

**SUSSEX BOROUGH
ORDINANCE NO. 2018-06**

AN ORDINANCE TO AMEND SUBSECTION 13-3.5, ENTITLED “METHOD OF PAYMENT”, OF SECTION 13-3, ENTITLED “FEES”, OF CHAPTER XIII, ENTITLED “WATER AND SEWER”, OF THE CODE OF THE BOROUGH OF SUSSEX, COUNTY OF SUSSEX, STATE OF NEW JERSEY TO ADD PROVISION REGARDING IN-BULK WHOLESALE WATER SALES.

BE IT ORDAINED by the Borough Council of the Borough of Sussex, County of Sussex, State of New Jersey, as follows:

SECTION 1. Subsection 13-3.5, entitled “Method of Payment”, of Section 13-3, entitled “Fees”, of Chapter XIII, entitled “Water and Sewer”, of the Code of the Borough of Sussex, be and is hereby amended to add sub-paragraph (f), entitled “In-Bulk Wholesale Water Sales (Exclusive of Current Water Customers)”, which reads as follows:

- f. *In-Bulk Wholesale Water Sales (Exclusive of Current Water Customers)*. The price per gallon for in-bulk wholesale sales of water from a Borough-designated location to purchasers who are not otherwise customers of the Borough’s water system shall be established by resolution of the mayor and council from time to time. Full payment for each sale transaction must be delivered to the Borough within 30 days after billing. Upon failure to pay a balance due by the required deadline, interest shall accrue from the actual date of the bill to the date that payment is received by the Borough of Sussex at the highest rate of interest permitted by pertinent New Jersey Statutes, together with collection costs, including reasonable attorney fees and expenses. All payments shall be applied as follows: first for reimbursement of the Borough’s collection costs, then for interest and/or penalty charges, and then toward the principal balance. The Borough may decline to allow in-bulk wholesale water sales based on prior payment delinquency by a prospective purchaser or affiliated person or entity. By resolution from time to time, the mayor and council may require monies to be deposited in non-interest-bearing escrow accounts with the Borough as a condition for purchasing water on a wholesale basis from the Borough and establish the minimum required escrow balances. Monies held in escrow shall serve as security to ensure payment of balances due to the Borough; and the Borough may draw from escrowed funds to pay overdue account balances and charges.

SECTION 2. Severability. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, the remainder of this Ordinance shall not be affected thereby but shall remain in full force and effect.

SECTION 3. Repealer. All ordinances or parts of ordinances or resolutions inconsistent with or contrary to the provisions of this Ordinance are hereby repealed to the extent of such inconsistency or contrariness. All provisions of Chapter XIII of the Code of the Borough of Sussex, entitled “Water and Sewer”, not amended hereby shall remain in full force and effect.

SECTION 4. This Ordinance shall take effect immediately on its final passage and publication as required by law.

NOTICE

NOTICE IS HEREBY GIVEN that the attached Ordinance #2018-06 was introduced at a regular meeting of the Mayor and Council of the Borough of Sussex, Sussex County, New Jersey, held on the 15th day of May, 2018 and passed on first reading, and that such Ordinance will be further considered for final passage and adoption at the regular meeting of the Mayor and Council to be held on the 6th day of June, 2018 at Borough Hall, 2 Main Street, in the Borough of Sussex, at 7:30 p.m., and that at such time and place all persons interested be given an opportunity to be heard concerning said Ordinance.

Antoinette Smith, Acting Borough Clerk

Katherine Little, Mayor

Introduced: May 15, 2018

Adopted: June 6, 2018