

ORDINANCE
#2010-08

AN ORDINANCE OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY AUTHORIZING THE EXTENSION OF A NON-EXCLUSIVE FRANCHISE TO NEW JERSEY NATURAL GAS COMPANY FOR A TERM OF FIFTY (50) YEARS FROM AUGUST 9, 2010

BE IT ORDAINED by the Borough Council of the Borough of Beachwood, County of Ocean and State of New Jersey, as follows:

WHEREAS, New Jersey Natural Gas Company obtained the consent of this Municipality to exercise its franchise rights by Ordinance dated August 9, 1960 to lay and maintain gas mains, pipes and service pipes, in and under the surface of any or all of the roads, streets, avenues, highways and public places, for the purpose of furnishing gas therein.

WHEREAS, Said consent is limited to a period of fifty (50) years and by the terms thereof expires on August 9, 2010.

WHEREAS, New Jersey Natural Gas Company is desirous of obtaining consent of the municipality to continue serving the Municipality.

NOW, THEREFORE, BE IT ORDAINED by the Borough of Beachwood, Ocean County, New Jersey as follows:

1. That New Jersey Natural Gas Company be and is hereby authorized to lay, maintain and operate its conductors, mains, and pipes, together with the appurtenances thereto, in all the public streets, alleys, square and public places in this municipality which are under the control and jurisdiction of the Borough for the purpose of conducting gas, or any mixture of gases of various types including natural gas, for the purpose of transmitting and distributing such gas in this municipality for a period of fifty (50) years from the date hereof.
2. That New Jersey Natural Gas Company shall agree that in all cases in which street openings or excavations are made for the purposes aforesaid, the pavement and the surface of the streets, alleys, squares or roadways shall be restored to the same condition in accordance with Borough policy.
3. That New Jersey Natural Gas Company shall conduct the work or the laying or maintaining of gas pipes therein in a careful and prudent manner.

4. New Jersey Natural Gas Company shall file with the Clerk of this Municipality within sixty (60) days from the date hereof, its acceptance of the terms and provisions of the franchise consent herein granted and its agreement to be bound by the terms and provisions thereof.

5. This Ordinance shall not become effective until it is approved by the Board of Public Utilities of the State of New Jersey.

6. Each section, subsection, sentence, clause and 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.

7. This Ordinance shall take effect immediately upon its final passage and publication as required by law.

NOTICE

NOTICE IS HEREBY GIVEN, that the foregoing ordinance was introduced and passed on first reading at a Regular Meeting of Mayor and Council of the Borough of Beachwood, Ocean County New Jersey held on the 21st day of July, 2010, and was further considered for second reading , and public discussion at a regular meeting of said governing body to be held on the 18th day of August 2010, at 7:00 p.m. at the Beachwood Municipal Complex, 1600 Pinewald Road Beachwood New Jersey at which time and place any person desiring to be heard upon the same was so heard.

Elizabeth A. Mastropasqua RMC
Municipal Clerk

Ronald W. Jones Jr
Mayor

Date: _____

Elizabeth A. Mastropasqua RMC
Municipal Clerk

Adopted 8/18/10