

ORDINANCE

TOWNSHIP OF FRANKLIN

**ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN
ADDING CHAPTER 387, WATER UTILITY**

O- 9-14

WHEREAS, the Township Committee of the Township of Franklin recognizes that the Borough of Newfield operates a water supply utility that services certain parcels of real property in the Township of Franklin; and

WHEREAS, the Township of Franklin recognizes that the Borough of Newfield has the right to collect appropriate fees charged to owners of real property in the Township of Franklin who are serviced by the Borough of Newfield’s water utility and should have the right to impose a lien upon such parcel under appropriate terms and conditions.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Franklin, County of Gloucester, State of New Jersey that the codified Ordinances of the Township of Franklin shall be amended to state as follows:

CHAPTER 387 WATER UTILITY

Article 1: Failure to Pay Water Assessments

§ 387-1 – Right of Water Utility

The water utility of the Borough of Newfield, its successors or assigns after providing service to any parcel of real property owned by any person other than the State or an agency or subdivision thereof in the Township of Franklin, shall have the right to make application to the Tax Collector of the Township of Franklin for the imposition of a lien on such parcel upon terms and conditions as follows:

- A. A service charge, cost or fee of the water utility of the Borough of Newfield, its successors or assigns with regard to any parcel of real property owned by any person other than the State agency or subdivision thereof in the Township of Franklin is unpaid as and when due.
- B. The water utility of the Borough of Newfield, its successors or assigns shall file in the Office of the Tax Collector of the Township of Franklin a certified delinquency statement showing the amount and date due to such an unpaid balance for the service charges and identifies such parcel, by lot and block number and address, which identification may be sufficiently made by reference to the assessment map of the Township of Franklin.

§ 387-2 – Recording of Unpaid Charges

The Tax Collector of the Township of Franklin shall record, within 30 days of the receipt of that statement provided in § 387-1B hereinabove, as a lien for any unpaid service charges plus interest at the rate charged by said water utility of the Borough of Newfield, its successors or assigns, in the same manner as prescribed by the provisions of N.J.S.A. 40:14B-42 or by agreement entered into between the Township of Franklin and the water utility of the Borough of Newfield, its successors or assigns.

§ 387-3 – Withdrawal of Statement Upon Payment

Whenever any outstanding service charge, cost or fee and any subsequent service charge with regard to such parcel and all interest accrued thereon shall have been fully paid

to the water utility of the Borough of Newfield, its successors or assigns, such statement shall be properly withdrawn or canceled and notice of the same shall forthwith be provided to the Tax Collector of the Township of Franklin.

§ 387-4 – Enforcement

The Tax Collector or other official of the Township of Franklin charged by law with the duty of enforcing municipal liens on real property shall enforce, with and as any other municipal lien on real property in such Township, all service charges and the lien thereof shown in any statement filed with said Collector or Officer by the water utility of the Borough of Newfield, its successors or assigns pursuant to the preceding Sections of this Article and N.J.S.A. 40:14B-42 and shall pay over to the water utility of the Borough of Newfield, its successors or assigns, the sums or prorated share of the sums obtained upon liquidation of any property acquired by the Township of Franklin or otherwise obtained by virtue of such enforcement.

§ 387-5 – Interest on Unpaid Balance

In the event that a service charge of the water utility of the Borough of Newfield, its successors or assigns, with regard to any parcel of real property shall not be paid when due, interest shall accrue and be due to such utility, its successors or assigns, on the unpaid balance at the rate charged by them until such service charge and interest thereon shall be fully paid.

§ 387-6 – Costs and Expenses

All reasonable costs and expenses incurred by the Township of Franklin in the filing and enforcing of such lien shall be added to said liens and be chargeable to the owners of the real property against which the liens have been placed. Said costs and expenses shall be retained by the Township of Franklin or reimbursed by the water utility of the Borough of Newfield, its successors or assigns, upon tender of an invoice in proper form thereof.

BE IT FURTHER ORDAINED, that if any section, sentence, clause, provision or portion of this Ordinance shall be held to be invalid or unconstitutional by any Court of the competent jurisdiction, such holdings shall not effect or impair any other section, sentence, clause, provision or portion of this Ordinance.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect immediately upon its final passage, adoption and publication as provided by law.

Attest:

Township of Franklin

Barbara Freijomil, Clerk

Edward Leopardi, Mayor

I, Barbara Freijomil, Clerk of the Township of Franklin, County of Gloucester, State of New Jersey, do hereby certify that the foregoing Ordinance was introduced at a Regular Meeting of the Township of Franklin held of Tuesday, April 22, 2014, and thereafter duly advertised in the legal newspaper(s) of the Township of Franklin at least ten (10) days prior to it being considered for final passage and adoption at a subsequent meeting to be held on Tuesday, May 27, 2014, at which time any person interested therein will be given an opportunity to heard.

Barbara Freijomil, Clerk