

ORDINANCE NO. 12-2019

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" TO AMEND SECTION 17-6 ENTITLED "METER READINGS, CONSUMER'S CHARGES, BILLINGS AND PENALTIES", SECTION 17-16 ENTITLED "DEFINITIONS", SECTION 17-20 ENTITLED "USE OF PUBLIC SEWERS, AND SECTION 17-23 ENTITLED "POWERS AND AUTHORITIES OF INSPECTORS"

WHEREAS, the Mayor and Council of the Borough of Roseland wish to amend various sections of Chapter XVII entitled "Water and Sewer";

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 "Meter Readings, Consumer's Charges, Billings and Penalties" 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. **Meters The Borough shall be read collect all water meter reads** quarterly **during the first ten (10) business 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 thirty (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. A commercial user is defined as any property that has a water meter that is greater than one (1) inch in size. The commercial user shall install the new water meter within thirty (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 thirty (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 thirty (30) 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 for the last recordable accurate read on record.**

b. Failure to provide access for the purpose of reading the meter after ~~three (3) quarters~~ **one hundred and twenty (120) days from the last meter reading** may result in the shutting off of meter service.

c. No change

d. No change

e. No change

17-6.2 No change

17-6.3 No change

## **SECTION II**

Section 17-16 entitled "Definitions" shall be amended to add the following **thus** and to delete the following **thus**:

### **17-16 Definitions.**

**Stormwater shall mean water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.**

## **SECTION III**

Section 17-20 entitled "Use of Public Sewers" shall be amended to add the following **thus** and to delete the following **thus**:

### **17-20.1 Discharge into Sanitary Sewer**

No person shall discharge or cause to be discharged any stormwater, **or any drainage from a system designed to move stormwater** surface water, groundwater, sump pump water,

roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters to any sanitary sewer.

#### **17-20.16 Inspection; Right of Entry**

The Borough, its supervising engineer and ~~any other duly authorized employees of the Borough members of the Roseland Police Department, Public Works Department or Department of Health, when~~ bearing proper credentials and identification, shall be permitted to enter all properties for the purposes of inspection, observations, measurement, sampling, ~~and testing and enforcement~~ in accordance with the provisions of this section. The Borough may use any method of testing, including smoke testing, to determine the propriety of any connection. The Borough shall not be liable for any damage or inconvenience resulting from the use of the testing procedures.

#### **SECTION IV**

Section 17-23 entitled "Powers and Authorities of Inspectors" shall be amended to add the following thus and to delete the following ~~thus~~:

#### **17-23 Powers and Authorities of Inspectors.**

The duly authorized employees of the Borough, including the Borough of Roseland Police Department, the Public Works Department and the Department of Health, and the Borough representative, including the Borough Engineer, when bearing proper credentials and identification, shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling, ~~and,~~ testing, and enforcement in accordance with the provisions of this chapter. The Borough may use any method of testing, including smoke testing, to determine the propriety of any connection. The Borough shall not be liable for any damage or inconvenience resulting from the use of the testing procedures.

~~The duly authorized employees of the Borough, bearing proper credentials and identification, shall be permitted to enter all private properties through which the Borough holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within the easement. All entry and subsequent work, if any, on the easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.~~

**SECTION V**

If any section of 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 VI**

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

**SECTION VII**

This ordinance shall take effect in accordance with applicable law.

DATE OF INTRODUCTION: May 23, 2019

Motion to Introduce by: Councilman Freda

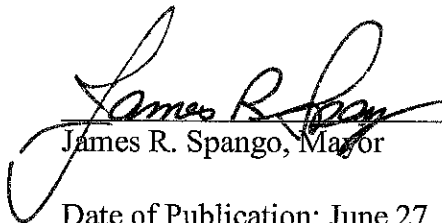
Motion Seconded by: Councilwoman Perrotti

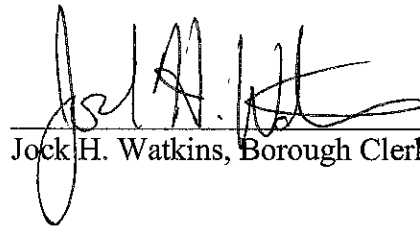
Introduction Approved: 6-0 Voice Vote

DATE OF ADOPTION: June 18, 2019

COUNCIL	MOTION	SECOND	AYE	NAY	ABSTAIN	RECUSE	ABSENT
Councilman Bardi			X				
Councilwoman Fishman							X
Councilman Freda	X		X				
Councilman Jacobs			X				
Councilwoman Perrotti		X	X				
Councilwoman Tolli			X				
Mayor Spango (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 18<sup>th</sup> day of June, 2019.

  
James R. Spango, Mayor

  
Jock H. Watkins, Borough Clerk

Date of Publication: June 27, 2019, The Progress