

ORDINANCE 2018-12

ORDINANCE OF THE BOROUGH OF BELMAR AMENDING CHAPTER XXIX WATER-SEWER UTILITY DEPARTMENT

Whereas, the Mayor and Council wish to amend various sections of Chapter 29, Water-Sewer Utility Department.

Whereas, the following sections shall be amended:

29-2.1 Service and Connections.

All applications for water or sewer service or for any connections to or extensions of the water or sewer systems shall be in writing, on forms prescribed by the Water/Sewer Clerk, and shall contain the applicant's and property owner's assent to the provisions of this chapter. ~~The Clerk shall charge the appropriate fees and collect a twenty-five (\$25.00) dollar processing fee for each application.~~ The application shall require at least the following information:

- a. The date of the application;
- b. The applicant's name and mailing address;
- c. The street address, apartment or unit number (if applicable), and tax map lot and block numbers of the property concerned;
- d. The name of the owner of the property, if different than the applicant;
- e. The type and extent of the service, extension, or connection applied for; and
- f. The existing use of the property and, if applicable, the proposed use of the property.

An application will be denied if the existing or proposed use of the property violates any municipal zoning regulations

29-2.3 Extension of Systems.

Applicants for extensions of the water or sewer systems which will result in or require additional or relocated meters, pipes, lines, or service to any property already being served by the water or sewer systems shall be required to pay the cost of the extension and tap in addition to the cost as noted below of any additional meters and lines. Extensions of main lines will be assessed as local improvements and charged to owners of abutting property according to the requirements of State law. Water service will not be supplied through private systems or lines.

Meter Size	Inside Meter	Outside Meter
	Wall Mount	In Pit

5/8" Water meter	\$350.00	\$350.00
1" Water meter	475.00	475.00
1 1/2" Water meter	650.00 <u>\$1000</u>	650.00 <u>\$1000</u>
2" Water meter	1,200.00	1,200.00
New or replacement	150.00	150.00
ARB Box or Pit Cap		

Additional charge of one hundred twenty-five (\$125.00) dollars per meter will be charged for installation/inspection of installation by others of meter.

29-3.3 Ownership.

All meters, ~~and~~ meter receptacles, and volume readout device shall be furnished by the Department and shall remain the property of the Borough.

29-3.4 Care, Protection, and Replacement.

The owner of the property where a meter and/or meter receptacle or volume readout device is installed shall be responsible for the care and protection of the meter and/or meter receptacle from theft, vandalism, and damage due to any cause. In the event that a meter or receptacle is stolen or damaged in any way such that the meter and/or receptacle must be replaced or repaired, the owner shall be required to pay for the cost of the replacement or repairs. In addition, the owner shall immediately notify the Department upon becoming aware of any damage to the meter and/or receptacle or upon becoming aware that any meter is not functioning properly. It shall be a violation of this Chapter for any person to make or to permit the making of any by-pass around a meter.

29-3.5 Meter Readings.

Water meters for private premises will be read quarterly, as provided by subsection 29-7.1. The readings shall be conclusive on all parties except where it has been determined that the meter has been registering incorrectly. In cases where the meter has been registering incorrectly, the meter shall either be repaired or replaced and an adjusted bill shall be rendered in the same manner set forth in subsection 29-3.6, provided that if the meter has not been registering at all, the adjusted bill shall be equal to the next regular quarterly reading after the meter is repaired or replaced. If the faulty registration is due to damage to the meter occurring after the meter was installed on the property, the owner shall be required to pay for the repair or replacement of the meter as required by subsection 29-3.4.

Any interested party may request an interim meter reading for any purpose. The request must be in writing on a form prescribed by the Municipal Clerk and must be accompanied by a fee of fifty (\$50.00) ~~twenty five (\$25.00)~~ dollars. Interim meter readings may be used for the purpose of paying water charges to the date of the interim reading (for example, in connection with real estate closings), but will not alter the schedule for regular quarterly readings pursuant to subsection 29-7.1.

29-3.6 Meter Testing.

Upon prepayment of a fee of one hundred ~~two hundred (\$200.00)~~ ~~twenty-five (\$125.00)~~ dollars, the Department will, at the written request of any owner, arrange to have a meter tested to determine whether the meter is accurately registering the volume of water passing through the meter. If the test reveals a deviation from actual volume of two (2%) percent or more, an adjusted bill will be issued for the preceding quarter to account for the deviation, and the meter will be reset to reflect actual usage in the current quarter. If the adjusted bill requires an additional payment by the owner, the additional payment shall be made within thirty (30) days. If the adjusted bill requires a refund, the refund will be made within thirty (30) days and the ~~two hundred (\$200.00)~~ ~~one hundred twenty-five (\$125.00)~~ dollar test fee shall be returned to the owner. If the meter test reveals a deviation from actual volume of less than two (2%) percent, any service not currently upgraded to a radio remote reading type meter will also be charged an additional fee of a new meter as stated in subsection 29-2.3 less the ~~two hundred (\$200.00)~~ ~~one hundred twenty-five (\$125.00)~~ dollar cost of the test.

29-3.7 Tampering Prohibited.

It shall be a violation of this Chapter for any person other than an authorized employee or agent of the Borough to remove, replace, tamper, or in any way interfere with the operation of any meter, receptacle, volume readout device, security provisions, or other materials and equipment used to measure service consumption, whether inside or outside of any building or structure. Any violation of the chapter will cause the owner of the property to be assessed a fee of a minimum of five hundred dollars (\$500.00) but not to exceed one thousand dollars (\$1000.00) in addition to the cost to replace or repair ~~two hundred fifty (\$250.00) dollars. Any property not having an upgraded radio remote reading type meter will be required to pay the fees as stated in subsection 29-2.3 for the installation of a new meter.~~

29-6.1 At Request of the Consumer.

Water and/or sewer service will be discontinued at the written request of the owner of the property utilizing the service, on forms prescribed by the Municipal Clerk. Unless the written request states that the discontinuation is for a period of ninety (90) days or less and specifies a date for the restoration of service, the Department will obtain a final meter reading as of the date when service is discontinued and the owner shall pay the final bill based on the reading. The final bill will include a service charge of fifty (\$50.00) ~~twenty-five (\$25.00)~~ dollars for the meter reading. If the written request states that the discontinuation is for a period of ninety (90) days or less and specifies a date for the restoration of service, the Department will not obtain a meter reading unless the usual date for obtaining a reading occurs during the period when service is discontinued. The Department will restore discontinued service at the written request of the owner provided that there are no past due charges for service or for repairs or replacement of meters or receptacles. Every person requesting restoration of service, including persons requesting temporary discontinuations which specify a date for restoration, will be charged a restoration fee of one hundred and twenty five (\$125.00) ~~one hundred (\$100.00)~~ dollars, payable directly to the Borough of Belmar, prior to the service being restored. Any property not currently having an upgraded radio remote reading type meter shall pay a

one (1) time fee of the cost of the meter as established in subsection 29-2.3. In every case where service is discontinued ~~between April 1 and November 1 of the same year,~~ the meter, receptacle, and volume read-out device will not be removed from the property, and the owner shall take appropriate steps to protect those devices from damage and injury if the property is to be vacant. If the meter, receptacle or read-out device is damaged, destroyed, or stolen, the owner shall be responsible for paying for any required repairs or replacement pursuant to the provisions of subsection 29-3.4. In every case where service is or will be discontinued between November 1 and March 31 of the following year, the meter for the premises will be either removed or drained by the Borough to prevent damage due to freezing, and the person requesting discontinuation will be charged an additional service fee of twenty-five (\$25.00) dollars, which will be included in the next bill for water service

29-6.3 Nonpayment of Water/Sewer Charges and Penalty on Unpaid Balance.

Effective May 1, 2007, on the thirtieth day after payment of the bill is due, interest on the unpaid amount of the bill shall accrue at a rate of eighteen (18%) percent per annum to be calculated from the due date of the bill until the date of actual payment.

Also, effective March 1, 2004, any charges that are not paid within ninety (90) days of the original billing will be considered delinquent, and may have their water service terminated by the Borough or its authorized agent. Such service shall be restored only upon payment in full of all water-sewer charges, including all interest accrued thereon and a restoration fee in accordance with subsection 29-6.4a.

Prior to any water service being disconnected for nonpayment of water-sewer charges, the Borough or its agent shall provide ten (10) days written notification to the user of the Borough's intention to disconnect the water service. Notification shall be made by ordinary mail to the customer's last known address as it appears on the tax duplicate.

All unpaid fees and charges shall constitute a lien on the real property for or to which the service was provided, which liens shall be enforced and collected in the manner prescribed by law.

~~29-6.4—Charges for Turning Water On or Off.~~

~~—The following charge will be made for work performed in discontinuing water service for delinquent accounts:~~

~~a..... Turn-on of municipal water supply.....\$100.00~~

~~29-7.4—Liens for Unpaid Charges.~~

~~—All unpaid fees and charges shall constitute a lien on the real property for or to which the service was provided, which liens shall be enforced and collected in the manner prescribed by law.~~

29-7.7 Services Requiring Excavations Not Exceeding Thirty-five (35') Linear Feet.

- a. *Tapping Water Mains.* A charge for tapping water main with service pipe to curb, including corporation and curb stops, and including street excavation not exceeding thirty-five (35') linear feet, shall be performed by the Department of Public Works and made as follows:

1..... For a one (1")-inch pipe:

- (a).... On bituminous surface treated
..... roads..... \$2,400.00
- (b).... On concrete roads..... \$2,500.00

2..... For a one and one-half (1 1/2")-inch pipe:

- (a).... On bituminous surface treated
..... roads..... \$2,800.00
- (b).... On concrete roads..... 2,900.00

3..... For a two (2")-inch pipe:

- (a).... On bituminous surface treated
..... roads..... \$2,900.00
- (b).... On concrete roads..... 3,000.00

4. Taps larger than two (2") inches in size or work performed by an outside contractor of the Borough's choice, provided that all such work shall be subject to the supervision and approval of the Superintendent of the Department and, where necessary, the Borough Engineer hired by the Borough: Special arrangements are to be made with the Water-Sewer Utility Department and the applicant shall pay the full and actual costs of installation,

but in no case less than a minimum charge of three thousand (\$3,000.00) dollars plus the cost of a new meter pursuant to subsection 29-2.3, and a ten (10%) percent administrative fee not to be less than three hundred (\$300.00) dollars.

- b. *Connecting Sewer Mains.* Charges for connecting sewer mains with lines to curbs including street excavations not exceeding thirty-five (35') linear feet shall be performed by the Department of Public Works as follows:

1. For a four (4")-inch pipe:

- (a).... On bituminous surface treated
..... roads..... \$1,700.00
- (b).... On concrete roads..... 1,800.00

2. Connections larger than four (4") inches:

Taps larger than four (4") inches in size or work performed by an outside contractor of the Borough's choice, provided that all such work shall be subject to the supervision and approval of the Superintendent of the Department and, where necessary, the Borough Engineer hired by the Borough: Special arrangements are to be made with the Water-Sewer Utility Department and the applicant shall pay the full and actual costs of installation, but in no case less than a minimum charge of three thousand (\$3,000.00)

dollars plus the cost of a new meter pursuant to subsection 29-2.3, and a ten (10%) percent administrative fee not to be less than three hundred (\$300.00) dollars.

29-8.5 Fee for Call Out for Inspection

The Borough shall charge a fee of one hundred and twenty five dollars (\$125.00) for the initial inspection fee or call out fee. Additional inspections or call outs will be charged a rate based on time and material.

29-12 VIOLATIONS AND PENALTIES.

Any person shall violate the provisions of this Chapter by failing to comply with any order issued in accordance with the provisions hereof within thirty (30) days after notice to make the required connections. Notice may be served by a proper Officer of the Department of Code Enforcement, Office of Construction, Office of Land Use, or a member of the County Board of Health. Upon complaint by the proper Officer of the Department of Code Enforcement, the County Board of Health, or by any other person. Violators, upon conviction, shall be subject to a fine of a minimum of five hundred (\$500.00)~~one hundred (\$100.00)~~ dollars for violating any section of this Chapter except subsection 29-9.1 (Prohibited Sewer Connections), in which case the fine shall be one thousand (\$1,000.00) dollars. An additional fine of fifty (\$50.00)~~ten (\$10.00)~~ dollars shall be provided for each day of delay after the expiration of the thirty (30) days in which the provisions of the order or notice are not complied with.

SECTION I. If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

SECTION II. All Ordinances or parts of ordinances inconsistent with or in conflict with the ordinance are hereby repealed to the extent of such inconsistency.

SECTION III. This Ordinance shall take effect 20 days after final passage, adoption and publication according to law.