

Chapter 132

WATER

ARTICLE I General Provisions

- § 132-1. Rules and regulations; rates.
- § 132-2. Connections.
- § 132-3. Damage; nonrefundable payment.
- § 132-4. Unnecessary usage.
- § 132-5. Leaks.
- § 132-6. Maintenance of pipes.
- § 132-7. Wasting water.
- § 132-8. Late charge.

- § 132-9. Necessary restrictions on use.
- § 132-10. Shutoff for nonpayment.
- § 132-11. Violations and penalties.

ARTICLE II Installation of Meters

- § 132-12. Water meters required.
- § 132-13. Maintenance; duties of consumer.
- § 132-14. Rights of Borough.

[HISTORY: Adopted by the Borough Council of the Borough of Westfield as indicated in article histories. Amendments noted where applicable.]

ARTICLE I General Provisions [Adopted 12-9-1918 by Ord. No. 43]

§ 132-1. Rules and regulations; rates. [Amended 8-13-2003 by Ord. No. 289]

The rules and regulations and the annual rates for the taking and using of water supplied by said Borough shall be as set forth in Chapter 118, Sewers, Part 1.

§ 132-2. Connections. [Amended 8-13-2003 by Ord. No. 289]

All persons except the Borough crew are prohibited from opening or making any connection with the waterworks of the Borough.¹

§ 132-3. Damage; nonrefundable payment.

No person shall be entitled to damage nor to have any portion of his or her water rental payment refunded for any stoppage of supply of water occasioned by any cause whatever which, in the opinion of the Borough Council, may be termed necessary or unavoidable nor for nonuse occasioned by absence of the consumer nor being shut off for violation of any rule.

1. Editor's Note: Former Section 3, prohibiting watering of lawns, was deleted 8-13-2003 by Ord. No. 289.

§ 132-4. Unnecessary usage.

The water must not be kept running from said waterworks or pipes or connections therewith at any time longer than the necessary use thereof required.

§ 132-5. Leaks. [Amended 8-13-2003 by Ord. No. 289; 6-9-2004 by Ord. No. 292]

- A. All leaks on service pipes in and upon all premises supplies must be promptly repaired by the owner or occupant, and upon failure to make such repairs with reasonable dispatch, the Borough will turn off the water and impose a charge as provided in Chapter 119, Sewers, Part 2.
- B. In the case where the amount of water metered for any one month's usage is over double that of the average water metered for the previous 12 months, the customer may present evidence satisfactory to the Westfield Borough Water Department that over 1/2 of the water metered for that specific month was a result of a leak or accident and not due to customer(s) negligence, nor used for any domestic, commercial, institutional or industrial purpose; if the Water Department deems the metered water lost due to a leak or accident, then the amount of water metered for that specific month (which is over the twelve-month average and over 10,000 cubic feet) shall be charged at the following forgiveness rate: \$1.50 per 100 cubic feet. This forgiveness rate may not again be provided to the same premises until a period of three years has lapsed.

§ 132-6. Maintenance of pipes.

All persons taking water shall keep their own service pipe, stopcocks and apparatus in good repair and protected from frost at their own expense and shall prevent any unnecessary water waste, and it is expressly stipulated by the Borough that no claim shall be made against it by reason of the breakage of any service cock or service pipe.

§ 132-7. Wasting water.

All willful waste of water or waste through neglect of servants or agents or by fixtures out of order or by allowing water to be taken from the premises by persons having no right to its use will be sufficient cause for stopping, without notice, the supply to any premises and forfeitures of the amount of the bill paid in advance and also the withholding of the supply for such time as the Borough may decide.

§ 132-8. Late charge. [Amended 2-27-1991 by Ord. No. 246]

A late charge of 8% on all water and sewer bills not paid by the 20th day of the month in which the bill is received is hereby ordained.

§ 132-9. Necessary restrictions on use.

The Borough crew of the Borough or the Borough Council may at any time restrict and regulate the amount of water used by any and all consumers if, in a case of scarcity of water

in their judgment, such a restriction and regulation should become necessary for the public welfare.

§ 132-10. Shutoff for nonpayment.

In any and all cases where the water has been shut off by the Borough for the nonpayment of water rental or for any other cause, no person shall turn it on without authority from the Borough.

§ 132-11. Violations and penalties.

- A. Any person or persons, firm or corporation convicted of violating any of the provisions of this article before the Mayor or any District Justice shall be sentenced to pay a fine not exceeding \$600, with costs, in default of payment of which the defendant shall be sentenced to imprisonment in the County Jail for a period of not more than 30 days. [Amended 8-13-2003 by Ord. No. 289]
- B. For any violation of this article or any of its provisions, the Borough reserves the right, in addition to any other penalties or liabilities herein imposed or provided, to stop the supply of water without notice, which shall not be restored, excepts on payment as provided in Chapter 118, Sewers, Part 2, and upon satisfactory assurance being given that a recurrence of the violation will not take place. [Amended 8-13-2003 by Ord. No. 289]
- C. All property owners and persons taking and using water from the Borough waterworks must do so subject to these rules, regulations and rates and also such other rules, regulations and rates as the corporate authorities of said Borough may from time to time hereafter adopt, and the Borough reserves the right to add to and alter these rules and regulations and change the rates from time to time as may be deemed expedient or advisable.

ARTICLE II

Installation of Meters

[Adopted 10-10-1921 by Ord. No. 52]

§ 132-12. Water meters required.

- A. Every person, firm, company or corporation that now uses water supplied by the Borough from its waterworks shall on or before the 31st day of December 1921, put in water meters, and all water consumed shall be measured.
- B. Every person who hereafter may make application to use water supplied by the Borough shall put in a meter before the water is turned on.

§ 132-13. Maintenance; duties of consumer.

All meters shall be put in by the consumer, protected from frost and kept in good repair at the expense of the consumer.

§ 132-14. Rights of Borough.

Upon failure, neglect or refusal of any consumer to put in meters as herein provided, the Borough shall have the right either to turn off the water without notice or to put in a meter at the expense of the consumer.