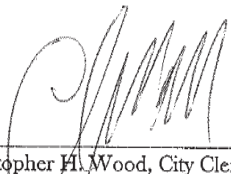





ORDINANCE NO. 1095-17

AN ORDINANCE TO ESTABLISH WATER RATES TO BE CHARGE TO ALL USERS AND BULK PURCHASERS OF THE CITY OF WILDWOOD WATER UTILITY.

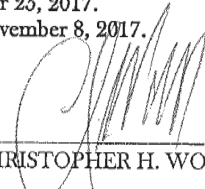
BE IT ENACTED by the Board of Commissioners of the City of Wildwood, County of Cape May and State of New Jersey as follows:

1. The title of this Ordinance shall be "An Ordinance to Establish Water Rates to be Charged to All Users and Bulk Purchasers of the City of Wildwood Water Utility".
2. All Users and Bulk Purchasers served by the City of Wildwood Water Utility shall be charged those rates as set forth in the Rate Tariff attached hereto.
3. The aforesaid water rates shall be uniform for each such class of water users served by the City of Wildwood Water Utility and located in any of the following Municipalities:
  - (a) City of Wildwood
  - (b) City of North Wildwood
  - (c) Borough of Wildwood Crest
  - (d) Borough of West Wildwood
  - (e) Township of Lower
  - (f) Township of Middle
4. Each section, subsection, sentence, Clause and phrase, and 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
5. This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

Attest:   
 Christopher H. Wood, City Clerk  
 or  
 Karen M. Gallagher, Deputy City Clerk

  
 Peter Byron, Commissioner  
  
 Anthony Leonetti, Commissioner  
  
 Ernest Troiano, Jr., Mayor

The above ordinance was introduced and passed first reading on October 25, 2017.  
 Second Reading/Public Hearing on the above ordinance was held on November 8, 2017.  
 The above ordinance was adopted on November 8, 2017.

  
 CHRISTOPHER H. WOOD, CITY CLERK

**CITY OF WILDWOOD WATER UTILITY  
TARIFF FOR WATER SERVICE  
APPLICABLE IN  
ALL TERRITORIES SERVED BY THE UTILITY  
IN THE CITY OF WILDWOOD, CITY OF NORTH WILDWOOD,  
BOROUGH OF WILDWOOD CREST, BOROUGH OF WEST WILDWOOD AND  
LOWER AND MIDDLE TOWNSHIPS  
CAPE MAY COUNTY, NEW JERSEY**

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Issued: January 1, 2018

Effective: January 1, 2018

By: City of Wildwood  
4400 New Jersey Ave.  
Wildwood, NJ 08260

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4400 New Jersey Ave.  
Wildwood, NJ 08260

**TERRITORY SERVED**

This tariff shall apply to the jurisdictional service area of the City of Wildwood Water Utility ("Utility") which includes all or part of the following municipalities: City of North Wildwood, Borough of Wildwood Crest, Lower and Middle Townships and bulk the Borough of West Wildwood, all in Cape May County.

Additionally, unless specified elsewhere, this tariff shall also apply to the City of Wildwood which is non-jurisdictional customers.

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**AN INTRODUCTION TO CUSTOMERS**

The tariff located here in the Utility's office is available and open for your review. The Utility is responsible to maintain its tariff on an absolutely current basis and must, by State law and regulations, maintain it in exactly the same format as its Utility's tariff which is on file at the Board of Public Utilities Offices, Two Gateway Center, Newark, New Jersey, on the 9th floor of the Division of Water and Wastewater.

If, after your review of this tariff and discussion with appropriate utility employees, you still have questions regarding clarification or interpretations, please contact the Board of Public Utilities, Division of Water and Wastewater, Bureau of Rates, at (973) 648-2275 or the Board's Bureau of Customer Relations, if you have billing problems, at 1-800-624-0241 (toll free).

As a customer, you have the right to review this tariff at the Utility's offices or at the Board's offices in Newark or Trenton. Your inquiries will be handled by the Board's staff in an expeditious manner in order to protect your rights as well as those of the water Utility. Please feel free to exercise this right by telephoning or by visiting the Board's offices at any time between the hours of 8:30 a.m. and 5:00 p.m. Monday through Friday, or by writing a letter. The letter should contain the writer's name, address, and phone number. If the writer is a customer of record, the account number should be included.

The Utility has available, here in its office, and will provide for your review, a handout entitled "An Overview of Common Customer Complaints and Customer Rights". This is a summary of the most frequent customer complaints and rights; it does not include all customer rights or utility obligations.

The Board of Public Utilities is responsible for the final interpretation and enforcement of a utility's tariff provisions and rates. The utility is bound by New Jersey's statutes and the Board's regulations. If a conflict should exist, the Board's regulations supersede the tariff provision absent approval to the contrary by the Board.

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**AN OVERVIEW OF COMMON CUSTOMER COMPLAINTS AND CUSTOMER RIGHTS**

- (1) No public utility shall refuse to furnish or supply service to a qualified applicant.

**DEPOSITS**

- (2) If after notice of the methods of establishing credit and being afforded an opportunity, a customer has not established credit, the utility may require a reasonable deposit as a condition of supplying service. (N.J.A.C. 14:3-7.1)
- (3) The utility must furnish a receipt to any customer posting a deposit. The deposit will be returned with simple interest at a rate established annually by the Board of Public Utilities once the customer has established satisfactory credit with the utility. If a residential water customer's deposit is not returned, the water utility shall credit the customer's account with the accrued interest once every 12 months. (N.J.A.C. 14:3-7.5)
- (4) Where a water or sewer utility furnishes unmetered service, for which payment is received in advance, it may not request a deposit. (N.J.A.C. 14:3-7.6)

**DEFERRED PAYMENT ARRANGEMENTS**

- (5) A customer is entitled to at least one deferred payment plan in one year. In the case of a residential customer who received more than one utility service from the same utility (ex: electric and gas; water and sewer) and the amount which is in arrears is a combination of those services, the utility shall offer a separate deferred payment agreement for each service prior to any proposed discontinuance for nonpayment. (N.J.A.C. 14:3-7.13 (d)) If the customer defaults on the terms of the agreement, the utility may discontinue service after providing the customer with a notice of discontinuance. In the case of a residential customer who receives more than one utility service from the same utility and has subsequently entered into an agreement for each separate service, default on one such agreement shall constitute grounds for discontinuance of only that service. (N.J.A.C. 14:3-7.13(d))

**DISCONTINUANCE OF SERVICE**

- (6) A water and sewer utility shall not discontinue service because of nonpayment of bills in cases where a charge is in dispute provided the undisputed charges are paid and a request is made to the Board within five (5) days for the investigation of the disputed charges. The Utility must advise the customer of their right to appeal to the Board of Public Utilities. (N.J.A.C. 14:3-7.13(a))
- (7) A customer has at least fifteen (15) days to pay a bill. A water and/or sewer Utility may not discontinue water and sewer service unless written notice is given at least ten days prior to the proposed discontinuance. The notice shall not be given until after the expiration of the fifteen (15) day time period to pay the bill. (N.J.A.C. 14:3-7.12(a)) The notice shall contain sufficient information for the customer to notify the Board of Public Utilities of the nature of the dispute. The utility shall make a good faith effort to determine which of its residential

Customers are over 65 years of age and shall make good faith efforts to notify such customers of discontinuance of service by telephone in addition to notice by

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regular mail. This effort may consist of an appropriate inquiry set forth on the notice informing customers that they may designate a third party to receive notice of discontinuance. (N.J.A.C. 14:3-7.12(a)(2)) Utilities shall annually notify all residential customers that, upon request, notice of discontinuance of service will be sent to a designated third party as well as to the customer of record. (N.J.A.C. 14:3-7.12(a)(1))

- (8) A residential customer's service may not be discontinued except between the hours of 8:00 a.m. and 4:00 p.m. Monday through Thursday, unless there is a safety related emergency. There shall be no involuntary termination of service on Fridays, Saturdays, and Sundays or on the day before a holiday or on a holiday, absent such emergency. (N.J.A.C. 14:3-3.6(c))
- (9) If a landlord-tenant relationship exists, discontinuance of residential service is prohibited unless the utility has posted notice of discontinuance in the common areas of multiple family premises and has given individual notice to occupants of single and two family dwellings and has offered the tenants continued service to be billed to the tenants. Such notice shall be given fifteen (15) days prior to discontinuance. (N.J.A.C. 14:3-7.14(a)(b))
- (10) A customer has the right to have any complaint against his water and sewer utility handled promptly by that utility. (Board Order Docket No. C08602155)
- (11) Each utility shall, upon request, furnish its customers with such information as is reasonable in order that the customers may obtain safe, adequate and proper service. (N.J.A.C. 14:3-3.3(a)) each utility shall inform its customers, where peculiar or unusual circumstances prevail, as to the conditions under which sufficient and satisfactory service may be secured from its system. (N.J.A.C. 14:3-3.3(b))

Each utility shall supply its customers with information on the furnishing and performance of service in a manner that tends to conserve energy resources and preserve the quality of the environment. (N.J.A.C. 13:3.3(d))



**METER**

- (12) The utility must provide for one free water meter test within a year if the customer so requests it. When a billing dispute is known to exist, the utility shall, prior to removing the meter, advise the customer that the meter may be tested by the utility or may have the Board of Public Utilities conduct the test of the meter or witness a testing of the meter by the utility, or the customer may have the test witnessed by a third party. (N.J.A.C. 14:3-4.5) Upon application to the Board, for a meter test, a \$5.00 fee, in accordance with N.J.S.A. 48:2-56, shall be paid by the customer at the time application is made. (N.J.A.C. 14:3-4.6)
- (13) Whenever a meter is found to be registering fast by one and one-half percent, an adjustment of charges shall be made in accordance with the following: (1) If the date when the meter had first become inaccurate can be definitely ascertained, then the adjustment shall be such percentage as the meter is found to be in error at the time of test adjusted to 100 percent on the amount of the bills covering the entire period that the meter had registered inaccurately; (2) In all other cases, the adjustment shall be such percentage as the meter is found to be in error at the time of test on ½ of the total amount of the billing affected by the fast meter adjusted to 100 percent since the previous test, but not to exceed a period of six years. No adjustment shall be made for a period greater than the time during which the customer has received service through that meter. (N.J.A.C. 14:3-4.7)
- (14) A water utility must maintain records of customer's accounts for each billing period occurring within a six (6) year period. Such records shall contain all information necessary to permit computation of the bill. (N.J.A.C. 14:3-7.8)

**FORM OF BILL FOR METERED SERVICE**

- (15) Bills rendered must contain the following: (a) The period of the time the bill covers; (b) The meter readings used to compute the bill where applicable; (c) The dates on which the meter is read; (d) The amount of the bill; (e) The due date of the bill; (f) A clear indication as to whether the bill was based on a Utility reading, estimated bill or read by the customer; (g) Any other factors used to compute the bill.

**WATER MAIN EXTENSIONS**

- (16) The utility will own and maintain all water mains located on streets and highways and on rights-of-way acquired by the utility. Nothing in this tariff shall serve to prevent either the utility or any person from exercising its rights under N.J.S.A. 48:2-27.
- (17) Where it is necessary to provide additional facilities to serve the requirements of either existing or new customers, the utility will require a contribution in aid of construction from an applicant seeking the addition of facilities to serve either existing or new customers. The utility, in its sole discretion, will determine the appropriate amount of the contribution in aid of construction. Any application for extension of water service shall be governed by all applicable New Jersey laws and BPU regulations and orders including, but not limited to N.J.A.C. 14:3-1, N.J.A.C. 14:3-6, N.J.A.C. 14:3-8 and N.J.A.C. 14:3-10.

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**EMERGENCY RESPONSES DUE TO EXTRAORDINARY DEMAND  
AND/OR DIMINISHED SUPPLY**

- A. Discontinuance of service for failure to comply with use restrictions.

For compliance by the utility in good faith with any governmental order or directive, notwithstanding that such order or directive subsequently may be held to be invalid, the Utility may, upon reasonable notice, as set forth in Sections 10.3 and 10.5 herein, suspend, curtail, or discontinue service pursuant to N.J.S.A. 48:2-23, N.J.S.A. 48:2-24, N.J.A.C. 14:3-3.6 for any of the following acts or omissions on the part of the customer:

- (1) Connection or operating any piping or other facility, including but not limited to, lawn sprinkling on the customer's premises in such a manner as to adversely affect the safety or adequacy of service provided to other customers present or prospective; or
- (2) Continuing waste of water by customers after notice from the utility through improper or imperfect pipes, fixtures, or failure to comply with restrictions; or
- (3) Failure to comply with the Standard Terms and Conditions contained in this Tariff or failure to comply with any state law, or the rules, regulations, orders or restrictions of any governmental authority having jurisdiction.

- B. Water service shall be restored when the conditions under which such service was discontinued, as specified above, are corrected and upon the payment of the SPECIAL RESTORATION OF SERVICE CHARGE of \$100.00 for each occurrence.

- C. The Utility will endeavor to provide a regular and uninterrupted supply of water through its facilities. However, if because of emergencies beyond the control of the Utility, including governmental mandate, service is interrupted, irregular, defective or fails, the Utility will not be liable for damage or inconvenience resulting therefrom. In the event of an extraordinary demand and/or diminished supply, the Utility may restrict the use of water whenever the public welfare may require it and, if necessary, may shut off the water in its mains and pipes. In such cases the Utility shall advise its customers by placing a prominent advertisement detailing the conditions and restrictions in a newspaper of

general circulation in the utility service area. The notice will state the purpose and probable duration of the restriction or discontinuance. Failure to provide regular and uninterrupted service due to breakdowns is covered under other sections of this Tariff.

- D. The Utility may restrict water service during certain periods, where the Utility advises the Board of Public Utilities, in order to protect the public water supply, or otherwise to comply with any regulations, orders or decrees issued by the Governor of New Jersey or the Department of Environmental Protection pursuant to the Water Supply Management Act. Such interruptions or restrictions shall be reported to the Department of Environmental Protection and the Board by each utility by the speediest means of communications available, followed by a detailed written report, pursuant to the provisions of NJAC 14:1-3.9(b), within one (1) week. Thereafter the utility shall provide weekly reports for the duration of the emergency.
- E. When the supply of water to individual customers is to be shut off or curtailed for failure to comply with emergency water restrictions imposed because of extraordinary demand or diminished supply, the Utility shall advise its customers by placing a door tag on the front door of the home of the individual(s) in violation of the restriction, at least twenty-four (24) hours prior to discontinuance or curtailment, or by giving another form of notice acceptable to the Board. The Utility will advise business and commercial customers, in writing, by mailing a notice to the customers' billing address. In the case of door tags, they shall be sequentially numbered and include the date, time and nature of the violation and the procedure for restoration of service. All such notice shall be accounted for by the utility.

**RATE SCHEDULE NO. 1**  
**GENERAL METERED SERVICE**

**APPLICABILITY:**

Applicable for general metered residential, commercial, industrial and municipal service throughout the entire territory served by the Utility. The charge for general metered service shall consist of the total of the Fixed Service Charge and the Water Charge.

**Fixed Service Charge**

All general metered water service customers shall pay a fixed service charge based on the size of each meter installed by the Utility. Customers with multiple meters shall be charged for each meter at the indicated rate. Whenever service is established or is discontinued all applicable fixed charges shall be prorated to date of establishment or discontinuance of service.

<u>Size of Meter</u>	<u>Per Quarter</u>
5/8"	\$28.80
3/4"	43.15
1"	71.90
1-1/2"	143.65
2"	232.20
3"	432.00
4"	723.60
6"	1,436.40
8"	2,300.40

**Water Charge\***

In addition to the Fixed Service Charge set forth above, a charge will be made for all water used as registered by the meter

<u>Gallons</u> <u>Used in the Quarter</u>	<u>Rate Per</u> <u>1,000 Gallons</u>
0-50,000	\$ 2.95
Over 50,000	\$ 4.00

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**RATE SCHEDULE NO. 1**  
**GENERAL METERED SERVICE (cont.)**

**TERMS OF PAYMENT:**

Net payment within fifteen (15) days of receipt of the bill. Bills for General Metered Service are rendered either quarterly or monthly in arrears at the option of the Utility.

\* The State of New Jersey enacted Ch. 443 of the laws of New Jersey 1983 concerning the periodic testing of public water supplies which established a water tax of \$0.01 per 1,000 gallons of water. This tax is reflected and included in the above rates.

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**RATE SCHEDULE NO. 2**  
**BULK WATER SALES**

**APPLICABILITY:**

Applicable for bulk (sales for resale) service throughout the entire territory served by the Utility. The charge for bulk service shall consist of the total of the Fixed Service Charge and the Water Charge.

**Fixed Service Charge**

All bulk service customers shall pay a fixed service charge based on the size of each meter installed by the Utility. Customers with multiple meters shall be charged for each meter at the indicated rate. Whenever service is established or is discontinued all applicable fixed charges shall be prorated to date of establishment or discontinuance of service.

<u>Size of Meter</u>	<u>Per Quarter</u>
5/8"	\$28.80
3/4"	43.15
1"	71.90
1-1/2"	143.65
2"	232.20
3"	432.00
4"	723.60
6"	1,436.40
8"	2,300.40

**Water Charge\***

In addition to the Fixed Service Charge set forth above, a charge will be made for all water used as registered by the meter

<u>Gallons</u> <u>Used in the Quarter</u>	<u>Rate Per</u> <u>1,000 Gallons</u>
All	\$ 2.95

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**RATE SCHEDULE NO. 2**  
**BULK WATER SALES (cont.)**

**TERMS OF PAYMENT:**

Net payment within fifteen (15) days of receipt of the bill. Bills for Bulk Water Service are rendered either quarterly or monthly in arrears.

\* The State of New Jersey enacted Ch. 443 of the laws of New Jersey 1983 concerning the periodic testing of public water supplies which established a water tax of \$0.01 per 1,000 gallons of water. This tax is reflected and included in the above rates.

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**RATE SCHEDULE NO. 3**  
**PRIVATE FIRE PROTECTION SERVICE**

**APPLICABILITY:**

Applicable for private fire protection service throughout the entire territory served by the Utility.

**FIXED SERVICE CHARGE**

All private fire protection service customers shall pay a fixed service charge based on the size of each service installed by the Utility. Whenever service is established or is discontinued all applicable fixed charges shall be prorated to date of establishment or discontinuance of service.

<u>Size of Service</u>	<u>Quarterly Rate</u>
1"	\$36.00
2"	120.00
3"	216.00
4"	361.00
6"	720.00
8"	1,245.00
10"	1,800.00
12"	2,600.00

**TERMS OF PAYMENT:**

Net payment within fifteen (15) days of receipt of the bill. Bills for Private Fire Protection services are rendered monthly or quarterly at the option of the Utility.

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**RATE SCHEDULE NO. 3**  
**PRIVATE FIRE PROTECTION SERVICE (cont.)**

Certified residential health care facilities and rooming or boarding houses which are required to install private fire sprinkler systems pursuant to P.L. 1971, c. 136 (N.J.S.A. 26: 2H-1, et seq.) and P.L. 1979, c. 496 (N.J.S.A. 55: 13B-1, et seq.) and regulations promulgated under these two (2) statutes, shall be exempt from payment of the private fire protection service charges. Such exemption shall not be granted until the appropriate state agency, either the Department of Community Affairs or the Department of Health, certifies to the Utility and to

the Board of Public Utilities that the particular residential health care facility or rooming house or boarding house meets the requirements of P.L. 1981 c. 154 and the regulations adopted pursuant thereto and is thereby entitled to the exemption from the private fire sprinkler systems stand-by charge.

The Utility shall charge a certified exempt customer for the actual cost of the water main connection (main to curb). Said customer shall be required by the Utility to pay for the initial cost of the service line installation, but the Utility shall own the line as contributed property and the Utility shall be responsible for its maintenance. The service line shall be installed by the utility or its agent. The remainder of the fire sprinkler line (from the curb cock to the building) shall be installed, owned and maintained by the customer and shall conform to reasonable specifications as prescribed by the Utility. The Utility shall provide, at no cost to the customer, detector check valves.

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**RATE SCHEDULE NO. 4**  
**PUBLIC FIRE PROTECTION SERVICE**

**APPLICABILITY:**

Applicable to municipalities for service to public fire hydrants throughout the entire territory served by the Utility.

**FIXED RATE**

Each municipality shall pay a fire hydrant charge of \$70.20 per quarter for each fire hydrant. Whenever service is established or is discontinued, all applicable charges shall be prorated to date of establishment or discontinuance of service.

**TERMS OF PAYMENT:**

Net payment within fifteen (15) days of receipt of the bill. Bills for Public Fire Protection Service are rendered in arrears monthly or quarterly at the option of the Utility.

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**RATE SCHEDULE NO. 5**  
**MISCELLANEOUS CHARGES**

**RATE:**

1. When service is discontinued for non-payment of a valid bill, not in dispute, a reconnection charge of \$50.00 shall be billed to the account for reconnection.
2. The customer is required to pay a meter testing charge of \$75.00 per meter test requested by the customer when requested more frequently than once in any twelve month period if meter tests are accurate within allowable limits.
3. The customer is required to pay a return check fee of \$35.00 for any check returned from the bank for non- payment.
4. Construction Permit:  
  
\$50.00 permit, \$100.00 deposit on consumption plus a deposit of \$200.00 for a 5/8" meter, or \$50.00 permit, \$100.00 deposit on consumption plus a deposit of \$3,000.00 for a 3" meter. Actual water consumed to be charged at a rate of \$2.95 per 1,000 gallons for the first 50,000 gallons and \$4.00 per 1,000 gallons for all usage over 50,000 gallons. Meters shall be returned within three (3) months of the issuance of permit.

**TERMS OF PAYMENT:**

Upon receipt of the bill.

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