

BOROUGH OF ELMER
SALEM COUNTY, NEW JERSEY

ORDINANCE 2000-5

Title: ORDINANCE REGULATING THE USE OF
WATER FROM THE PUBLIC WATER SYSTEM
AND AMENDING ORDINANCE 99-11

Date of Introduction: April 12, 2000

Anticipated Date of Adoption: May 10, 2000

Contents: Ordinance
First Resolution
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ORDINANCE 2000-5

ORDINANCE REGULATING THE USE OF WATER
FROM THE PUBLIC WATER SYSTEM
AND AMENDING ORDINANCE 99-11

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. A System for Review, Modification, and/or Alteration of a Quarterly Water Bill by the Borough Council.

A. The Borough Council may upon the motion of a Borough water supply customer, the Water Superintendent of the Borough of Elmer, or upon its own motion modify, alter, redact, or otherwise change a water bill of a consumer from the Elmer Borough Water Department. If the Borough Council finds that: (1) the bill presented is in error; or, (2) is the result of an extraordinary circumstance(s): (a) causing unfairness or hardship to the consumer; and, (b) having found the consumer acted in good faith and with due diligence in resolving the extraordinary circumstance.

An extraordinary circumstance shall be defined by the Mayor and Borough Council of the Borough of Elmer on a case by case basis.

Modification of the bill may be made to any of the following: (1) amount of the total bill, (2) the gallons of water consumed for the period, (3) any other modification the Borough Council may find just under the circumstances.

B. Statute of limitations for this system of review shall be limited to a period of 30 days following the quarterly billing date for which the requested modification applies. The applicable quarterly billing date shall be counted as day one (1) of the 30-day period irrespective of the date of receipt by the customer.

C. Requests and/or motions to modify a water bill of a consumer under this Ordinance shall be made by written complaint addressed and delivered to the office of the water collector within the 30-day period as defined above. The written complaint shall set forth the specific objection to the water bill and shall define any and all extraordinary circumstances that the petitioner believes justifies the request. The extraordinary circumstances must include the unfairness or hardship suffered by the consumer as a result of the extraordinary circumstances and define the good faith and/or due diligence of the consumer in resolving the extraordinary circumstance or in bringing this to the attention of the water collector. Service upon the water collector may be had on the Borough Clerk if the water collector is not available. The request for modification shall be heard at the next regularly scheduled Borough Council meeting provided the notice is at least 10 days before said meeting. If the 10-day notice period cannot be met then

the matter shall be heard at the next regularly scheduled Borough Council meeting or at a special meeting to be set at the sole option of the Mayor and Borough Council. Any consumer requesting modification shall not be required to provide any notice to the public in order to have their matter heard. The Borough Council may render a decision on the request at the hearing in which the matter is heard or may delay decision on the matter for purposes of having a subsequent hearing, investigation, or any other reason believed to be justified under the circumstances.

D. This procedure modifies Section 13 of Ordinance No. 99-11. This Ordinance shall be effective June 1, 2000.

2. Waiver of Water Service Fees and Charges

The Mayor and the Borough Council of Elmer hereby waives any and all charges, be it fees for connection, maintenance, consumption, or otherwise, relating to the Elmer water supply and Elmer Water Department for the following entities and/or properties:

- a. Borough Hall of the Borough of Elmer;
- b. Borough of Elmer Fire Department;
- c. Veterans Monument property;
- d. Little League Park (limited to the Parks' restrooms and Club House);
- e. Elmer Elementary School;
- f. Elmer Ambulance Corps; and,
- g. Mini park at State and Main Streets.

3. Additional Water Supply Consumer

The Little League Park shall be a consumer of the Elmer Borough Water Department and water supply system for purposes of any and all irrigation and/or other purposes beyond that set forth in Section 2 of this Ordinance. A meter shall be added so as to enable the water consumption rate to be measured and any and all connection fees waived as the Park is Borough property.

The Little League Park shall hereafter conform to the requirements of Ordinance 99-11 and any amendment thereof.

4. Authorization of Inspectors; Policy of Estimation of Water Bills Due to the Inability of an Inspector to Read Meters

If not fully set forth in Ordinance No. 99-11, this Section shall empower the Water Superintendent of the Borough of Elmer to inspect at any reasonable time all water meters of all Borough of Elmer consumers so as to effectuate the purposes of the Elmer Borough Water Department and Ordinance No. 99-11 and any and all amendments thereof.

The Water Superintendent and/or Assistant Water Superintended may appoint additional inspectors as necessary in order to effectuate the inspection of all consumer water meters and/or any other purposes of Ordinance No. 99-11 and any amendments thereof. Any inspector appointments shall be with the consent and approval of the Borough Council.

Any customer who does not provide ready access for an inspection of the Borough's water supply system and/or meter in a manner that is sufficient to enable the inspector to comply with the requirements of this amendment and Ordinance No. 99-11 and any amendments thereof shall be billed based upon an estimation of water consumption for the billing period applicable thereto. That estimation shall be based upon the highest quarterly billing statement of the previous four (4) billing quarters. Should this estimate be determined to have exceeded or be less than the actual consumption based upon the next meter reading, then any overage or underage shall be applied to the next quarterly billed statement.

This manner of billing shall continue for consecutive billing cycles until a meter is actually read by an inspector. The failure of any consumer to provide access to any Borough meter reader for two consecutive reading cycles shall be grounds to have the water service disconnected immediately as set forth in Ordinance No. 99-11.

5. A Consumer Shall be Deemed to Have Denied Access to a Water Meter Should the Customer do any of the Following:

1. Refuse entry or have access denied to the property by way of locked gate, fence, door, or barricade of any type;
2. Maintain upon the premises any animal or mechanical device in a manner that may cause injury to the meter reader;
3. The maintenance of any other object, device, person, animal, or thing, knowingly or unknowingly, upon the property in any manner that may cause the inspector to have a reasonable apprehension so as to enter the property; or,
4. Fail to cooperate with an inspector in arranging for a suitable time for inspection if the meter is unable to be read due to any of the reasons set forth herein;

One shall be deemed to be uncooperative should an Inspector be unable to gain access to the property within a five (5) day period.

Should an inspector be unable to gain access to any property for reading of the meter on the inspectors' initial attempt, the inspector shall make a reasonable effort to reinspect the property

one time within five (5) days of the initial inspection. It shall be the duty of the consumer to ensure that an inspection may be had within the aforesaid five (5) day period.

6. Reasonable Time

A reasonable time is consistent with the normal work hours of the Borough of Elmer, being Monday through Friday from 8:30 AM to 4:30 PM.

7. Mandatory Connection; application for service; application fee; restrictions to outside use

All structures requiring water service within the Borough of Elmer located within one hundred fifty (150) feet of a municipal water main must connect to the Borough water system.

All applications for the installation or renewal of water service connections shall be made in writing by the owner of the property or person acting as the owner's agent and signed by the owner or agent. There may be an application fee as established by the Borough.


Water service may be provided to any person or structure outside the territorial limits of the Borough of Elmer as approved by the Mayor and Borough Council. Any decision by the Mayor and Council shall be final and completely within their discretion. Nothing in this Ordinance shall be interpreted to require the Mayor and Council to approve any connection outside the territorial limits.


All water service and connections in existence prior to the adoption of this Ordinance shall continue pursuant to the terms and conditions defined herein and Ordinance 99-11.

ADOPTED:

Approved by the Mayor on
May 10, 2000

ATTEST:


Beverly S. Richards, Clerk


Herbert D. Stiles, Jr., Mayor

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