

Green Sergeant's Bridge

New Jersey's Only Remaining Covered Bridge

Delaware Township

Hunterdon County, New Jersey

www.DelawareTwpNJ.org

Judith A. Allen, RMC
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DELAWARE TOWNSHIP **ORDINANCE #2013-14**

ORDINANCE RENEWING MUNICIPAL CONSENT TO THE ROSEMONT WATER COMPANY TO PERMIT THE CONTINUED OPERATION CONSTRUCTION, EXPANSION AND MAINTENANCE OF WATER FACILITIES ON PUBLIC PROPERTY IN DELAWARE TOWNSHIP IN ORDER TO CONTINUE TO PROVIDE RETAIL WATER SERVICE. #2013-14

WHEREAS, the Rosemont Water Company ("Company") is a non-profit corporation of the State of New Jersey presently providing water service to citizens of the Township of Delaware ("Township") in the County of Hunterdon within the State of New Jersey pursuant to consent granted by the Township by Ordinance dated December 30, 1963 as amended on November 30, 1964 for a term of fifty years; and

WHEREAS, the Rosemont Water Company has requested the Township to renew its consent as required by N.J.S.A. 40A:31-23(c), 48:19-17 and 48:19-20, as amended, to add to and extend the water works and facilities to provide retail water service in the franchise water service area as set forth in Schedule A and to construct, extend, maintain and to lay its pipes beneath such public roads, streets and places within the geographical area of the Township of Delaware as described in Schedule A as the Rosemont Water Company deems necessary for its corporate purposes, free from all charges to be made for said privilege, provided that said pipes shall be laid at least three feet (3') below the surface, shall not in any way unnecessarily obstruct or interfere with the public travel or damage public or private property, and shall otherwise be installed in accordance with all applicable federal, state and municipal requirements; and

WHEREAS, the Rosemont Water Company has existing facilities in the Township of Delaware including pipes, mains, fire hydrants, tanks, pumps, and other such facilities necessary for the provision of safe, adequate and proper water services; and

WHEREAS, the Rosemont Water Company presently provides safe, adequate and proper water service to approximately 75 customers in the Township of Delaware; and

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Delaware, County of Hunterdon, State of New Jersey, as follows:

SECTION 1. Renewal of Consent. The Township Committee of Delaware Township hereby renews the municipal consent required under the provisions of N.J.S.A. 40A:31-23(c), 48:19-17 and 48:19-20, as amended, unto the Rosemont Water Company and its successors and assigns, free from all charges, which consent may then be exercised without further action of the Township Committee, as may be required in order to permit Rosemont Water Company to:

a) add to and extend its water works and facilities to and within the Township and to take such lands and divert such streams of water consistent with law to such extent as may be necessary to carry out the corporate purposes of the Rosemont Water Company, limited to the geographical area within the Township as more particularly described in Schedule A attached hereto, a copy of which is also on file with the Township Clerk.

b) lay its pipes beneath such public roads, streets, and places as it may deem necessary for its corporate purposes and to construct and maintain hydrants on and along such roads, streets and places, provided that the pipes shall be laid at least three (3) feet below the surface and shall not in any way unnecessarily obstruct or interfere with the public travel or damage public property.

SECTION 2. Extension of Service Area. Any extension of water mains beyond that set forth in Schedule A, may be made only after authorization therefor has been granted by the Township Committee by ordinance.

SECTION 3. Duration of Consent. The consent and permission given and granted by this ordinance shall continue in full force and effect for a period of fifty years from the date of the final passage of this ordinance.

SECTION 4. Copy of Ordinance. A copy of this Ordinance, certified to be true, shall be sent to the Rosemont Water Company by the Township Clerk following its final passage. .

SECTION 5. Governing Authority. This Ordinance, upon final passage, and the consent contained herein, shall be subject to Rosemont Water Company otherwise complying with the applicable Township Ordinances, including but not limited to Section 12-2 "Excavations in Streets" of the Revised General Ordinances of the Township of Delaware, State of New Jersey Statutes, any New Jersey Administrative Agency Rules and regulations which apply to it, and applicable federal statutes and rules

SECTION 6. Relocation of Company Facilities. At its expense, the Rosemont Water Company shall relocate any of its pipes, facilities and/or equipment should the Township, in the reasonable exercise of its discretion, determine that the relocation is (a) necessary for construction, completion, repair, relocation of a Township project, (b) necessary because the pipes, facilities and/or equipment are interfering with or adversely affecting proper operation of Township property, and/or (c) otherwise necessary for the protection of public health and safety. If Rosemont Water Company should fail to relocate its pipes, facilities and/or equipment as requested by the Township within a reasonable time under the circumstances attendant to the Township's request, the Township shall be permitted to effect the relocation, and any costs

associated therewith, including attorney's fees and costs of collection, shall be borne by Rosemont Water Company.

SECTION 7. Indemnification and Damage to Public Ways. The Rosemont Water Company agrees to indemnify, defend, protect, and hold harmless the Township, its officials, officers, and employees from and against any and all claims, demands, losses, damages, liabilities, fines, charges, penalties, administrative and judicial proceedings and orders, judgments, and all costs and expenses incurred in connection therewith, including reasonable attorney's fees and costs of defense (collectively, the "Losses") directly or proximately resulting from its activities undertaken pursuant to this Ordinance. Whenever the Rosemont Water Company undertakes activities pursuant to this Ordinance, and such activities cause the public ways to be damaged, the Rosemont Water Company, at its sole cost and expense, shall promptly repair and return the public ways to a safe and satisfactory condition in accordance with applicable Laws, normal wear and tear excepted. If the Rosemont Water Company does not repair the site as just described, then the Township shall have the option, upon fifteen (15) days' prior written notice to the company, to perform or cause to be performed such reasonable and necessary work on behalf of the company and to charge the company for the proposed costs to be incurred or the actual costs incurred by the Township. Upon the receipt of a demand for payment by the Township, the company shall promptly reimburse the Township for such costs.

SECTION 8. Repealer. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

SECTION 9. Severability. To the extent that any parts of this Ordinance are repealed or otherwise modified or voided by State Statute or case law, the remaining sections of this ordinance shall remain in full force and effect.

SECTION 10. Effective Date. This Ordinance shall take effect upon final passage, approval and publication as provided by law.

ATTEST:

Judith A. Allen, RMC
Township Clerk
October 28, 2013
Published 10/31/13

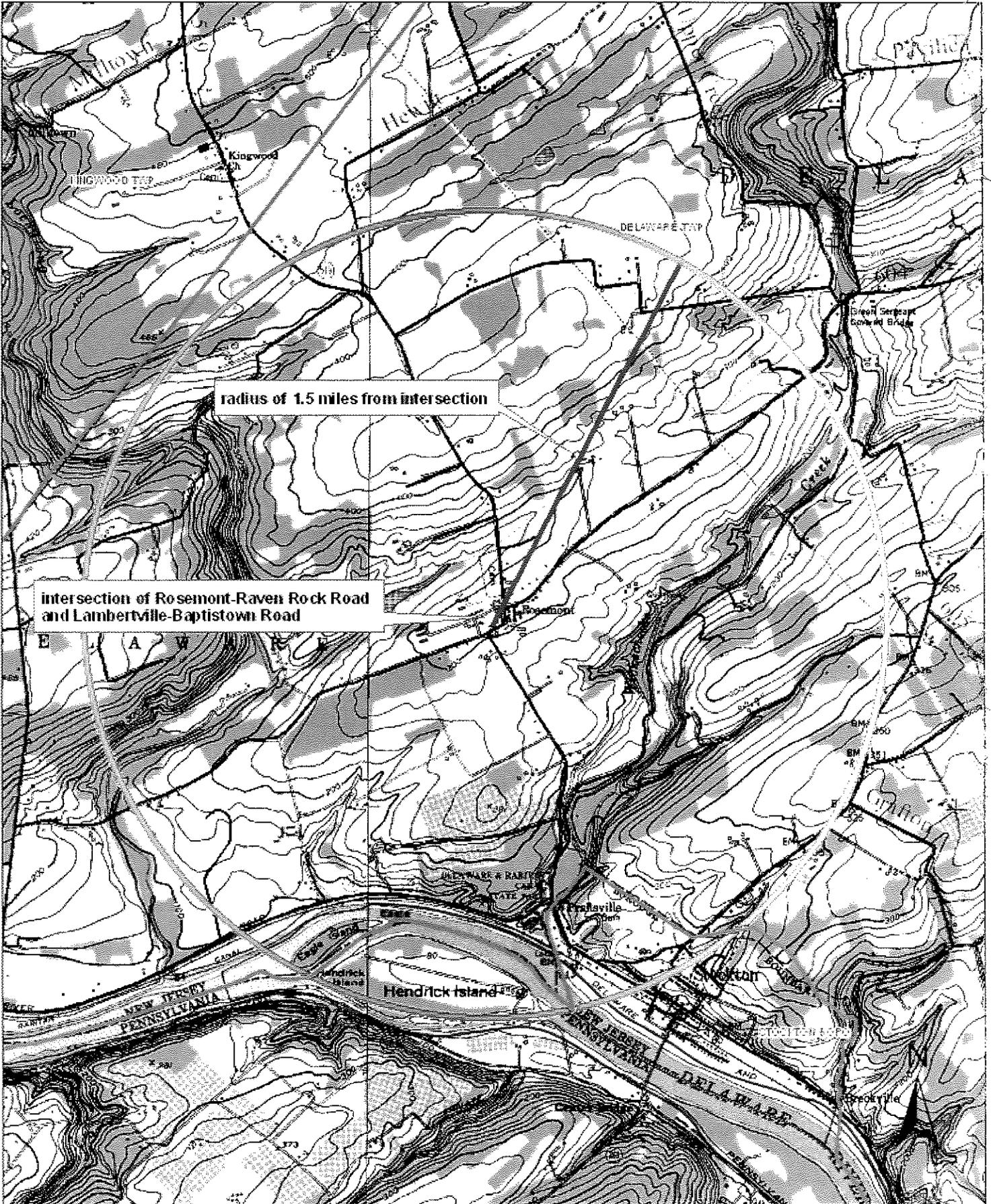
Donald F. Scholl, Jr., Mayor

PLEASE TAKE NOTICE that the Delaware Township Committee approved the above ordinance on first reading at its Regular Meeting held on October 28, 2013. It will be considered on second reading for final adoption and will have a public hearing at a Regular Meeting beginning at 7:30 p.m. on Tuesday, November 12, 2013 at the Delaware Township Municipal Building, 570 Rosemont Ringoes Rd. (Rt. 604), Sergeantsville, NJ. At that time an opportunity will be given for all interested citizens to be heard.

SCHEDULE A – FRANCHISE AREA

In 1963 the Delaware Township Committee passed an ordinance authorizing the Corporation to service a franchise area extending one and one-half miles in a 360 degree circle from the intersection of Rosemont-Raven Rock Road and Lambertville-Baptistown Road for a period of fifty (50) years. The Corporation is not subject to the jurisdiction of the Board of Public Utilities, and it may determine its own rates as determined by the Board of Directors.

SEE MAP OF SERVICE AREA



**Rosemont Water Company
franchise area as stated in Bylaws**

