

MANNINGTON TOWNSHIP

ORDINANCE NO. 24-04

**AN ORDINANCE GRANTING CONSENT
TO NEW JERSEY-AMERICAN WATER COMPANY, INC.
TO USE CERTAIN MUNICIPAL STREETS OR PORTIONS THEREOF
WITHIN MANNINGTON TOWNSHIP
TO MAINTAIN EXISTING WATER SERVICE LINES**

WHEREAS, New Jersey-American Water Company, Inc., a New Jersey public utility corporation, is in the process of acquiring water and wastewater systems that are currently owned and operated by the City of Salem, and has petitioned the Township of Mannington pursuant to *N.J.S.A. 48:3-11, et seq.*, for use of certain municipal streets or portions thereof within Mannington Township to maintain existing water lines beneath those streets that are currently owned and operated by the City of Salem; and

WHEREAS, the Mannington Township Committee has determined that it is appropriate to grant the requested consent;

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Mannington, in the County of Salem, and State of New Jersey, as follows:

- 1. The Code of the Township of Mannington is hereby amended to include the following new Chapter 140 entitled “Water Lines”:**

Chapter 140 Water Lines

§ 140-1. Background.

New Jersey-American Water Company, Inc., a New Jersey public utility corporation (“NJAW”) is in the process of acquiring the water and wastewater systems that are currently owned and operated by the City of Salem. The City of Salem currently provides water service to certain Mannington Township residents and property owners via existing water lines in Mannington Township, some of which water lines have been installed beneath the entire length of Mannington Mills Road and a small portion of Old Kings Highway, both of which are municipal streets owned, controlled, or otherwise regulated by Mannington Township. NJAW has petitioned Mannington Township pursuant to *N.J.S.A. 48:3-11, et seq.*, for use of these municipal streets in order to maintain the existing water lines that are located beneath them. The Mannington Township Committee determined that NJAW’s petition should be granted for these limited purposes.

§ 140-2. Consent to Use Certain Municipal Streets.

Consent is hereby given to NJAW pursuant to *N.J.S.A. 48:3-11, et seq.*, for use of the municipal streets or specified portions thereof as listed in § 140-3, below, in order to maintain the existing water lines that are located beneath them, without charge therefore (except fees for road opening

permits which shall be paid by NJAW), as the same may be required in order to permit NJAW to own and operate the existing water service infrastructure and facilities within the streets or specified portions thereof, and more specifically, to maintain, repair and replace (but not add to or extend) and operate water service beneath the streets or specified portions thereof, as necessary to continue providing water service through the existing water lines. This shall include permission to replace pipes, and to install valves, pumps, manholes and other necessary equipment beneath the streets or specified portions thereof without cost to Mannington Township. The consent granted herein shall include NJAW's right and obligation to construct, install, and maintain fire hydrants along the streets and specified portions thereof without cost to Mannington Township except for monthly hydrant fees to be paid by Mannington Township to NJAW per NJAW's tariff, and is subject to and conditioned upon NJAW's ongoing obligation to construct, install, and maintain fire hydrants in their current locations along N.J.S.H. Route 45 without cost to Mannington Township except for monthly hydrant fees to be paid by Mannington Township to NJAW per NJAW's tariff. This consent is also granted subject to and conditioned upon NJAW's compliance with all applicable laws of Mannington Township and the State of New Jersey including, but not limited to, any and all applicable statutes and administrative agency rules and/or regulations.

§ 140-3. Streets Subject to Consent.

- A. Mannington Mills Road (entire length extending from edge of Route 45 right-of-way)
- B. Old Kings Highway (first 200 feet extending from edge of Route 45 right-of-way)

§ 140-4. Duration of Consent.

As permitted by *N.J.S.A. 48:3-15*, the term of this consent shall be fifty (50) years commencing on the effective date of this chapter, such effective date being the later of (1) adoption and publication in accordance with the laws of the State of New Jersey, and (2) filing of written acceptance of this chapter by a duly authorized representative of New Jersey-American Water Company, Inc., a New Jersey public utility corporation, with the Mannington Township Clerk within thirty (30) days after receiving notice of the passage of the Ordinance (as required by *N.J.S.A. 48:3-16*).

- 2. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.**
- 3. All ordinances or parts of ordinances inconsistent with or in conflict with the Ordinance are hereby repealed to the extent of such inconsistency.**
- 4. This Ordinance shall take effect upon adoption and publication in accordance with the laws of the State of New Jersey, and upon filing of written acceptance of the Ordinance by a duly authorized representative of New Jersey-American Water Company, Inc., a New Jersey public utility corporation, with the Mannington Township Clerk within thirty (30) days after receiving notice of the passage of the Ordinance (as required by *N.J.S.A. 48:3-16*), whichever is later.**

NOTICE

Notice is hereby given that the foregoing proposed Ordinance No. 24-04 was introduced and passed on first reading by the Township Committee of the Township of Mannington, County of Salem, State of New Jersey, at a regular meeting held on May 2, 2024. A second reading and public hearing on the foregoing Ordinance will be conducted by the Township Committee at a regular meeting to be held on June 6, 2024 at 5:30 p.m., in the Mannington Town Hall, 491 Route 45, Mannington Township, New Jersey, after which the Ordinance will be considered for final passage.

The said Ordinance No. 24-04 is being proposed in response to the November 9, 2023 petition of New Jersey-American Water Company, Inc., a New Jersey public utility corporation, which is in the process of acquiring water and wastewater systems currently owned and operated by the City of Salem, for use of certain municipal streets within Mannington Township (all of Mannington Mills Road and a portion of Old Kings Highway extending 200 feet from Route 45) to maintain existing water lines beneath those streets that are currently owned and operated by the City of Salem.

ATTEST:

/s/Esther A. Mitchell, Township Clerk

/s/Donald C. Asay, Mayor