

Introduction date: October 22, 2018
Adoption date: November 26, 2018

ORDINANCE NO 2018-17

**TOWNSHIP OF EASTAMPTON
BURLINGTON COUNTY**

**AN ORDINANCE GRANTING MUNICIPAL CONSENT TO NEW JERSEY AMERICAN
WATER COMPANY, INC. TO PERMIT THE CONSTRUCTION, EXPANSION AND
MAINTENANCE OF WATER FACILITIES ON PUBLIC PROPERTY IN THE
TOWNSHIP OF EASTAMPTON IN ORDER TO FURNISH WATER SERVICE WITHIN
THE BOUNDARIES OF THE TOWNSHIP**

WHEREAS, the Township of Eastampton ("Township"), Burlington County, New Jersey is desirous of providing water services to sites not currently within New Jersey American Water's existing franchise; and

WHEREAS, New Jersey American Water Company, Inc. ("Company") is a regulated public utility corporation of the State of New Jersey presently seeking the municipal consent of the Township to permit said Company to extend water service and its facilities in the Township; and

WHEREAS, the Company has requested the consent of the Township as required by N.J.S.A. 48:19-17 and 48:19-20, as amended, to lay its pipes beneath and restore such public roads, streets and places as it may deem necessary for its corporate purposes, free from all charges to be made for said privilege (except fees for road opening permits shall be paid), provided that said pipes shall be laid at least three feet (3') below the surface and shall not in any way unnecessarily obstruct or interfere with the public travel or cause or permit other than temporary damage to public or private property; and

WHEREAS, it is deemed to be in the best interest of the citizens of the Township with regard to the entire municipality to provide this consent;

NOW THEREFORE, BE IT ORDAINED by the Township Council of the Township of Eastampton, County of Burlington and State of New Jersey as follows:

SECTION I.

The Township hereby grants to the Company, its successors and assigns, in perpetuity, the municipal consent required under the provisions of N.J.S.A. 48:19-17 and 48:19-20, as amended without charge therefore, (except fees for road opening permits shall be paid) as the same may be required in order to permit the said Company to add to, extend, operate and maintain said water facilities on the public property described herein in order to provide water service. The privilege

granted herein shall include the construction, installation and maintenance of hydrants on and along the Township roads, streets and places at locations as the Township shall designate from time to time. Township or its designee will pay to the Company the filed tariff rates for public fire protection service rendered through said hydrants.

SECTION II.

That a certified copy of this Ordinance, upon final passage, shall be sent to the Company, the New Jersey Department of Environmental Protection and the Board of Public Utilities of the State of New Jersey.

SECTION III.

That the consent granted herein shall be subject to the Company complying with all applicable laws of the Township and/or the State of New Jersey including, but not limited to, any and all statutes and administrative agency rules and/or regulations.

SECTION IV.

The Township Manager, Mayor and the Clerk of the Township be authorized to execute the documents and agreements necessary to effectuate the municipal consent and to protect the rights of the public involved.

SECTION V.

The consent granted herein extends the presently existing territory of the Company in the Township to include Block 800 lot 1.01 as shown on the Tax Map of the Township of Eastampton in existence on the date of the passage of this Ordinance.

SECTION VI.

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

SECTION VII

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

ATTEST:


KIM-MARIE WHITE
Municipal Clerk


ROBERT APGAR
Mayor

Adopted: 11/20/18, 2018

Introduction 10.22.2018

Council	Motion	2 nd	Ayes	Nays	Abstain	Absent
Councilman Adams		✓	✓			
Councilman Edson			✓			
Councilman Springer			✓			
Councilman Zeno	✓		✓			
Mayor Apgar			✓			
		VOTE	5	0		

Adoption 11.20.18

Council	Motion	2 nd	Ayes	Nays	Abstain	Absent
Councilman Adams			✓			
Councilman Edson	✓		✓			
Councilman Springer			✓			
Councilman Zeno		✓	✓			
Mayor Apgar			✓			
		VOTE	5	0		