. The sprinkling, watering or irrigation of shrubbery, trees, lawns, grass, ground, ground covers, plants, vines, gardens, vegetables, flowers or other vegetation;
 - b. The washing of automobiles, trucks, trailers, trailer houses, or any other type of mobile equipment;
 - c. The washing of sidewalks, driveways, filling station aprons, porches and other outdoor surfaces;

- d. The washing of the outside of dwellings and the washing of the inside and outside of office buildings and business establishments of any type;
- e. The washing and cleaning of any business or industrial equipment and machinery;
- f. The operation of any ornamental fountain or other structure making a similar use of water;
- g. Swimming and wading pools and bath houses and bathing establishments of any nature whatsoever; and,
- h. The use of water by any business or industrial establishment whose business or work is not essential to the health, welfare and safety of the residents of the Borough of Elmer.

Nothing in this section or the body of this Ordinance should be read or construed so as to supersede or in anyway contradict the application of Ordinance 96-3 (An Ordinance of the Borough of Elmer, County of Salem and State of New Jersey Regulating the Use of Water within the Borough of Elmer and repealing Borough of Elmer Ordinance 94-8).

13. Complaints with regard to the character of the service furnished or of bills rendered must be made to the office of the Water Collector in writing. The Water Collector shall make a record of such complaint giving the name and address of the complainants, the date and nature of the complaint and the remedy and report same to the Water Committee.

14. No persons, firm or corporation shall in any manner obstruct or prevent free access to any fire hydrant, or place or store temporarily or otherwise, any object, materials, snow, debris or structure of any kind within a distance of 15 feet of any fire hydrant. Any obstruction, when discovered, shall be removed at once by a Borough Official or the Police at the expense of

the person, firm or corporation responsible for the obstruction, and will also subject them to penalties hereafter set forth for violation of this ordinance.

15. Water shall be billed at the rate of \$2.60 per 1,000 gallons of metered flow.

16. Advanced Quarterly Services Charges shall be charged as follows:

Size of Meter	Service Charge
5/8" x 3/4"	\$ 20.00
1"	\$ 20.00
1 1/2"	\$ 45.00
2"	\$ 80.00
2 1/2"	\$130.00
3"	\$180.00

b. The foregoing charges do not include any water use.

17. All bills are due and payable upon presentation and must be paid by the end of the current quarter. All bills not paid by the end of the current quarter shall incur a late charge in an amount of Three Percent (3%) per billing cycle and shall be and remain a lien upon the real estate and the Borough of Elmer shall have the same remedies for the collection of such charges and rents, with costs and penalties as the said Borough of Elmer has by law for the collection of taxes upon real estate.

18. In the case of tampering, disturbing or interfering with any service of the water system as set forth herein the service charges for repair to tampered meter in addition to the cost of repair or maintenance shall be as follows:

\$250.00 first offense;

\$500.00 second offense;

\$1,000.00 for each subsequent offense

19. Public Fire Protection Charges

There shall be an annual charge for each public fire hydrant of Ninety-seven Dollars (\$97.00) for each hydrant. No additional charge will be made for water used in fighting a fire or testing purposes.

20. Private Fire Protection Charges

a. There shall be a charge for each private hydrant of Ninety-seven Dollars (\$97.00) per year in service.

b. All bills are due upon presentation.

c. All service charges are payable in advance.

21. Other Miscellaneous water charges are as follows:

a. Test of meter at customer's request.

\$25.00 for meters for sizes 1" or less.

\$150.00 per inch for other water service meters larger than one inch in diameter.

b. Backflow Prevention System

\$50.00 per inspection

c. Construction

Water for building purposes shall be metered and charged \$2.60 per 1,000 gallons.

d. Turn on/off fee at customers request - \$25.00

e. Delinquency Fees

(1). Turn on/turn off fee following shut off for delinquency:

\$25.00 - turn on service

\$25.00 - turn off service

(2). Service charge to restore service where customer has turned water back on at curb after Department shut-off for delinquency and Department preventive action was required - \$35.00

(3). Bad check charge for check issued at time of shut-off and said check returned by bank - \$25.00 cash.

22. Activation of Water Service

Water service will not be activated until all permits, taxes and/or municipal liens are satisfied for said property.

23. This ordinance shall be effective October 1, 1999.

24. If any section or provision of this Ordinance shall be declared by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or any part thereof.

25. This Ordinance supersedes the previous ordinance entitled "Ordinance Regulating the Use of Water from the Public Water System", adopted May 12, 1999.

ADOPTED: Approved by the Mayor on
September 8, 1999

ATTEST:

Beverly S. Richards
Beverly S. Richards, Clerk

Herbert D. Stiles, Jr.
Herbert D. Stiles, Jr., Mayor

Roll call vote:	Yes	No	Abstaining	Absent
Lynda Davis	<u>✓</u>	—	—	—
Peggy L. Harz	<u>✓</u>	—	—	—
Robert Y. McWilliams	<u>✓</u>	—	—	—
Joseph F. Pedersen	<u>✓</u>	—	—	—
Stephen A. Richards	<u>✓</u>	—	—	—
Joseph Stemberger	<u>✓</u>	—	—	—