

**BOROUGH OF AVALON
CAPE MAY COUNTY
NEW JERSEY**

ORDINANCE No. 877-2024

AN ORDINANCE AMENDING CHAPTER 14 (WATER & Sewer) OF THE BOROUGH CODE TO IMPOSE A QUARTERLY SURCHARGE ON ALL WATER AND SEWER METERS.

WHEREAS, new regulations imposed by both the federal and state governments require all utilities companies providing potable water to consumers, including municipal utilities, to commence mandatory inspections to test for lead and to implement appropriate remedial measures; and

WHEREAS, New Jersey law requires that all municipal utilities be financially self-sustaining, and therefore the cost of the newly implemented federal and state regulations will result in additional costs which must be passed onto and paid by consumers;

NOW, THEREFORE, BE IT ORDAINED BY THE BOROUGH COUNCIL, THE GOVERNING BODY OF THE BOROUGH OF AVALON, in the County of Cape May and State of New Jersey as follows:

SECTION 1. Chapter 14 of the Borough Code entitled "Water and Sewer" is amended and supplemented as shall hereafter read as follows:

§ 14-5. WATER AND SEWER RATES AND CHARGES.

[2000 Code § 14:1-16; amended by Ord. No. 650-2012; Ord. No. 719-2015 § 1; Ord. No. 759-2017; Ord. No. 772-2018; 8-9-2023 by Ord. No. 866-2023]

- a. [No change or modification]
- b. [No change or modification]
- c. [No change or modification]
- d. [No change or modification]
- e. [No change or modification]
- f. [No change or modification]

ADD NEW SECTION AS FOLLOWS:

g. A quarterly charge of \$10.00 per each water/sewer meter will be assessed for the next four years to offset the cost of compliance with Federal and State lead service line testing and remediation. The quarterly charge will start with the July 2024 billing and continue through the next 16 billing cycles ending with the April 2028 billing.

ADD NEW SECTION AS FOLLOWS:

h. The Chief Financial Officer, in consultation with the Collector of Taxes and Utility Payments, and with the consent and approval of the Borough Administrator, is hereby authorized to adopt reasonable rules and regulations for the efficient administration and enforcement of this Section (§ 14-5). Such rules and regulations shall be in writing and shall be filed with the Borough Clerk, and thereafter presented to Borough Council at the next regularly scheduled meeting, or as soon thereafter as may be reasonably expedient. Borough Council may either approve, reject, or modify such rule or regulation by Resolution. Such rules and regulations shall have the force of law once approved by Borough Council as provided in N.J.S.A. 40:69A-183. Once approved, Borough Council shall provide for the prompt publication of such rules and regulations.

SECTION 2. REPEALER. All Ordinances or parts of Ordinances, including those specified in Section 3 hereof, which are in conflict or inconsistent herewith are hereby repealed to the extent of such inconsistency or conflict only.

SECTION 3. SEVERABILITY. If any section, paragraph, subdivision, subsection, clause, or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, subsection, clause, or provision declared invalid and the remainder of this Ordinance shall remain in full force and effect and shall be enforceable.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect immediately upon final adoption and publication as required by law.

NOTICE OF PENDING ORDINANCE

The Ordinance published herewith was introduced and passed on first reading of the Municipal Council of the Borough of Avalon on March 27, 2024. It will be further considered for second reading, public hearing and final adoption at a meeting of said Council to be held on the 24th day of April, 2024 in the Meeting Room of the Municipal Building, Avalon, New Jersey at 4:00 pm and during the week prior to and up to and including the date of such meeting, copies of said Ordinance will be made available at the Clerk's Office in said Municipal Building to the members of the general public who shall request the same.

C. DANIELLE NOLLETT

Borough Clerk