

**ORDINANCE NO. 26-2020**

**BOROUGH OF ROSELAND  
COUNTY OF ESSEX, STATE OF NEW JERSEY**

**AN ORDINANCE RESCINDING ORDINANCE NO. 16-2020 AND  
AMENDING AND SUPPLEMENTING CHAPTER 17 OF THE  
REVISED GENERAL ORDINANCES OF THE BOROUGH OF  
ROSELAND ENTITLED "WATER AND SEWER"**

**WHEREAS**, the Mayor and Council of the Borough of Roseland desire to amend portions of Chapter 17 entitled "Water and Sewer" to (i) amend the rate for common elements, sprinklers or common swimming pools; (ii) amend the discount so that it applies to senior citizens who qualify for the New Jersey Senior Freeze and for veterans who receive the \$250 Tax Deduction and (iii) to increase the utility transfer charge from \$100 to \$150; and (iv) amend the rate for water leaks; and

**WHEREAS**, the Mayor and Council of the Borough of Roseland adopted Ordinance No. 16-2020 entitled "An Ordinance Amending and Supplementing Chapter 17 of the Revised General Ordinances of the Borough of Roseland entitled "Water and Sewer"" on July 21, 2020 to enable the desired changes; and

**WHEREAS**, some of the changes to certain sections of Chapter 17 of the Revised General Ordinances of the Borough of Roseland entitled "Water and Sewer" were not intended to be changed;

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Roseland that Ordinance No. 16-2020 is hereby rescinded; and

**BE IT FURTHER RESOLVED THAT** Chapter 17 of the Revised General Ordinances of the Borough of Roseland entitled "Water and Sewer" shall be and is hereby is amended to read as follows:

**SECTION I**

Section 17-6.1 entitled "Meter Readings and Charges" shall be amended to add the following **thus** and to delete the following **~~thus~~**:

**17-6.1 Meter Readings and Charges.**

- a. The Borough shall collect all water meter reads quarterly during the first 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 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 section.
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 inch in size. 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 subsection 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, using the average of three (3) years during the same quarter the leak was confirmed and shall be billed at actual rates and any consumption above the average shall be billed at a Leak Rate. The Leak Rate shall be \$3.50 per 1,000 gallons.

5. In the case of a malfunctioning commercial user's meter, it shall be replaced within 30 days upon notification. Notification shall be deemed sufficient either orally by the Water Sewer Foreman or written notification. Failure to comply with this subsection 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 120 days from the last meter reading may result in the shutting off of meter service
- b. All charges shall be payable to the Borough of Roseland.
- c. 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 \$100 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 \$25, 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.

## **SECTION II**

Section 17-8.1 entitled "Rates" shall be amended to add the following thus and to delete the following ~~thus~~:

### **17-8.1 Rates.**

- a. Commodity rate for water and sewage service charge. There shall be a combined single charge for water consumed and for sewage service which shall be based upon water usage in the Borough at graduated rates per metered thousand gallons per quarter as follows:
  1. 0-50,000: \$3.50 per metered thousand gallons per quarter.
  2. 50,001-75,000: \$6 per metered thousand gallons per quarter.
  3. 75,001-100,000: \$9 per metered thousand gallons per quarter.
  4. 100,001-125,000: \$12 per metered thousand gallons per quarter.
  5. 125,001-150,000: \$15 per metered thousand gallons per quarter.
  6. 150,001-175,000: \$18 per metered thousand gallons per quarter.
  7. 175,001-200,000: \$21 per metered thousand gallons per quarter.

8. 200,001 and over: \$24 per metered thousand gallons per quarter.

b. Only that portion of the water used in the higher graduated rate shall be charged the higher rate. For example, if the customer uses 60,000 gallons in a single quarter, the first 50,000 will be charged at \$3.50, and the next 10,000 will be charged at \$6.

c. *Reduced Billing for Certain Seniors, Veterans and Surviving Spouses.* The Borough desires to provide a reduced commodity rate for water and sewage service charges for certain seniors, veterans and surviving spouses.

1. Persons Affected. There shall be a reduction in the commodity rate for water and sewage service charges for senior citizens that qualify for the New Jersey Senior Freeze Act and veterans and surviving spouses who receive the \$250 tax deduction pursuant to N.J.S.A. 54:4-8.10.

2. Amount of Reduction. The amount of the reduction shall be ten percent (10%) percent less than the amount fixed above.

The provisions of Section 17-8.1c.1. and Section 17-8.1c.2. above shall take effect as of January 1, 2021.

### **SECTION III**

Section 17-8.3 entitled "Meters" shall be amended to add the following **thus** and to delete the following **thus:**

#### **17-8.3 Meters.**

For the purposes of calculating usage based on meter readings, the following limitations shall apply:

- a. Office buildings 150,000 square feet and under: maximum of two meters.
- b. Office buildings in excess of 150,000 square feet: maximum of four meters.
- c. Residential apartment complexes may have one meter per combined building. For purposes of calculating the metered rate, the gallonage for each meter shall be divided by the number of residential apartment units served by each meter. In addition, one additional meter shall be permitted for swimming pools and lawn sprinklers.
- d. Other separately identified or titled properties: one meter per unit, including detached dwellings, townhouses and condominiums.
- e. For residential condominium associations, homeowners' associations or apartments (as defined in the Roseland Land Development Ordinance) which have separate

meters servicing the common elements, sprinklers or common swimming pool, the water rate shall be ~~\$4.57~~ \$ 6.00 per thousand gallons without regard to quarterly usage.

#### **SECTION IV**

Section 17-8.4 shall remain unchanged to read as follows:

##### **17-8.4 Utility Charges.**

a. There is hereby imposed a utility service charge on each water meter in the amount of \$100 per quarter for water meters. Residential apartment complexes which do not have separate meters for each apartment shall be charged \$100 per apartment. There shall be a sewage service charge for all property owners that are hooked up to the sewage system but do not have water meters, in the amount of \$100 per quarter.

b. Exemptions. Any senior citizens, disabled persons or surviving spouses who qualify for the \$250 property tax deduction under N.J.S.A. 54:4-8.40 will also qualify for a reduced utility service charge of \$50 per quarter. Seniors who are disallowed for failure to return Form PD5 or those who are over the income on their annual post-tax year income statement will be billed back the \$200 for the year.

#### **SECTION V**

Section 17-10 entitled "Utility Transfer Charge" shall be amended to add the following **thus** and to delete the following **thus**:

Upon request for final meter readings or upon the transfer of title to any property which is subject to the combined commodity rate for water and sewage service, the owner shall pay to the Borough of Roseland the sum of ~~\$100~~ \$150 to transfer the billing into the name of the new owner. The owner of any property which is the subject of this chapter shall be liable for the water and sewer charges until such time as the owner pays the utility transfer charge to the Borough of Roseland.

#### **SECTION VI**

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 VII**

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

## SECTION VIII

This ordinance shall take effect in accordance with applicable law.

DATE OF INTRODUCTION: November 5, 2020

Motion to Introduce by: Councilman Bardi

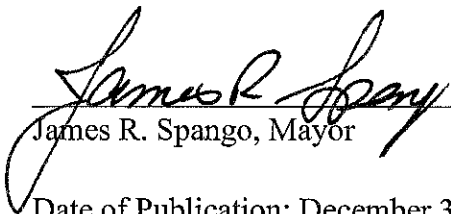
Motion Seconded by: Councilwoman Tolli

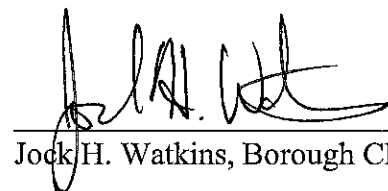
Introduction Approved: 4-0 Voice Vote (Fishman, Trillo absent)

DATE OF ADOPTION: November 24, 2020

COUNCIL	MOTION	SECOND	AYE	NAY	ABSTAIN	RECUSE	ABSENT
Councilman Bardi			X				
Councilwoman Fishman			X				
Councilman Freda		X	X				
Councilwoman Perrotti	X		X				
Councilwoman Tolli			X				
Councilman Trillo			X				
Mayor Spango (In case of tie)							
VOTE:			6	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 24<sup>th</sup> day of November, 2020.

  
James R. Spango, Mayor

  
Jock H. Watkins, Borough Clerk

Date of Publication: December 3, 2020, The Progress