

ORDINANCE# 2024-03
AN ORDINANCE GRANTING CONSENT AND PERMISSION
TO NEW JERSEY-AMERICAN WATER COMPANY, INC.
TO FURNISH POTABLE WATER CONVEYANCE AND SERVICE
TO A PORTION OF THE TOWNSHIP OF QUINTON, NEW JERSEY AND GRANTING
MUNICIPAL CONSENT TO USE TOWNSHIP RIGHT-OF-WAY TO PROVIDE SAID
SERVICE

WHEREAS, the Township of Quinton, County of Salem and State of New Jersey (the “Township”), hereby grants consent and permission to New Jersey-American Water Company, Inc. (“New Jersey American Water”), a New Jersey corporation, to furnish potable water conveyance and service to a portion of the Township as set forth below; and

WHEREAS, New Jersey American Water is in the process of acquiring the water and wastewater systems (the “Systems”) currently owned and operated by the City of Salem, New Jersey, (“Salem”) subject to regulatory approvals; and

WHEREAS, Salem is desirous of having New Jersey American Water acquire the Systems; and

WHEREAS, the Salem water system provides water service directly to Township residents in a portion of the Township described below, and by way of a service agreement the Salem wastewater system accepts wastewater from the Township; and

WHEREAS, New Jersey American Water is a regulated public utility corporation of the State of New Jersey presently seeking the municipal consent of the Township to permit New Jersey American to provide services in the Township to include the right to provide potable water conveyance and service to the Township and directly to those Township residents in the area shown on **Schedule A**; and

WHEREAS, New Jersey American Water 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 that fees for road opening permits shall be paid), provided that all said pipes installed after the date of this Ordinance 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 interests of the citizens of the Township to provide this consent;

WHEREAS, the Mayor and Township Committee have concluded that granting of said consent shall enhance the health, safety and welfare of the citizens of the Township.

NOW THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COMMITTEE AS FOLLOWS:

Section 1. That exclusive and perpetual consent and permission to furnish water conveyance to residents, businesses and government buildings on properties situated within the Township as shown on **Schedule A (the “Designated Franchise Area”)**, is hereby given and granted to New Jersey American Water, its successors and assigns, subject to approval of such consent and permission by the New Jersey Board of Public Utilities (“Board”).

Section 2. That exclusive consent and permission is given to New Jersey American Water, its successors and assigns, under the provisions of N.J.S.A. 48:19-17 and N.J.S.A. 48:19-20, as amended, without charge therefore, (except fees for road opening permits which shall be paid) as the same may be required in order to permit New Jersey American Water to own and operate the water system, add to, extend, replace, operate and maintain said system in the public property described herein in order to provide said potable water conveyance service within the Designated Franchise Area. This shall include permission to lay pipes, valves, pumps, manholes and other necessary equipment beneath the public roads, streets, public property and public places within the Designated Franchise Area. The privilege granted herein shall include the right to construct, install and maintain fire hydrants within the Designated Franchise Area. As permitted by N.J.S.A. 48:3-15, the term of this Municipal Consent shall be fifty (50) years commencing on the effective date of this Ordinance.

Section 3. That a certified copy of this Ordinance, upon final passage, shall be sent to New Jersey American Water who shall send same to the Board.

Section 4. That the grants of a Municipal Franchise and a Municipal Consent are subject to a final order issued by the Board approving the Municipal Franchise and Municipal Consent given by Salem to New Jersey American Water.

Section 4. That the consent granted herein shall be subject to New Jersey American Water complying with all applicable laws of the Township and/or the State of New Jersey including, but not limited to, any and all applicable statutes and administrative agency rules and/or regulations.

Section 5. The Mayor and the Township Committee are authorized to execute the documents and agreements necessary to effectuate this municipal consent.

Section 6. 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 7. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon final passage, approval and publication as required by law.

Schedule A
Designated Franchise Area