

**BOROUGH OF FRANKLIN**

**ORDINANCE No. 13-2020**

**AN ORDINANCE OF THE BOROUGH OF FRANKLIN, COUNTY OF  
SUSSEX, AND STATE OF NEW JERSEY  
REPLACING SECTIONS 270-2, 270-4, 270-12 REGARDING WATER**

**BE IT ORDAINED** by the Mayor and Council of the Borough of Franklin, County of Sussex, and State of New Jersey that the Franklin Borough Code is amended as follows:

**SECTION I.** The following Section are hereby replaced in its entirety as follows:

§ 270-2. General provisions.

A. Duties of Public Works Committee. The operation, maintenance and administration of the Borough water supply system are hereby vested in the Public Works Superintendent who shall consult with the Public Works Committee of the Borough.[, which shall consist of those officers and employees designated by the Mayor and Council.]

B. Receiver of water. Any person receiving a supply of water for any purpose from the water system operated by the Borough of Franklin shall be subject to rules and regulations as set forth herein.

C. Property owner's responsibility.

(1) The owner of any property serviced by the Borough's water system shall be responsible for the payment of all water service charges, rates, rentals, connection fees, interest, penalties, expenses and/or other charges as well as costs incurred for the connection installation, repair and/or testing of any water meter, water service, connection, appliances, parts and/or removals thereof furnished by the Public Works Department on the Owner's property. [Committee for the property, since] Such charges shall be [constitute] a lien against the property upon Borough Council resolution pursuant to N.J.S.A. 40A:31-12. The owner shall remain responsible even if a tenant occupies the property.

(2) If a bill remains unpaid for a period of 30 days after it is issued, it shall be classified as delinquent and upon five days' notice to the property owner, service may be discontinued. If service is discontinued, it will not be restored until all unpaid bills including statutory interest and reconnection charges have been paid in full.

D. Water connection required on adjacent lands. The owner of any house, building or structure requiring water service accessible to the water distribution system of the Borough by reason of the location of the premises adjacent to the water distribution system is available shall be required to be connected to the water distribution system otherwise available to the person. Such person shall make application for the water connection within 10 days after notice by the Public Works Committee that such water supply is available for the premises.

E. Payments to be made to Borough [Public Works Committee]. Payments for the use and consumption of water and for all other fees and charges incurred shall be paid to the water and sewer collector for the Borough of Franklin.[agent or employee of the Borough Public Works Committee.]

F. Quarterly billing. All bills for continuous service shall be rendered quarterly, and no bill will be rendered for less than the minimum charge for time elapsed. For metered service, bills will be rendered for the quarter terminating as to the last day of the quarter. If bills are not paid on such date, a penalty will be applied. No interest shall be charged if payment is made within 10 days

after the first of the month upon which the same became payable. The owner shall remain liable for all charges for buildings which are unoccupied unless written notice of said unoccupancy is given at the time such building becomes unoccupied.

§ 270-4. Service lines.

A. Installation by plumber. Installation of service lines from the curb stop, or repair work thereon, shall be performed by a plumber duly qualified to perform such work, at the expense of the applicant. All service connection pipe shall be installed at least four feet below the surface. No rigid connection to any other water distribution system shall be made.

B. Manner of connections.

(1) The service connection shall, as far as practicable, be installed at right angles to the main and in a straight line to the meter. There shall be no attachment thereon from which water may be drawn between the main and the meter.

(2) Service pipe shall be installed only through the property of the applicant, unless the applicant shall enjoy an easement or right-of-way for such purpose in writing, duly recorded.

(3) Water pipe shall not be installed in the same excavation or trench with sewer pipe unless the same is separated by at least two feet.

(4) All service connection pipe from the main shall consist of Type K copper tubing and shall be installed and maintained by the owner. The copper tubing shall not be less than 3/4 inch in size for all domestic lines and of such larger size as shall be designated by the Committee for commercial and industrial buildings and multiple residences.

C. Inspection. The completed line shall remain open until inspected and approved by the Committee. At least 24 hours' notice shall be given the [Committee] Public Works Superintendent for the purpose of inspecting and approving the work. There will be an inspection fee.

D. Maintenance by owner. The owner shall be responsible for the maintenance of the service line from the property line [curb stop] to the [meter or] interior of the building and shall keep the same in good repair and protect it from damage due to frost or other causes. All leaks in the service lines shall be reported promptly to the Public Works Superintendent [Committee] and repaired by the owner. The owner shall be liable for water escaping from such leaks at a charge to be estimated by the Public Works Committee based upon the estimated quantity of water escaping. If repairs are not so made, the Public Works Superintendent [Committee] may shut off the water and may refuse to turn it on again until the line is put in serviceable condition. No person except an employee of the Borough [Committee] shall turn water on or off at the curb stop.

E. Single tap service for multiple structures. No service connection shall be permitted to serve two or more buildings or structures from a single tap, except upon a special permit granted by the Public Works Committee, and, if granted, a separate and distinct curb stop and box shall be provided for each building or structure.

§ 270-12. Service standards.

A. Obstructions. No person shall at any time obstruct free access to any waste meter, curb stop, curb box, valve, hydrant or other equipment of the water distribution system. It shall be unlawful for any person to install, permit the installation of or use, operate and maintain a booster pump or any other device which shall increase the pressure or volume of water delivered through a service connection to any customer.

B. Scarcity of water. In the case of prolonged scarcity of water from any cause the Committee reserves the right, upon public notice, to have the use of water for lawn or garden sprinkling or air-conditioning purposes suspended or restricted.

C. Maintenance of service lines. The property owner shall be responsible for the maintenance of the service line from the property line to the building and for all interior plumbing. [between the curb stop and the meter.] The property owner shall keep the same in good repair and protect it from damage due to frost or other causes and shall be held liable for damage or loss of water resulting from failure to do so.

D. Leaks. All leaks in the service line aforesaid shall be reported promptly to the Public Works Superintendent [Committee] and repaired by the property owner. If repairs are not so made, the water shall be shut off by the Public Works Superintendent [Committee] and not turned on again until the line is put in serviceable condition and all charges for damage or loss of water have been paid.

E. Access to premises. The Public Works Superintendent [Committee] shall have access at all reasonable hours to premises connected to the water distribution system for the purpose of reading and installing the meter and of inspecting and maintaining equipment. The hours between 8:00 a.m. and 6:00 p.m. shall be reasonable hours for this purpose.

F. Maintenance charge. Any necessary maintenance, repairs, replacement or changes in piping, valves or connections on the house side of the curb stop, including all material and labor, shall be made by the property owners at their own expense, subject to inspection and approval by the Public Works Superintendent [Committee].

G. Water usage. The customer shall not permit water to be used except for the purposes described in the application for water service and shall, in any case, remain liable for all water used.

H. Discontinuance. Water service may be discontinued upon such notice as shall be reasonable or practicable for any of the following reasons:

(1) For the use of water for any properties or purposes other than those permitted in this chapter or described in the application.

(2) For willful waste of water through improper, defective or imperfect pipes, fixtures or otherwise.

(3) For failure to maintain, in good order, connections, service lines or fixtures owned by the consumer.

(4) For molesting or tampering with any service pipe, meter, curb or fixtures owned by the consumer.

(5) For refusal of access at reasonable hours for purposes of inspecting or for installing, reading or maintaining fixtures, pipes and meters.

(6) For nonpayment of bills, rent, charges or fees or of penalties imposed or for any other reason causing or tending to cause a loss to the Committee.

(7) Failure to decrease or limit the use of water when requested by the Public Works Committee.

(8) For violation of any Borough ordinance relating to the use and distribution of water.

(9) For misrepresentation in the application for water service respecting the property to be served or the fixtures to be supplied or the use to be made of the water.

(10) At the discretion of the Public Works Committee when the premises become vacant.

(11) For such additional uses of water or installation of additional fixtures with respect to flat rate service where such increase in the facilities or use of water is made without notice to and approval by the Public Works Superintendent [Committee].

I. Shutting off water. The Public Works Committee reserves the right to shut off water service without notice, in case of technical defects or for other unavoidable cause, or for the purpose of making necessary repairs, connections or other alterations to the water distribution system.

J. Payment of bills. In no case shall water be turned on again until the defects have been remedied and all bills due and charges or penalties and fees imposed have been paid. The owner

of the premises shall also be liable for any loss sustained by the Borough [Committee] as the result of such defects.

K. Sealing of curb stop. Should the occupant of the premises turn on the water or suffer or cause it to be turned on after it has been shut off at the curb by the Borough [Committee], it shall be shut off again, the curb stop shall be sealed and a charge shall be made for the expense of shutting off the curb stop and turning it on again.

L. Pressure liability. Neither the Public Works Committee nor the Borough shall be held liable for any damage which may be claimed due to the failure or any restriction of the water supplied or from low or high pressure.

M. Modification of regulations. The [Committee and the] Borough reserve the right to add to or modify the rules and regulations governing the water distribution system at any time.

N. Vacation of buildings. Owners of vacant buildings or buildings that are about to be vacated shall give at least five days' notice that such buildings are about to become vacant to the Public Works Superintendent [Committee] so that water may be shut off and shall be responsible for the water charges until such notice is given.

O. Change of ownership. A new application for water service shall be filed upon the change of ownership of the property described in the original application, and the Public Works Committee may discontinue water service until such new application has been filed and approved.

P. Hose connections. Hoses shall not be used unless the water is metered or, in the case of flat rate service, a sill tap has been installed and is subject to the flat rate charge. Use of a hose connection in other cases shall subject the consumer to payment of the charge provided in § 270-7D.

Q. Discontinuance of service. When requested by the owner or his agent, the Public Works Committee shall discontinue service to a property either temporarily or permanently. A turnoff charge shall be made when the service is restored, but in no event shall water be turned on until all water charges have been paid. Emergency shutoff will be made at any hour upon request without charge at the curb stop.

R. Adjustments of water charges. No adjustments of water charges due to failure of the Public Works Committee to discontinue or restore water service as requested by an owner shall be made unless the request for discontinuance or restoration is in writing and duly filed with the Committee.

S. Liability from curb stop. When turning on the water supply as requested and the house or property is vacant, the Public Works Superintendent [Committee] shall endeavor to ascertain if water is running on the inside of the building. If such is found to be the case, the water shall be left shut off at the curb stop. [The Committee's jurisdiction and responsibility ends at the curb stop, and the Committee shall in no case be liable for damages occasioned by water running from open or faulty fixtures or from broken or damaged pipes beyond the Committee's curb stop.]

T. Sealed connections. When connections are abandoned or sealed, the applicant shall pay the Borough of Franklin for having the water connection shutoff and plugged at the curb stop or other such location as determined by the Public Works Committee. In the event that an applicant desires to reconnect to the Borough's water system, the applicant shall be responsible for paying a new connection fee as provided for in § 270-15B(10)(l) and Chapter 119. However, in the event that the water line is temporarily closed in order to accommodate construction on the lot and block where the water connection previously existed, a new water connection fee shall not be charged, except to the extent of an enlargement or modification of the water connection.

U. Improvement insurance. Where persons, corporations or contractors making improvements, etc., necessitating excavations in streets wherein water mains and service connections are laid, requiring water and service connections to be cut and refitted, lowered or raised, etc., such persons shall make written request to the Committee to make such changes and shall furnish a

satisfactory guaranty to the Borough [Committee] insuring the payment of all costs incurred by the Borough [Committee] in the changes necessary or required to be made.

V. Liability from damage. The Borough [Committee] shall not be liable for any damages resulting from leaks, broken pipes or other cause or for damage resulting from the bursting or breaking of any main or service pipe.

W. Reservoir water. The Committee has the right to retain a sufficient supply of water in its reservoir at all times to provide for fire and other emergencies.]

W. X. Final meter readings. When the Borough of Franklin Water Meter Department is requested to make a water meter reading, there shall be a fee pursuant to Chapter 119, Fees.

## **SECTION II**

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistencies.

## **SECTION III**

If any article, section, subsection, paragraph, phrase or sentence is, for any reason, held to be unconstitutional or invalid, said article, section, subsection, paragraph, phrase or sentence shall be deemed severable.

## **SECTION IV**

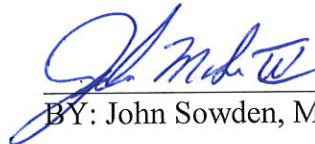
This Ordinance shall take effect immediately upon final publication as provided by law.

ATTEST:

**BOROUGH OF FRANKLIN**



Darlene J. Tremont, CLERK



BY: John Sowden, MAYOR

DATED: October 13, 2020

## **NOTICE**

**NOTICE** is hereby given that the foregoing Ordinance was introduced to pass on first reading at a regular meeting of the Council of the Borough of Franklin held on September 22, 2020, at 7:00 p.m. and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a regular meeting of the Borough Council to be held on October 13, 2020, at 7:00 p.m., or as soon thereafter as the Borough Council may hear this Ordinance at the Municipal Building, 46 Main Street, Franklin, New Jersey 07416, at which time all persons interested may appear for or against the passage of said Ordinance.




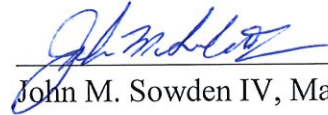
Darlene J. Tremont

Municipal Clerk

**CERTIFICATION**

I, Darlene J. Tremont, Clerk of the Borough of Franklin, do hereby certify that the Borough of Franklin Council duly adopted the foregoing Ordinance on the 13<sup>th</sup> day of October, 2020.

  
 Darlene J. Tremont, Clerk  
 Borough of Franklin

  
 John M. Sowden IV, Mayor

Introduced: September 22, 2020

Adopted: October 13, 2020

RECORD OF COUNCIL VOTES-FIRST READING					Move	2nd
COUNCIL MEMBER	AYES	NAYES	ABSTAIN	ABSENT		
CONCETTO FORMICA	X					
JOSEPH LIMON	X					
JOHN POSTAS COUNCIL PRESIDENT	X				X	
STEPHEN SKELLENGER	X					X
GILBERT SNYDER	X					
STEPHAN ZYDON, JR.	X					
MAYOR SOWDEN, IV (Tie Only)						

RECORD OF COUNCIL VOTES-SECOND READING					Move	2nd
COUNCIL MEMBER	AYES	NAYES	ABSTAIN	ABSENT		
CONCETTO FORMICA	X				X	
JOSEPH LIMON	X					
JOHN POSTAS COUNCIL PRESIDENT	X					X
STEPHEN SKELLENGER	X					
GILBERT SNYDER	X					
STEPHAN ZYDON, JR.	X					
MAYOR SOWDEN, IV (Tie Only)						

**BOROUGH OF FRANKLIN  
LEGAL NOTICE**

**ORDINANCE No. 13-2020**

**AN ORDINANCE OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX, AND  
STATE OF NEW JERSEY REPLACING SECTIONS 270-2, 270-4, 270-12 REGARDING  
WATER**

NOTICE is hereby given that the above Ordinance was introduced and passed on first reading at a meeting of the Borough Council of the Borough of Franklin, in the County of Sussex, State of New Jersey, held in the Borough Municipal Building, 46 Main Street, Franklin, NJ, on the 22<sup>nd</sup> day of September, 2020, and the same came up for final passage at a meeting of the said Borough Council on the 13<sup>th</sup> day of October, 2020, at which time, after persons interested were given an opportunity to be heard concerning said ordinance, the same was passed and will be in full force in the Borough according to law by order of the Borough Council of the Borough of Franklin, County of Sussex and State of New Jersey.



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Darlene J. Tremont, Municipal Clerk