

ORDINANCE 2013-6 OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, AND STATE OF NEW JERSEY, GIVING AND GRANTING CONSENT AND PERMISSION TO SOUTH JERSEY GAS COMPANY TO FURNISH GAS FOR LIGHT, HEAT AND POWER

WHEREAS, South Jersey Gas Company (“SJG”) currently provides gas service to the Township of Berlin (“Township”) and its residents pursuant to municipal consent first granted by the Township, and approved by the New Jersey Board of Public Utilities, in 1947; and

WHEREAS, pursuant to N.J.S.A. 48:3-15, the Township’s consent to SJG is to lay and maintain its gas mains, pipes and service pipes, either above, below or on the surface of any street, avenue, park, parkway, highway, or other public place, for the purpose of furnishing gas has expired; and

WHEREAS, the Township has received correspondence dated September 8, 2011 from SJG’s Director of Legal Affairs requesting that it renew the required municipal consent; and

WHEREAS, the Mayor and Township Council of the Township of Berlin, County of Camden, State of New Jersey, have deemed it in the best interest of the public health, safety and welfare of the Township and its residents to establish and grant the requested consent and permission to SJG, a corporation of the State of New Jersey, to furnish gas for light, heat and power in the Township.

NOW THEREFORE, be it Ordained by the Mayor and Township Council of the Township of Berlin, County of Camden, State of New Jersey, as follows:

SECTION 1. That exclusive and perpetual consent and permission to furnish gas for light, heat and power in the Township of Berlin, County of Camden, State of New Jersey, is hereby given and granted to South Jersey Gas Company, a corporation of the State of New Jersey, subject to approval of such consent and permission by the Board of Public Utilities of the State of New Jersey.

SECTION 2. That exclusive and perpetual consent and permission is hereby given to South Jersey Gas Company to lay and construct its pipes and mains and related appurtenances and facilities within the streets, alleys, squares and public places within Township of Berlin in the manner required by R.S. 48:9-21, with respect to the opening of streets and public places, subject to approval of such consent and permission by the Board of Public Utilities.

SECTION 3. The consents granted in Sections 1 and 2 are granted for the entire geographical area of the Township of Berlin and extends to the boundaries of the Township of Berlin.

SECTION 4. The said South Jersey Gas Company shall, within thirty (30) days after the passage of this ordinance, file with the Township Clerk a bond in the amount of One Thousand Dollars (\$1,000.00) conditioned upon the restoration of any street or public place which may be opened by it in a manner satisfactory to the Department of Public Works and Township Engineer.

SECTION 5. All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 6. If the provisions of any section, subsection, paragraph, subdivision, or clause of this Ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this Ordinance.

SECTION 7. This Ordinance shall take effect upon passage and publication according to law.

Introduced: June 10, 2013

Notice is hereby given that the foregoing Ordinance was introduced and passed upon first reading at a meeting of the Mayor and Council of the Township of Berlin, Camden County, New Jersey on June 10, 2013 and the same was ordered published pursuant to statute. Said ordinance will be further considered for final adoption at a meeting of the Mayor and Council of the Township of Berlin on July 1, 2013 at 6:30 p.m. at the Berlin Township Municipal Hall, 135 Route 73 South, West Berlin, NJ.

Catherine Underwood
Township Clerk