# BOROUGH OF WOODBINE COUNTY OF CAPE MAY

#### **ORDINANCE NO. 565-2017**

# AN ORDINANCE CREATING THE MUNICIPAL UTILITIES DEPARTMENT OF THE BOROUGH OF WOODBINE

WHEREAS, the Borough of Woodbine has determined that it is in the best interests of its residents and rate payers of the Woodbine Municipal Utilities Authority (Authority) to dissolve the Authority and merge the duties and responsibilities thereof into a newly formulated Department of the Borough of Woodbine, subject to approval of the Local Finance Board of the State of New Jersey; and

**WHEREAS,** Borough Council intends upon outlining aspects of the operation of the Department herein.

**NOW, THEREFORE,** Be It Ordained by the Mayor and Council as follows:

#### I CREATION OF THE MUNICIPAL UTILITIES DEPARTMENT

There shall be created within the Borough of Woodbine the Municipal Utilities Department within which shall be the Water Utility Division and such other Divisions that may be created by Ordinance.

## II Creation of the Water Utility Division.

That water service of the Borough is hereby established and shall be operated as a self liquidating utility and charges for such service shall be imposed upon users thereof. The revenues derived therefrom shall be dedicated to the purpose of the service as a self liquidating utility. It is the policy of the Borough to protect the public health, safety and welfare. These regulations reflect the realization of the benefits of connecting existing properties to the municipal water system to protect the public health, safety and welfare.

- A. The water utility shall be managed by the Water Plant Operator (Operator), who shall report directly to the Mayor and Council Member assigned to the Department.
- B. There shall be assigned to the Division those employees necessary to carry out the duties and responsibilities of the operation of the Division.

#### III **Definitions**.

**Senior Citizen** shall be defined as any person who has attained the age of 65 years on or after the effective date of this Ordinance or the spouse of that person or surviving spouse of that person, if the surviving spouse is 60 years of age or older. Senior Citizens must register with the Operator on a yearly basis.

**Disabled Person** shall be defined as a person who has the total and permanent inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment, and shall include, but not be limited to, any resident of this State who is disabled, pursuant to the Federal Social Security act (42 U.S.C. s. 416), or the Federal Railroad Retirement Act of 1974 (45 U.S.C. s. 231 et seq.), or is rated as having a 60 percent disability or higher pursuant to any Federal law administered by the United States Veterans Act. Disabled

Persons or their spouse must register with the Superintendent.

### IV Requirement for Connection to the Borough Water Main

- A. Connection. Where there has been an extension of water mains, the owners of property located within 200 feet of the water main, measured from their property line shall be required to connect their premises to the municipal water system within 180 days after notification from the Borough to make the connection.
- 1. Exception. Unless otherwise required by State law, a residential property owner may delay connection to the municipal water system if the property owner already has an existing private well servicing the premises that is operating properly.
- 2. In the event the Cape May County Health Department determines that the private well which services the premises cannot operate within their parameters, the Operator shall notify the property owner that connection to the municipal water system must be made within 180 days. If the private well represents an immediate health risk as determined by the Cape May County Health Department, that connection shall be made forth with.
- B. Annual Report. The Operator of the Water Utility shall file an annual report with the Mayor and the Borough Clerk, which contains the following information: the location of each property (block and lot number and street address) excepted from the connection to the municipal water system pursuant to these regulations and the name and address of the property owner.
- C. Notice to Property Owners. When there has been completion of construction of water mains and no exception is applicable, the Operator shall give written notice to the adjacent property owners within 30 days after the completion of construction that the property owners must connect their homes or other buildings to the system. Said notice shall be in writing and sent by regular and certified mail, return receipt requested, to the property owner's last known address.
- D. Prohibited Connection. No person, firm, corporation or other entity shall make any direct connection with the public water system, or alter or repair any connection with the public water system without having first obtained all appropriate written permits from the Borough of Woodbine.
- E. Individual Water Service. Each building shall have an individual water lateral and individual customer service line when connected to the public water system unless an exception to this requirement is approved by the Borough Engineer. Existing connections found to be in violation of this subsection shall be required to connect properly to the public water system within 180 days after notice to make the correction unless an exception to this requirement is approved by the Borough Engineer for good cause. It is the general policy of the Borough that cross connections involving separate buildings owned by separate customers shall not be permitted.
- F. Compliance With Existing Regulations. Each permit to connect to the public water system shall require that the applicant for the permit to agree that it or he/she shall carefully make the connection with the public water system in the manner prescribed by the rules and regulations in existence. Further, it or he/she shall indemnify and save harmless the Borough from all accidents or damages caused by any negligence in protecting the work or any imperfect or inadequate work done, and shall faithfully comply with the regulations of the Borough and shall replace and restore the sidewalk, pavement or street surface over any opening that is made. All work performed shall be subject to inspection and approval of the Borough Engineer.

- G. Qualified Contractor Required. Connections with the public water system shall be made only by a plumber licensed by the State of New Jersey or by some other person duly authorized by the Borough Engineer. Connections shall be made with suitable material approved by the Borough Engineer. All work included in the construction of connections with the public water system shall be done to the satisfaction of the Borough Engineer and the person or persons performing the work shall accept as final all decisions of the Borough Engineer as to the fitness of materials furnished or work performed, and shall immediately replace all materials or work rejected.
- H. Inspections. No connections shall be covered until inspected by a duly authorized representative of the Borough.
- I. Size of Service. The size of the customer service line and the size of the water lateral shall be adequate for the structure connecting to the system and the intended average daily flow of water. The size of each shall be subject to the approval of the Borough Engineer. With respect to single family residential dwellings, the size of the customer service line and the size of the water lateral shall not be less than 1 inch. With respect to residential duplexes which cannot be subdivided, the size of the customer service line and the size of the water lateral shall not be less than one and one half inches, with at least a 1 inch, meter. This article applies to all new and replacement water connections.
- J. Occupancy Permit. No occupancy permit shall be issued for any new or renovated structure connecting to the public water system until a water meter has been installed to accurately measure the flow of water.

# V Application for Extension of Service and Allocation of Costs for Extensions.

- A. Application for Extension of Service. Applications for extension of service shall be made to the office of the Borough Clerk, who shall report the same to the Operator of the Water Utility and to the Borough Engineer. The Operator of the Water Utility, together with the Borough Engineer, shall estimate the cost of the extension and shall estimate the annual revenue to be derived from the consumption of water by means of the extended service. All water mains laid within the Borough shall be at least 8 inches or more in diameter, or as may be prescribed by the Borough Engineer.
- B. Allocation of Costs for Extensions. When an application for the extension of water services is filed with the Borough, the following requirements shall apply and the costs of the projected extension shall be paid in the following manner at the option of the Borough:
- 1. All construction shall be completed by the applicant in accordance with the design standards and approved by the Borough Engineer and in conformity with the Borough's land use and development regulations.
- 2. All construction shall become property of the Borough upon connection with the water system of the Borough, the approval of the construction by the Borough Engineer and the adoption of an ordinance accepting the dedication of the improvement.
- 3. The applicant shall be required to pay the entire cost for the installation of water mains, water laterals, and related improvements.
- 4. The Borough may proceed to extend and install service connections, including the construction and installation of water mains and water laterals and other appurtenances as may be necessary and assess the cost thereof as a local improvement. While the Borough reserves the right to exercise this power at its option in the discretion of the Borough Council, it will be the policy of the Borough to do so upon the written consent of two thirds of the owners of property

to be benefited. This percentage will be determined by calculating the estimated cost of such extension and the costs and benefits attributable to each owner affected thereby.

#### VI Water Rate Schedule.

A. Charge for Water Used (Metered Per Quarter)

Volume of Water – Gallons	Rate Per Gallons. \$35.00 (Minimum).		
0 - 6000			
6001 - 20,000	\$2.25		
20,001 - 100,000	\$2.50.		
100,001 and over	\$3.00.		

B. Service Connection Charge. A minimum service connection fee of \$250 shall be payable by each customer who wishes to connect to the public water system of the Borough. The minimum fee will generally be paid by private residential users and small businesses not needing more than 1 inch service connection. Larger users and larger service connection shall be charged actual inspection costs and administrative costs incurred by the Borough. The fee is for inspection and clerical expenses only. The charge shall include the cost of the Borough Engineer. All costs of actual connection and the costs of meter and meter pit/box shall be borne by the customer. Only approved meters and meter pits/boxes shall be permitted to the specifications of the Borough Engineer.

#### C. Fire Protection Rates.

1. Private Hydrants.

Water Main Connection Size Charge.

4 inch to and including 6 inch \$60.00 per month. Water mains greater than 6 inch \$120.00 per month.

- D. The cost to turn on or shut off a water service shall be \$25.00. All turn on or turn off of water service shall be made during the regular business hours of the Borough.
- E. The cost for meter certification and testing shall be \$25.00. All meter certifications and tests shall be carried out during the regular business hours of the Borough.
  - F. Sprinkler Systems and/or Readiness to Serve Charges.

Meter Size Charges per Month.

1 inch to and including 3 inches \$60.00. Greater than 3 inches \$120.00.

G. Commercial and Industrial Economic Development, Water Rate Schedule

Volume of Water – Gallons Rate per 1000 Gallons

Metered per Quarter

0 – 6000 \$35.00 (Minimum).

6001 – 20,000 \$2.25 2001 – 100,000 \$2.50 100,001 and over \$1.75

H. Large Water Meter Calibration Policy. All water meters of the size greater than 1 inch are hereby declared to be solely owned by the property owners serviced by the meters. The Borough shall have no responsibility for the calibration, repair or maintenance of any water meter of the size of 1 inch or greater. The owner of the property serviced by this connection shall have the meter calibrated/tested for accuracy every 6 years with the first test of each meter to be

completed and certified within 6 years of the last reported certification provided to the Woodbine Municipal Utilities Authority and every 6 years thereafter. All water meter tests/calibrations and repairs, if necessary, shall be performed by a duly trained and licensed meter testing/repair service approved by the Borough. All equipment used for testing and calibration of water meters shall be certified as accurate by either the state or county Department of Weights and Measures.

If the water meter is operating more than 3 percent slow at the time it is tested for accuracy, then the meter, at the owner's expense, must be recalibrated and/or repaired within 30 days of the accuracy test to reflect the true water usage of the customer. The repairs/recalibration must be certified to the Borough as soon as the recalibration/repairs are made. During the testing/certification/repair time the meter must not be off-line more than 4 hours or a temporary replacement meter as approved by the Borough Operator of the Water Utility must be installed until the repairs/recalibration/testing is completed. Failure to comply with this policy shall require the Borough, at its option, to test, calibrate and repair the said water meter and charge the customer for the cost of same with an additional \$200 as an administrative service fee in addition to the actual cost incurred by the Borough and/or the Borough may impose a 15 percent water surcharge fee/penalty on the water usage bill of the customer until the customer/water meter owner comes into compliance with this policy, which fee is calculated to offset the unrecorded water usage of the customer/water meter owner because of an improperly calibrated water meter. The Borough reserves the right to have any meter tested at the Borough's expense at any time the Operator has good cause to believe that the meter may be under recording the amount of water usage. In that event, the Operator shall provide the meter owner 2 days written notice prior to any test being performed by the Borough. If the meter is found to be operating 3 percent or more slow at the time of the test, the Borough will notify the owner and provide the owner with a copy of the test results. The meter owner shall then have 30 days to recalibrate and/or repair the meter and certify the said recalibration and/or repairs to the Borough.

I. Reduced Utility Use Rates For Senior Citizens and Disabled Persons. All Senior Citizens and Disabled Persons, as defined herein, shall receive an initial rate reduction credit of \$5 per quarter commencing upon the adoption of this Ordinance unless one has been provided by the Municipal Utilities Authority. The rate reduction credit shall be reflected as a credit on each quarterly bill for water usage for Senior Citizens and Disabled Persons. In order for a Senior Citizen, their spouse, or Disabled Person to receive this benefit a registration must be submitted to the Operator on a form prepared by the Borough on a yearly basis and must reflect that the Borough is their permanent residence and that the combined household income is not more than \$10,000.00.

All Ordinances or parts of Ordinances inconsistent with this Ordinance, to the extent of such inconsistencies only, are and the same are hereby repealed.

This Ordinance shall take effect immediately upon final passage and publication as provided by law.

WILLIAM PIKOLYCKY, MAYOR

**ATTEST:** 

LISA GARRISON, CLERK INTRODUCED: FEBRUARY 2, 2017 ADOPTED: FEBRUARY 16, 2017