

BOROUGH OF PENNINGTON

ORDINANCE 2026-20

**AN ORDINANCE AUTHORIZING ADJUSTMENT OF SEWER CHARGES
RELATED TO VERIFIED UNINTENDED WATER LEAKS FOR WHICH
THE CUSTOMER IS RESPONSIBLE**

WHEREAS, water and sewer charges are based in whole or in part upon metered water consumption;

WHEREAS, abnormal water usage may occasionally result from unintended water leaks occurring on the customer's side of the meter;

WHEREAS, such leaks may in turn cause extraordinary sewer charges even though the discharged water does not enter the sanitary sewer system;

WHEREAS, Borough Council seeks to provide an equitable mechanism for granting limited relief to the customer in these circumstances consistent with both the financial integrity of the Borough's water and sewer utility and its fiduciary stewardship of water as a shared, finite public resource;

WHEREAS, the intent of the relief provided is to charge for the water as metered while permitting reduction in sewer charges to the extent the discharged water cannot be shown to have entered the sanitary sewer system;

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Pennington, as follows:

1. Chapter 98 of the Borough Code at Section 98-41B, pertaining to quarterly charges for sewer customers, is hereby amended by the addition of a new Subsection G which shall read as follows:

G. Premises experiencing an unintended water leak in a location verified by the Department of Public Works as the responsibility of the customer but without evidence that the related volume of water entered the sanitary sewer system may be allowed a reduction in charges for sewer usage subject to the standards and procedures set forth in Chapter 159 of this Borough Code.

2. Chapter 159 of the Borough Code is hereby amended by the addition of a new

Section 159-40, Adjustment of Sewer Charges Related to Water Leaks, which shall read as follows:

- A. Sewer charges may be adjusted when the Department of Public Works verifies that an unintended water leak in a location for which the customer is responsible has caused abnormal consumption of water and the water related to the leak cannot be shown to have entered the sanitary sewer system, subject to the further limitations provided herein.

- B. As used in this section, the following definitions apply:
 - a. “abnormal consumption” means water usage that materially exceeds a customer’s normal usage.
 - b. “leak” means an unintended discharge of water occurring on private property **after the point of the water meter** whether in service lines, interior plumbing or private underground piping.
 - c. “not reasonably entered the sanitary sewer system” means and includes occurring underground prior to entering the structure or inside the structure prior to wastewater generation.
 - d. “normal usage” means the customer’s average metered water consumption in the most recent four quarters the property was in use.

- C. A customer shall be eligible for a billing adjustment when all of the following conditions are satisfied:
 - a. The leak resulted in abnormal consumption.
 - b. The abnormal consumption was not associated with irrigation, seasonal use or intentional usage of water.
 - c. The Superintendent of Public Works has determined that the leak has not reasonably entered the sanitary sewer system.
 - d. The leak has been fully repaired and satisfactory evidence of the repair has been provided to the Borough.
 - e. The other conditions for adjustment provided in this ordinance have been satisfied.

- D. An application for adjustment shall require:
 - a. Written description of the leak and its location.
 - b. Photographs of the source of the leak and its location, if reasonably obtainable.

- c. Proof of repair including description of the nature and location of the repair, documentation of the work performed, the plumber's invoice and receipt, and photographs of the repair if reasonably obtainable.
 - d. Any permits required for the work performed.
 - e. Written grant of access permitting the Borough a right in its discretion to inspect the premises and/or verify meter accuracy.
 - f. Proof that all charges for water together with normal usage charges for sewer have been made current.
- E. Subject to a determination by the Superintendent of Public Works that the requirements for an adjustment have been satisfied, the Borough shall recalculate sewer charges for the affected billing period on the assumption of normal usage. Sewer charges reasonably attributable to excess water usage caused by the leak shall be removed, together with related interest. The adjustment shall take the form of a credit to the utility account and shall not be paid as a cash refund.
- F. No more than one adjustment shall be granted for any twenty-four month period. No adjustment shall exceed two consecutive billing cycles.
- G. Requests must be submitted to the Superintendent of Public Works within ninety (90) days of leak repair. The Superintendent shall issue a written determination within thirty (30) days of receipt of a complete application. Appeals may be taken to the Borough Administrator within seven (7) days of the Superintendent's determination.
- H. Submission of false or misleading information in an application for adjustment shall result in denial of relief and such penalties as provided by law.
- I. Nothing herein shall be construed to authorize adjustment of water bills.
3. This ordinance shall take effect upon final passage and publication as provided by law.

Introduced: May 4, 2026

Advertised: _____

Public Hearing: _____

Adopted: _____

Published:

ATTEST:

APPROVED:

Gian-Paolo Caminiti, Borough Clerk

James Davy, Mayor

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ORDINANCE #2026-20**

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UNINTENDED WATER LEAKS FOR WHICH THE CUSTOMER IS RESPONSIBLE
IN THE BOROUGH OF PENNINGTON,
COUNTY OF MERCER, STATE OF NEW JERSEY**

RECORD OF COUNCIL VOTE ON INTRODUCTION

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Angarone					Rubenstein				
Chandler					Stern				
Kassler-Taub					Valenza				

RECORD OF COUNCIL VOTE ON ADOPTION

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Angarone					Rubenstein				
Chandler					Stern				
Kassler-Taub					Valenza				