

ORDINANCE 30-2017

ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER 190 ENTITLED "WATER"

BE IT ORDAINED BY THE COUNCIL OF THE BOROUGH OF MADISON IN THE COUNTY OF MORRIS AND THE STATE OF NEW JERSEY, as follows:

Section 1.

Chapter 190-15 entitled "Defects in house connection" is hereby renamed "Defects in property connection, privately owned main, or service line" and amended to read as follows:

Defects in property connection, privately owned main, or service line.

The owner of any premises shall be responsible for all repairs to any property connection, privately owned main, or service line, and shall be liable for all loss of water and damage resulting from any defect in a property connection, privately owned main, or service line connected to the Borough water system. The Water Superintendent and/or his/her designee has the right to enter said property and inspect said lines and connections. Except in the case of emergency, the property owner shall receive 24 hours notice before the Water Superintendent and/or designee shall have the right to enter said property. From the time any defect is discovered until the repair or replacement work is completed, the Department may shut off the water with or without notice, if necessary, and for as long as it may be deemed necessary. Leaks or damage in or to the property connection, privately owned main, or service line shall be promptly reported to the Department and repaired within 30 days unless otherwise determined by the Water Superintendent. Failure to make said repairs within such timeframe shall result in a penalty of up to \$500 per day. In addition, the Water Superintendent shall determine the amount of water lost as a result of a leak in or damage to the property connection, privately owned main, or service line using as a guide the size of the pipe and the pressure per square inch at the point of such leak and such other factors as may be applicable. The owner or consumer shall be charged for this loss at the prevailing rate for water consumed.

Chapter 190-23 entitled "Payments; penalties for nonpayment" is hereby amended to read as follows:

A. Delinquent Bills, Penalties, and Discontinuance of Service. Refer to Chapter 94, Appendix B for policies concerning delinquent bills, penalties and discontinuance of service.

B. If the water supply to any premises has been discontinued under the provisions of this section, the Water Department shall not turn on and restore the water supply until the owner pays in full the bill, together with the shutoff fee, charged in accordance with this section, and a turn-on fee, as provided in § **190-33** for restoration of service.

C. Unpaid water charges or rents and other costs and expenses thereon shall be a lien upon the house, building, lot or premises to which they relate to the same extent as taxes are a lien upon real estate in the municipality and shall be collected and enforced by the same officers and in the same manner as liens for taxes

D. All charges and fees are payable to the Borough of Madison Water Department by mail or in person at the office of the Department. No person is authorized to accept or give a receipt for moneys due the Department except the Borough Treasurer or Clerk of the Department or their duly assigned assistants.

Chapter 190-25 entitled “Meter test; adjustments” of the “Code of the Borough of Madison” is hereby amended to read as follows:

A. Borough-owned meters of two inches or less. The customer shall report promptly any meter thought to be defective or out of order. The Department will promptly comply with a request to test such meters. Should such test disclose that the meter is not defective or out of order, a charge as set forth in § 190-33, will be made for the test. Meters found to be defective or out of order during the course of such tests will be replaced or repaired, and the test fee will be waived. Water charges for the quarter in which the meter is found to be defective or out of order shall be based on the water consumed during the same quarter the previous year or on an average of the meter readings for the four quarters preceding that in which the meter was found to be defective or out of order, whichever is greater. The customer is responsible for maintaining adequate access to the meter as well as maintaining the plumbing and piping before and after the meter. If the Department is unable to adequately access the meter or if the Department is unable to replace the water meter due to the condition of the piping, then a penalty of up to \$1,500 per quarter may be assessed in addition to any water consumption charges until the condition is corrected.

B. Meters larger than two inches

(1) All meters larger than two inches shall be tested by December 1, 2016, by a qualified inspection agency at the expense of the meter owner. A written report from the agency shall be submitted to the Borough Water Utility within two weeks of said test. Thereafter, each meter larger than two inches shall be tested every three years or as requested by the Borough and a report submitted to the Borough as set forth herein. This report shall include: meter location; meter size, manufacturer, model, serial number, and month/year meter was manufactured; test date; test reading; and accuracy for high, intermediate and low flows; and certification from a qualified meter testing company. Failure to supply the test report as requested by the Borough within 60 days of request by the Borough will result in a penalty being assessed of up to \$100 per day. The Borough reserves the right to demand that the customer replace the meter with a different design or type approved by the Borough if the Borough deems the current meter is not appropriate for the current use based on accepted industry standards. Valves that permit water to bypass the meter shall be affixed with a Borough seal to ensure that said valve has not been used without permission of the Borough of Madison. Removal or tampering of the seal without the permission of the Borough shall result in a penalty of \$750 per offense.

(2) If any such test reveals defects, the customer shall make the repairs as requested by the Borough within sixty (60) calendar days. Failure to repair or replace the meter as requested by the Borough within 60 calendar days of request will result in a penalty of up to \$250 per day being assessed. Failure to report any repair or replacement of the water meter shall result in a penalty of up to \$750 per offense.

C. Meter Tampering

Tampering with the meter, removal of the meter, diverting water so as to bypass the meter, or using unmetered water without the consent of the Borough shall result in service being discontinued and/or a penalty not to exceed \$10,000 being assessed.

Section E of Chapter 190-33 entitled "Fees for Department Services" of the "Code of the Borough of Madison" is hereby amended to read as follows:

E. Temporary services are provided for in § 190-14 herein: Up to \$250 per quarter per residential unit and up to \$200 per quarter per 1,000 square feet of commercial space. Labor, excavation and material shall be provided for by the applicant. If consumption warrants it, the Chief Financial Officer may determine that the customer shall provide the Borough with a \$250 deposit for a temporary water meter which shall be installed by the Borough and read quarterly with the customer being billed based on the then current rates. The water meter deposit shall be promptly refunded when the undamaged temporary meter is returned to the Borough.

Section 2. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be judged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged, and the remainder of this Ordinance shall be deemed valid and effective.

SECTION 3. All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed as to such inconsistency.

SECTION 4. This Ordinance shall take effect after final passage and publication in accordance with law.

ADOPTED AND APPROVED

ROBERT H. CONLEY, Mayor

Attest:

ELIZABETH OSBORNE, Borough Clerk