

ORDINANCE NO. 03-2018

BOROUGH OF ROSELAND
COUNTY OF ESSEX, STATE OF NEW JERSEY

AN ORDINANCE AMENDING CHAPTER XVII OF THE
REVISED GENERAL ORDINANCES OF THE BOROUGH OF
ROSELAND ENTITLED "WATER AND SEWER"

WHEREAS, the Mayor and Council of the Borough of Roseland wish to amend Section 17-6 of the Revised General Ordinances of the Borough of Roseland entitled "Meter Readings, Consumer's Chargers, Billings and Penalties";

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Roseland that Chapter XVII of the Revised General Ordinances of the Borough of Roseland entitled "Water and Sewer" shall be amended as follows:

SECTION I

Section 17-6 entitled Water and Sewer shall be amended to add the following **thus** and to delete the following **thus**:

17-6 METER READINGS, CONSUMER'S CHARGES, BILLINGS AND PENALTIES.

17-6.1 Meter Readings and Charges.

a. **The Borough shall collect all water Mmeters shall be reads quarterly during the first ten 10 days of each quarter** and bills for water service shall be mailed to the consumer quarterly. They shall bear interest at a rate per annum, with penalties and procedures for delinquent payment to be determined by the Borough Council by adoption of a new resolution from time to time as the Council shall deem necessary and appropriate in accordance with the requirements of sound municipal financial planning.

1. Notwithstanding anything to the contrary herein, if the Borough fails to obtain a quarterly meter read then the user's bill for water consumption shall be calculated at the lowest rate. However, if the Borough requests in writing that the user permit access to its meter, and the user fails to grant access within 30 days, then the user's bill for water consumption shall be calculated at the regular rates and in the regular manner set forth within this Ordinance.

2. In any case where the Borough calculates a residential user's quarterly bill based upon an inaccurate consumption due to the Borough's conduct, the residential user's quarterly bill shall be recalculated utilizing the lowest rate for consumption. The Borough shall issue the residential user a credit for the difference between the amount originally billed, and the amount due under the recalculation, and shall issue the

residential user any refund due. The recalculation shall only go back six years from the date of said recalculation.

3. The Borough shall be permitted to require a commercial user to install a new water meter that conforms to the Borough's requirements. The commercial user shall install the new water meter within 30 days of receiving written notification from the Borough that the new installation is required. The commercial user shall install the new water meter at the commercial user's sole cost and expense. Said commercial user shall not install the new meter without the Borough of Roseland's Water Sewer Foreman or his representative being present at the time of the new meter installation and shall provide at least two business days written notice to the Water Sewer Foreman and Water Department Accounts Receivables Clerk of the date and time of the installation of the new meter. Failure to comply with this paragraph shall result in the commercial user being billed at a rate during that quarter that correlates to the highest amount of consumption in the commercial users past four quarters.

4. In the case where a residential user notifies the Borough of a suspected water leak and the Borough confirms a leak and/or the residential owner provides written confirmation of a leak from a licensed plumber or landscaper, and/or where the Borough notifies the user of a suspected leak and the user contacts the Borough to arrange for a Borough inspection within 30 days of the Borough's notification and a leak is detected, then the user's bill for water consumption shall be calculated or recalculated at a rate capped at the highest rate in the past four quarters.

5. In the case of a malfunctioning commercial user's meter, it shall be replaced within five (5) business days upon notification. Notification shall be deemed sufficient either orally by the Water Sewer Foreman or written notification. Failure to comply with this paragraph shall result in the commercial user being billed at a rate during that quarter that correlates to the highest amount of consumption in the commercial users past four quarters.

b. Failure to provide access for the purpose of reading the meter after three (3) quarters may result in the shutting off of meter service.

c. All charges shall be payable to the Borough of Roseland.

d. All owners whose water bills remain unpaid after the third consecutive quarter will be subject to having their water turned off at the curb stop and will also be subject to a one hundred (\$100.00) dollar fee for turning on the water.

e. Upon receipt of a request by a consumer to the Department the water may be shut off by the Department. A charge of twenty-five (\$25.00) dollars, however, shall be made for turning off or restoring the service. If the house is vacant, no deduction from the minimum charge hereinafter prescribed shall be made as long as the curb stop shall remain open.

17-6.2 Meter Tests and Adjustments.

Consumers shall promptly report meters thought to be defective or out of order, requesting a test of same which shall be promptly made. Should the test disclose the meter is not defective or out of order, a charge of one hundred (\$100.00) dollars shall be made for the test. Should the test disclose the meter to be defective or out of order, it shall be replaced or repaired and water charges for the quarter in which it is found defective or out of order shall be averaged upon the basis of the meter readings for the four (4) quarters preceding that in which the meter was found to be defective or out of order.

17-6.3 Violations.

It shall be the duty of all employees of the Department to report any violations of these regulations.

The willful or careless waste of water furnished by the Borough water system is prohibited.

All complaints relative to water supply, charges, distribution or consumption shall be made at the office of the Department. In emergencies, the foreman shall be notified.

SECTION II

If any section or provision of this ordinance shall be invalid in any court the same shall not affect the other sections or provisions of this ordinance except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

SECTION III

All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION IV

This ordinance shall take effect in accordance with applicable law.

DATE OF INTRODUCTION: February 6, 2018

Motion to Introduce by: Councilman Jacobs

Motion Seconded by: Councilman Bardi

Introduction Approved: 5-0 Voice Vote (Smith absent)


AMENDED AT PUBLIC HEARING: February 20, 2018

Motion to Amend
and Re-Advertise: Councilman Smith
Motion Seconded by: Councilman Jacobs
Amendment Approved: 6-0 Voice Vote

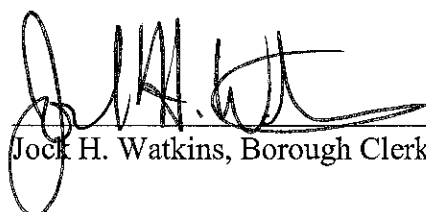
DATE OF ADOPTION: March 27, 2018

COUNCIL	MOTION	SECOND	AYE	NAY	ABSTAIN	RECUSE	ABSENT
Councilman Bardi	X		X				
Councilman Jacobs		X	X				
Councilman Leonard			X				
Councilman Smith			X				
Council President							X
Councilman Tsilionis			X				
Mayor Duthie (In case of tie)							
VOTE:			5	0			

I hereby certify that the above Ordinance was duly adopted by the Mayor and Council of the Borough of Roseland at a meeting of Borough Council held on the 27th day of March 2018.



John Duthie, Mayor



Jock H. Watkins, Borough Clerk

Date of Publication: April 2, 2018, the Star Ledger