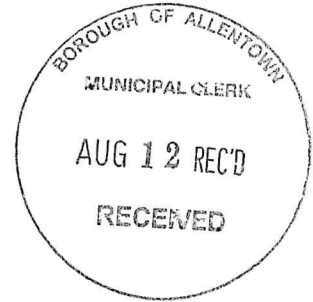


**BOROUGH OF ALLENTOWN
COUNTY OF MONMOUTH
STATE OF NEW JERSEY**

ORDINANCE NO. 06-2020



AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCE CHAPTER 19: "WATER" OF THE BOROUGH CODE TO CORRECT PRIOR ORDINANCE NO. 21-2019, WHICH ADDRESSED CERTAIN SERVICE TERMINATIONS AND DID NOT CHANGE WATER RATES, BUT CONTAINED INCORRECT WATER RATES THAT WERE LATER MISTAKENLY CODIFIED WITHIN THE ONLINE CODE.

WHEREAS, in March 2019, the Mayor and Council of the Borough of Allentown, County of Monmouth, State of New Jersey (the "Borough"), adopted Ordinance No. 08-2019, which amended Section 1 of Chapter 19 of the Borough's Revised General Ordinances to change the rates charged properties for water service within the Borough; and

WHEREAS, leading up to the adoption of Ordinance No. 08-2019, the Borough's Mayor and Council, together with the Borough CFO and Borough Attorney, worked on potential water rate structures and drafted several versions of Ordinance No. 08-2019 before its introduction; and

WHEREAS, after the adoption of Ordinance No. 08-2019, the Borough's Mayor and Council sought to further amend Section 1 of Chapter 19 of the Borough's Revised General Ordinances to authorize the Borough's Water Operator to administratively terminate water service to vacant and abandoned properties within the Borough; and

WHEREAS, in November 2019, the Borough Attorney drafted Ordinance No. 21-2019 for presentation to the Borough's Mayor and Council, wherein the service terminations were addressed, but the Borough Attorney mistakenly utilized a prior draft of Ordinance No. 08-2019 as the basis for the new Ordinance No. 21-2019; and

WHEREAS, the Borough Attorney's preparation of Ordinance No. 21-2019 from a previously unused draft of Ordinance No. 08-2019 caused incorrect water rates to be included therein, and subsequently, incorrectly codified into Chapter 19 of the online Borough Code; and

WHEREAS, the mistake in Ordinance No. 21-2019 was recently revealed through the diligence of the Borough Clerk and Utility Clerk during a recent unrelated billing dispute; and

WHEREAS, despite the Borough Attorney's error, the Borough has been charging the duly advertised and appropriate water rates since adoption of the correct Ordinance No. 08-2019;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Allentown, County of Monmouth, State of New Jersey, that the full, true and correct version of Section 1 of Chapter 19 of the Revised General Ordinances of the Borough of Allentown is hereby set forth hereinbelow in its entirety for purposes of clarification and proper codification:

19-1 FEES AND CHARGES.

19-1.1 Water Charges; Maintenance of Meters.

- a. The following schedule of charges shall be effective with the first water billing due on and after July 1, 2019:
 1. All water used in the Borough of Allentown shall be billed at the rate of \$0.08228 per cubic foot per quarter or \$0.011 cents per gallon per quarter.
 2. A minimum flat-rate fee will be billed at \$70.00 per quarter.
- b. All water billing shall be measured in gallons and the following schedule of charges shall be effective with the first water billing due on and after January 1, 2020:
 1. All water used in the Borough of Allentown shall be billed at the rate of \$0.0125 cents per gallon per quarter.
 2. A minimum flat-rate fee will be billed at \$75.00 per quarter.
- c. All water delivered in the Borough of Allentown shall be measured by Borough Water Department meters which shall, after installation, remain the property of the Borough. The owner of any premises where a meter is installed shall be held responsible for its care and protection from freezing, from hot water or from any other injury thereto. The owner of property shall notify the Water Department of any injury to or of the nonworking of a meter as soon as knowledge is had thereof. No bypass around a meter shall be permitted. All meters shall be sealed by an authorized official.

- d. On and after May 1, 2019, the Borough's Annual Water Report shall be distributed electronically through the Borough's website and its distribution shall be advertised in accordance with law and on the next quarterly water billing for water service.

19-1.2 Payment Date; Late Charges.

Water bills shall be rendered on January 1, April 1, July 1 and October 1. An interest charge of eight (8%) percent per annum will be added if a bill is not paid within thirty (30) days, which interest charge shall be retroactive to the date in which the water bill is rendered. In the event the amount due on the water bill exceeds one thousand five hundred (\$1,500.00) dollars, then the interest charge shall be eighteen (18%) percent per annum. No discount will be allowed if paid in advance.

19-1.3 Water Shut-Off; Nonpayment.

In the event that charges for water are not paid within forty-five (45) days after the bill for such service is due, a first notice letter will be sent to the owner of the premises stating that the amount is past due. If the account ages ninety (90) days, a twenty-five (\$25.00) dollar late fee will be assessed, a final notice will be sent stating that if the account is not paid within ten (10) days the water will be shut off and/or disconnected at the owner's expense and at the Borough of Allentown's option. The Borough reserves the right to disconnect and/or discontinue utility service to any property listed on the Borough's vacant property or abandoned property lists per Borough Ordinance, and the Borough's Water Operator is authorized to terminate said service to vacant and abandoned properties at his or her sole discretion to protect the Borough's water system. The owner will have the right to request a hearing before the Borough of Allentown. Said hearing must be requested in writing to the Borough Clerk prior to the final ten (10) day notice of termination of service.

If service is terminated the Monmouth County Board of Health and the Allentown Housing Official will be notified.


All fees due for water and sewer service must be fully paid up-to-date prior to water and sewer service being restored; no personal checks will be accepted.

A reconnection charge of one hundred (\$100.00) dollars will be imposed to reconnect the service.

BE IT FURTHER ORDAINED that should any section, paragraph, sentence, clause, or phase of this ordinance be declared unconstitutional or invalid for any reason, the remaining portion of this ordinance shall not be affected thereby and shall remain in full force and effect, and to that end the provisions of this ordinance are hereby declared to be severable.

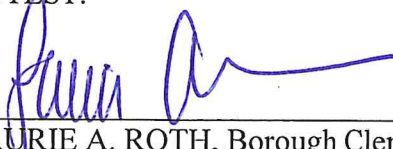
BE IT FURTHER ORDAINED that all ordinances or parts of ordinances inconsistent with this amending ordinance are hereby repealed to the extent of their inconsistencies only.

BE IT FURTHER ORDAINED by Mayor and Council that this ordinance shall be in full force and take effect after final passage and publication, as required by law.



THOMAS FRITTS, Mayor

DATED: August 11, 2020

ATTEST:


LAURIE A. ROTH, Borough Clerk

DATED: August 11, 2020