

**BOROUGH OF BLOOMSBURY  
COUNTY OF HUNTERDON**

**ORDINANCE NO. 110 -05**

**AN ORDINANCE ESTABLISHING THE BLOOMSBURY  
BOROUGH WATER DEPARTMENT**

**BE IT ORDAINED** by the Mayor and Council of the Borough of Bloomsbury, County of Hunterdon and State of New Jersey as follows:

**1. Section 1. Establishment.**

There is hereby established in the Borough of Bloomsbury a department to be known as the Water Department, the same to be under the supervision, management and control of the Mayor and Borough Council thereof.

**2. Section 2. Definitions.**

Whenever in this chapter the words or terms named in quotation marks in this section shall be used, they shall be understood to mean and shall have the meaning here and below defined unless otherwise specifically stated or unless some other meaning be obviously and clearly intended:

- A. “Approved” refers to the approval of the Borough or the superintendent;
- B. “Borough” means the Mayor and Council of the Borough of Bloomsbury;
- C. “Department” means the Water Department of the Borough;
- D. “Fixed rates” means the rates or prices to be charged for the use of water based upon the uses of utilities in use, not measured by a water meter as herein after mentioned;
- E. “Main” in its plural mean any types other than supply pipes and service pipes used for conveying water or distributing it in the Borough;

- F.** “Meter rates” means the rates for prices to be charged for water based upon the quantity of water consumed as measured by a water meter or estimated in cases where no meter is used;
- G.** “Office” means the office of the Water Department in the Borough;
- H.** “Owner” means any person, persons, firm or corporation actually owning any property or premises supplied or prospectively to be supplied with Borough water or his duly authorized agent; in the absence of instructions from the owner or his or her agent to the contrary, the occupant of any property or premises will be held to be the agent or the owner in so far as the owner’s relation to the Water Department may be concerned with respect to water uses shall mean a single dwelling or apartment in existing services;
- I.** “Premises” means land occupied by one family only together with the land connected therewith and such outbuildings as are used exclusively in connection therewith for a single room or building occupied for business or other purposes by one person, organization, association, firm or corporation;
- J.** “Services pipe” means the pipe extending from the curb line into privately owned land for supplying the premises with water;
- K.** “Superintendent” means the superintendent of public works of the Borough or his or her properly authorized representative;
- L.** “Supply pipe” means a pipe tapped into the main and extending thence and including the curb cock or valve on the curb line of the street.

**3. Duties and responsibilities.**

Employees of the Department will be held strictly responsible for the performance of the duties and powers delegated to them. They shall not vary or exceed the instructions given or the powers conferred upon them by the Borough or their superiors.

**4. Appointment of employees – pay rates.**

The Chief Executive Officer shall be the superintendent who shall have immediate control and management of the Department. The superintendent and all employees of the Department shall be appointed by resolution of the Mayor and Council and shall hold their office or employment at the will of the Mayor and Council. The rate of pay of such superintendent and employees shall be fixed by the annual salary ordinance. The superintendent shall appoint, subject to approval of the Mayor and Council, such assistance as may be required for the proper administration of the Department.

**5. Department employee obligations.**

The superintendent and all employees shall promptly notify the Mayor and Council of any defects, leaks or injury in the mains, fixtures or attachments of the system or of any displacement or loss of tools and supplies. The superintendent shall report monthly as to the conditions and requirements of said Department to the Mayor and Council.

**6. Main changes or extensions – petitions; repair of lateral lines**

Extensions or changes in the water mains of the Borough may be initiated by the Mayor and Council or by petition from property owners or citizens. Petitions for the extension of old or new mains shall be addressed to the Mayor and Council who will thereupon consider the petition and advise the petitioners of its decision. Unless otherwise stipulated, the work will be done at the expense of the Department. The repair of all

lateral lines leading from the main to the structure located on the lot shall be repaired or replaced, as necessary at the expense of the property owner.

**7. Tampering with water mains prohibited.**

The water mains of the Department are under the exclusive control of the Borough and its authorized agents and employees. All other persons are forbidden to tap, disturb, change, obstruct access to or interfere with them in any way.

**8. Application for service.**

An application for the introduction of Borough water to private premises, or for the change of an existing supply, shall be made to the superintendent by the owner of the premises or by his agent. The request shall be in writing. The application must be accompanied by the required permit fee, which will be returned if the application is not granted. Upon the receipt of an application, the superintendent will make or cause to be made an inspection of the premises and unless the application is rejected for cause, he shall prepare an estimate of the cost of the work applied for and render a bill for the same to the owner of the premises. Upon the payment of full of such bill, the work of making the proper connection with the premises will be proceeded with as promptly as possible. No additional connections or alterations to existing connections will be made for the owner of any premise unless and until all charges of every nature due the Department from such owner or charge against such premises are first paid.

**9. Pipes – required materials.**

Supply pipes and service pipes shall be of such material and quality as the Department may prescribe.

- a. Supply pipes and meters, including curb cocks, shall be put in only by the Department. Service pipes, through and including a compression stop on the street side of the meter, shall be installed only by licensed plumbers after obtaining the permit from the Health Department. Supply pipes and meters, under the exclusive control of the Department and no person other than an employee of the Department or the parties authorized directly by the Department, shall construct, repair or otherwise change or interfere with them in anyway.
- b. Service pipes, through and including a compression stop on the street side of the meter, are the responsibility of the property owner who shall contract with a licensed plumber to construct, repair or otherwise change said service pipes. All service pipe installations, repairs or changes shall be done in accordance with this chapter and shall be under the supervision and inspection of the Department.

**10. Pipe freezing prevention.**

Service pipes and all other pipes or fixtures placed underground must be placed at least four (4) feet below the surface or finished grade of the ground to insure against freezing.

**11. Stop valves.**

In each building intended to be connected with the public water supply, there shall be provided a stop valve placed as near the front basement or foundation wall as possible, but beyond the meter position and where easily accessible in order that water may be turned on and off and drained from the pipes in case of accident or in order to make necessary repairs. Such valves must be kept in good working condition and much be

thoroughly protected from freezing. Provision shall be made for the convenient installation of the meter in accordance with the standard plans of the Department.

**12. Permit fees – requests for meters.**

Permit fees for the use of Borough water and the installation or replacement of service pipes and charges for tapping of mains and the installation or replacement of supply pipes from the main to the curb and installation of meters shall be set from time to time by resolution of the governing body.

**13. Use of water.**

Borough water shall not be taken or used for any purpose other than for domestic use or the supply of manufacturing businesses or public buildings unless application is made for private testing of the Borough's water supply in accordance with the following conditions:

- A. Any person or entity who desires to conduct tests on the Borough water supply shall make a request for the same in writing to the Borough Clerk. The applicant shall also post a non-refundable \$250.00 application fee prior to any test being conducted.
- B. The water tests shall be performed by, or under the direction of, the Borough Water Company. The Borough Engineer shall at all times supervise such tests.
- C. The applicant shall post an escrow amount of \$1,000.00 to cover personnel time and water costs.
- D. The applicant shall provide the Borough with a copy of the testing results.

- E. The unexpended balance of the escrow shall be returned to the applicant within thirty (30) days of the Borough's receipt of the testing results.

**14. Misrepresentation of water use.**

In the event the applicant for water to be used in the construction or repair of buildings or other construction work misrepresented as to the quantity of work to be done, the supply of water to the applicant shall be immediately shut off and shall not again be turned on until a true and revised estimate of the quantity of such work be submitted.

**15. Fire hydrants.**

Fire hydrants are provided for the sole purpose of the extinguishing fires and are to be opened and used only by the water and fire departments of the Borough or by such persons as may be specially authorized by the Water Department. No person, firm or corporation shall in any manner obstruct or prevent free access to any fire hydrant or place or store temporarily or otherwise any object, material, snow, debris or other structure or vegetation of any kind within the distance of five (5) feet of any fire hydrant. Any obstruction, when discovered, may be removed at once by the Department at the expense of the person, firm or corporation responsible for the obstruction.

**16. Meter required.**

The service for the supplying of water for domestic or other purposes shall be equipped with a meter and thereafter all charges for the use of water through such services shall be based upon the established meter rates.

**17. Meter installation – inspection.**

In all cases where meters are to be installed, an inspection of the premises will be made by the Department to determine the size of the meter required, its proper location and the

manner in which it shall be set up and protected. The decisions of the superintendent in regard of these matters shall be final.

**18. Non-interference with meter.**

No person other than the authorized employees of the Department shall change the location of, alter or interfere in any way with any meter. The meters shall remain the property of the Department at all times.

**19. Installation and maintenance – responsibility.**

All necessary expenses of installing, maintaining and caring for meters will be borne by the Department provided that where replacements, repairs or adjustments of any meter are necessary by the neglect or carelessness of the owner or occupant of the premises, any expense to the Department caused thereby shall be charged against and collected from the owner of the premises. The owner of the premises where the meter is installed is held responsible for its care and protection from freezing and from injury. In case of any injury to the meter or in case of its stoppage or imperfect working, the owner shall give immediate notice to the superintendent.

**20. Water must pass through meter.**

All water used on any Borough premises where a meter is installed must pass through the meter. No bypass or connection between the meter and the main shall be made or maintained.

**21. Accuracy of meter's testing.**

The accuracy of the meter on any premises will be tested by the Department upon written request of the owner who shall pay in advance a fee of \$25.00 dollars to cover the cost of the test. If upon such test, the meter shall be found to register over five percent (5%)

more water than actually passes through it another meter will be substituted therefor and the fee will be repaid to the owner of the premises. The water bill for the current quarter in such manner shall be adjusted accordingly. When metered property changes ownership, meter must be tested at the cost of the new owner.

**22. Billing for multi-tenant properties.**

Where one property is occupied by two (2) or more distinct families or where a business building is occupied by two (2) or more firms or persons, each family and each business, firm or person shall be considered as a separate premises but a single water charge shall be made against the owner of the property. In default of the payment of any this charge, premises will be subject to the same penalties as are provided in regard to other overdue charges.

**23. Water service through Department only.**

Borough water shall be taken and used only through supply and service pipes established by or under the supervision of the Department. No connection by which water may attach one property to the other shall exist even though the ownership for both properties may be the same.

**24. Wasting water prohibited.**

Excessive or other unnecessary use or waste of water whether caused by carelessness or by defective or leaking plumbing or fixtures is strictly prohibited. For disregard of or repeated violation of this requirement, the water may be turned off by the Department.

**25. Prohibited water turn on.**

Where water has been turned off by the Department for any reason, no person shall turn it on again without the permission of the Department.

**26. Water repairs and unoccupied houses.**

In all cases where plumbing repairs are made in unoccupied houses, the plumber must on completion of his or her work leave the curb cock closed and if the plumber shall fail or neglect to do so, he or she shall be liable for all damages.

**27. Employees entering private premises – identification.**

The superintendent and the employees of the Department, whose duty it may be to enter upon private premises to make inspections and examinations of the pipes, meters, fixtures or attachments used in connection with the Borough water supply, will be supplied with identification that the Mayor and Council may deem to properly identify them as authorized agents of the Department.

**28. Temporary vacancy of premises – water shut off.**

In case of the temporary vacancy of any premises, the water will be turned off at the curb cock by the Department upon the request in writing of the owner of the premises. It will be turned on again when requested in writing. Where the water is paid for at meter rates, the minimum charge for any quarter in which the vacancy occurs will be reduced in proportion to such vacancy. No rebate will be allowed for a period of less than 30 successive days in any quarterly period. In no case will the charge for any period be reduced below one half of the prescribed minimum charge for such period. Where metered premises are left unoccupied with the water not turned off by the Department, no rebate will be allowed for water registered by the meter that may leak or waste through the plumbing or fixtures.

**29. Water charges calendar.**

For the purpose of making and collecting charges for Borough water use by consumers, the calendar year shall be subdivided and designated as follows:

- A. The year shall begin on January 1 and end of December 31;
- B. The quarterly period shall begin on the first day of January, April, July and October respectively and shall extend to the beginning of the succeeding quarterly period.

**30. Rates and charges.**

The following rates are established and shall be charged for water supplied by the Department provided, however, the same may be changed or altered without notice from time to time by resolution of the Mayor and Council:

Minimum charge for the first 2,000 gallons per quarter as follows:

For a  $\frac{3}{4}$  inch or 1 inch meter the charge shall be \$20.00 per quarter for the first 2,000 gallons. Quarterly usage in excess of 2,000 gallons will be charged as follows:

2,001 – 4,000 gallons: \$2.66 per 1,000 gallons

4,001 – 15,000 gallons: \$5.32 per 1,000 gallons

15,000 + gallons: \$6.65 per 1,000 gallons

Where one meter serves more than one family unit, the minimum charge shall be based upon the meter charge applied to each family or rental unit.

**31. Delivery of bills.**

The Borough will render bills for water, but the non-receipt of a bill covering such charges will not excuse failure to pay or a delay in paying same.

**32. Charges for partial periods.**

Charges for water supplied at meter rates for any quarterly period or fractional part thereof will be dated on the last day of such period or on the day where the water is turned off and are due and payable on the day when dated.

**33. Payment of charges, interests and penalties.**

Water bills are due and payable within 60 days of the date of issue and delinquent payments thereafter shall be charged interest at the rate of 2% on the outstanding balance for each 30 day period or part thereof.

**34. Charges or liens against property.**

All charges for water are liens upon the premises or property on account of which the charge is incurred until paid and satisfied.

**35. All water charged for.**

Where water is supplied at meter rates, all of the water registered by the meter will be charged or no deductions will be made for leaks or alleged inaccuracy of the meter except as otherwise provided.

**36. Payment to Water Department Clerk.**

Payment of all water charges through the Department shall be made to the Water Department Clerk of the Borough of Bloomsbury.

**37. Emergency water shut off – notice.**

Should it become necessary to shut off the water from any section of the Borough because of accidents or for the purpose of making changes or repairs, the Department will endeavor to give timely notice to the consumers affected thereby and will, so far as practical, use its best efforts to prevent inconvenience and damage arising from any such

cause. Failure to give such notice will not render the Department responsible or liable for damages that may result therefrom or from any other cause.

**38. Water shut off for violation – notice.**

The superintendent, at his discretion, may shut off the water from the premises of any owner or tenant guilty of violating any of the provisions in this chapter, but the superintendent shall give said owner or tenant at least 24 hours notice before the water is shut off and notice of the procedures for contesting the termination.

**39. Notice regulations.**

Whenever notice is required to be given hereunder, the same shall be given by enclosing a copy thereof in an envelope with postage prepaid, addressed to the person, firm or corporation to be notified, at the post office or residence address of such person, firm or corporation as the same appears on the books of the Department and mailing the same at the post office in the Borough. Such notice, so given, shall be conclusively deemed to have been given at the time of such mailing.

**40. Violation – penalty.**

In addition to the penalty of cutting off the supply of water as herein provided, the following penalties are hereby prescribed:

- a. A person, firm or corporation violating any of the provisions of this chapter shall, upon conviction, forfeit and pay a penalty of not more than \$500.00 for each violation thereof;

- b. Any person, firm or corporation violating any of the sections of this chapter as specifically enumerated shall upon conviction forfeit and pay a penalty of not more than \$500.00 for each violation thereof;
- c. Upon refusal or neglect to pay any fine or penalty imposed, any person so convicted may be imprisoned according to law;
- d. Payment to the Borough for all water unlawfully taken.

**Repealer.** All ordinances or parts of ordinances, which are inconsistent with this ordinance shall be repealed as to their inconsistencies only.

**Effective Date.** This ordinance shall take effect following final passage and publication in accordance with law and the notices hereby given.

---

Mark R. Peck, Mayor

Attest:

---

Lisa A. Burd,  
Acting Borough Clerk

First Reading: October 25, 2005  
Publication: December 8, 2005  
Public Hearing: December 27, 2005  
Adoption: December 27, 2005  
Publication of Adoption: January 5, 2006