

**ORDINANCE NO. \_\_\_\_\_7-2022 AN ORDINANCE AMENDING CHAPTER 199  
“WATER” OF THE CODE OF THE BOROUGH OF  
KINNELON TO REPEAL SECTIONS 199-21 AND 199-23,  
AND AMEND SUBSECTION “A” OF SECTION 199-25  
“WATER RATES, FEES AND CHARGES”**

**WHEREAS**, the Borough of Kinnelon (“Borough”) desires to amend Chapter 199, Water, of the Code of the Borough of Kinnelon in order to repeal Section 199-21 “Water charges and fees” and Section 199-23 “Power to amend by ordinance or resolution” to no longer allow the establishment of water rates, fees and charges by resolution as N.J.S.A. 40A:31-5 provides that municipalities are to establish water rates, fees and charges by ordinance; and

**WHEREAS**, Subsection “A” of Section 199-25 “Water rates, fees and charges” of Chapter 199 currently provides a schedule which sets forth the water rates, fees and charges for all users, and provides that charges in effect shall increase by 10% over the then existing charges on January 1 of each year ending in an even number; and

**WHEREAS**, the Borough desires to amend the schedule found at Section 199-25A(2) regarding metered water charges by inserting the rates as adjusted as of January 1, 2020, and, as of January 1, 2022, to cease the imposition of an automatic 10% increase in existing charges on January 1 of each year ending in an even number as set forth at Section 199-25A(3); and

**NOW, THEREFORE, BE IT ORDAINED**, by the Governing Body of the Borough of Kinnelon, County of Morris, State of New Jersey, as follows:

**SECTION 1.** Sections 199-21 “Water charges and fees” and 199-23 “Power to amend by ordinance or resolution” of Chapter 199, Water, of the Code of the Borough of Kinnelon are hereby **REPEALED**.

**SECTION 2.** Section 199-25A(2) of the Code of the Borough of Kinnelon shall be amended such that said section is stricken and replaced with the following language and shall now read as follows:

“(2) In addition to the fixed charge, all metered water shall be charged for as follows:

<b>Usage (in gallons)</b>	<b>Cost per 1,000 Gallons</b>
1 through 50,000	\$10.99
50,0001 through 100,000	\$13.18
100,001 through 150,000	\$14.65
150,001 and over	\$15.38”

**SECTION 3.** Section 199-25A(3) of the Code of the Borough of Kinnelon shall be stricken in its entirety, retroactive to January 1, 2022.

**SECTION 4.** All ordinances, resolutions and regulations or parts of ordinances, resolutions and regulations inconsistent herewith are hereby repealed to the extent of such inconsistency.

**SECTION 5.** If any section, paragraph, article, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply to the section, paragraph, article, subdivision, clause or provision so adjudged and the remainder of this Ordinance shall be deemed valid and effective.

**SECTION 6.** This Ordinance shall take effect after approval and publication as required by law.

ATTEST:

BOROUGH OF KINNELON

  
Karen M. Iuele, RMC, Borough Clerk

  
James J. Freda, Mayor

**CERTIFICATION**

I, Karen M. Iuele, Borough Clerk of the Borough of Kinnelon, County of Morris, State of New Jersey, do hereby certify the foregoing to be a true copy of an Ordinance introduced, read by title and passed on the first reading at the regular meeting of the Borough held on May 19, 2022 and adopted by the Governing Body at a regular meeting of the Borough held on June 16, 2022

  
Karen M. Iuele, RMC, Borough Clerk