

**TOWNSHIP OF LONG HILL
ORDINANCE NO. 450-20**

**AN ORDINANCE GRANTING CONSENT TO NEW JERSEY-AMERICAN WATER COMPANY, INC.
TO PERMIT THE CONSTRUCTION, EXPANSION AND MAINTENANCE OF SEWER COLLECTION
AND TREATMENT FACILITIES ON PUBLIC AND PRIVATE PROPERTY IN THE TOWNSHIP**

WHEREAS, New Jersey American Water Company, Inc. ("Company") is a regulated public utility corporation of the State of New Jersey seeking from the Township of Long Hill ("Township") the approval of an exclusive and perpetual franchise to provide sewer service within the Township, and the municipal consent of the Township to permit said Company to extend sewer service and its related facilities to the Township; and

WHEREAS, the Company has requested the approval of an exclusive and perpetual franchise to provide sewer service for the entire Township, pursuant to N.J.S.A. 48:2-14; and

WHEREAS, the Company has requested the consent of the Township as required by N.J.S.A. 48:3-11 and 48:3-15 for the use of the streets, with such consent limited to the fifty (50) year duration set forth in N.J.S.A. 48:3-15, including the consent of the Township pursuant to N.J.S.A. 48:13-11, as amended, to lay its pipes, valves, pumps, manholes and other equipment 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 such privilege, provided that said pipes 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 the Township desires and permits the Company to construct and maintain sewer collection and treatment facilities on and along roads, streets and places at locations to be designated by the Township;

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Long Hill, in the County of Morris, State of New Jersey, as follows:

Section 1. The Township hereby grants to the Company, its successors and assigns, in perpetuity, the exclusive franchise to provide sewer service within the Township pursuant to N.J.S.A. 48:2-14.

Section 2. The Township hereby grants to the Company, its successors and assigns the municipal consent to use the streets pursuant to N.J.S.A. 48:3-11 and 48:3-15, with such consent limited to the fifty (50) year duration set forth in N.J.S.A. 48:3-15; as well as the municipal consent required pursuant to N.J.S.A. 48:13-11 as amended, without charge therefore, as the same may be required in order to permit the said Company to add to, extend, operate and maintain said sewer collection and treatment facilities on public and private property located in the Township. The privilege granted herein shall include the construction installation and maintenance of sewer collection and treatment facilities on and along the Township roads, streets and places at locations as the Township shall designate from time to time.

Section 3. Certified copies of this Ordinance, upon final passage, shall be sent to the Company who shall forward same to the New Jersey Department of Environmental Protection and the Board of Public Utilities of the State of New Jersey.

Section 4. The consent granted herein shall be subject to the Company's complying with the applicable Township Ordinances, State of New Jersey Statutes and any New Jersey Administrative agency's rules and regulations which apply to the subject matter of this Ordinance; and that the Mayor, Clerk and other Township officials are authorized to execute the documents and agreements necessary to effectuate the municipal consent and to protect the rights of the public involved.

Section 5. All prior Ordinances or parts of Ordinances inconsistent with this Ordinance be and the same are hereby repealed to the extent of such inconsistencies.

Section 6. Should any section, clause, sentence, phrase or provision of this Ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the

remaining portions of this Ordinance.

Section 7. This Ordinance shall take effect when the closing takes place on the sale of the Township wastewater treatment system to New Jersey American Water Company, Inc.

Megan Phillips, RMC, CMR
Township Clerk

First Reading and Introduction: January 8, 2020

1st Publication: January 12, 2020

Second Reading and Adoption: January 22, 2020

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