

**SOUTH ORANGE VILLAGE**  
**Municipal Offices**  
76 South Orange Ave  
Suite 302  
South Orange  
Essex County  
New Jersey 07079

www.southorange.org  
P 973.378.7715  
F 973.763.0987



## **ORDINANCE #2025-03**

**Introduction: February 24, 2025**

**Adoption:**

**AN ORDINANCE GRANTING MUNICIPAL CONSENT TO NEW JERSEY-AMERICAN WATER COMPANY, INC. TO PROVIDE WATER SERVICE AND THE CONSTRUCTION, EXPANSION AND MAINTENANCE OF WATER FACILITIES IN THE PUBLIC RIGHT OF WAY IN SOUTH ORANGE VILLAGE IN ORDER TO FURNISH WATER SERVICE WITHIN THE BOUNDARIES OF THE VILLAGE.**

**WHEREAS**, New Jersey-American Water Company, Inc. ("New Jersey-American Water") is in the process of acquiring the water system (the "System") currently owned and operated by South Orange Village (the "Village"), subject to regulatory approvals; and

**WHEREAS**, the Village is desirous of having New Jersey-American Water acquire the System, which acquisition has been approved by a majority of the legal Village voters on November 5, 2024, pursuant to N.J.S.A. 40:62-5; and

**WHEREAS**, New Jersey-American Water is a regulated public utility corporation of the State of New Jersey presently seeking the municipal consent of the Village to permit New Jersey-American Water to provide water service to the Village; and

**WHEREAS**, New Jersey-American Water has requested the consent of the Village to provide water service to the Village pursuant to N.J.S.A. 48:2-14; and

**WHEREAS**, New Jersey-American Water has requested the consent of the Village for use of its 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 Village pursuant to N.J.S.A. 48:19-17 and N.J.S.A. 48:19-20, to lay its pipes 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 said privilege (except fees for road opening permits shall be paid), 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

**WHEREAS**, it is deemed by the Mayor and Village Council that granting said consent is in the best interest of the Village and its citizens; and

**WHEREAS**, notice of this Ordinance was published in accordance with the requirements of N.J.S.A. 48:3-13 and N.J.S.A. 48:3-14.

**NOW, THEREFORE**, be it ordained, by the Village Council of South Orange Village, a municipal corporation of New Jersey located in Essex County thereof, as follows:



### **Section 1.**

- A. The Village hereby grants to New Jersey American Water, its successors and assigns, in perpetuity the exclusive municipal consent to provide water services to the Village pursuant to N.J.S.A. 48:2-14.
- B. The Village hereby grants to New Jersey-American Water, 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 fifty (50) years as set forth in N.J.S.A. 48:3-15, as well as the consent pursuant to N.J.S.A. 48:19-17 and 48:19-20, as amended, without charge therefore, (except fees for road permits shall be paid) as the same may be required in order to permit New Jersey-American Water to add to, extend, operate and maintain the necessary water facilities on public streets, roads and property described herein in order to provide said water service.
- C. That a certified copy of this Ordinance, upon final passage, shall be sent to New Jersey-American Water, who will provide to the New Jersey Department of Environmental Protection and the Board of Public Utilities of the State of New Jersey as necessary.
- D. That the consent granted herein shall be subject to New Jersey-American Water complying with all applicable laws of the Village and/or the State of New Jersey including, but not limited to, any and all statutes and administrative agency rules and/or regulations.
- E. The Village Administrator, Mayor, and the Clerk of the Village, or their respective designee, are authorized to execute the documents and agreements necessary to effectuate the limited municipal consent and to protect the rights of the public involved

### **Section 2**

Each section, subsection, sentence, clause, phrase 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

### **Section 3.**

Repealer.

All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistencies.



**Section 4.**

This ordinance shall take effect upon final passage and publication as required by law.

**Section 5.**

On passage this ordinance shall NOT be codified.

**Introduction – First Reading**

Council Member	Motion	Second	Ayes	Nays	Abstain	Absent
Brown			X			
Greenberg	X		X			
Haskins			X			
Hartshorn Hilton						X
Jones		X	X			
Lewis Chang			X			

**CERTIFICATION**

I, Ojetti E. Davis, Village Clerk of South Orange Village, County of Essex, State of New Jersey, do hereby certify that this Ordinance was introduced on first reading by the Village Council at their meeting held on February 24, 2025.

  
 Ojetti E. Davis  
 Village Clerk

**Adoption – Second Reading**

Council Member	Motion	Second	Ayes	Nays	Abstain	Absent
Brown						
Greenberg						
Haskins						
Hartshorn Hilton						
Jones						
Lewis Chang						



**CERTIFICATION**

I, Ojetti E. Davis, Village Clerk of South Orange Village, County of Essex, State of New Jersey, do hereby certify that this Ordinance was adopted on second reading by the Village Council at their meeting held on March 24, 2025.

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Ojetti E. Davis  
Village Clerk

Adopted:

Attest:

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Sheena C. Collum  
Village Mayor

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Ojetti E. Davis  
Village Clerk