

ORDINANCE NO. 2025-21 (1285)

**AN ORDINANCE OF THE BOROUGH OF LAVALLETTE AMENDING, REVISING,
AND SUPPLEMENTING CERTAIN SECTIONS OF CHAPTER 24 ARTICLE II
ELECTRIC RATES AND REGULATIONS OF THE BOROUGH CODE OF THE
BOROUGH OF LAVALLETTE**

WHEREAS, a comprehensive review by the Administrator was conducted of the Borough Code of the Borough of Lavallette; and

WHEREAS, the Borough Administrator has determined that the fees in several sections of Chapter 24 Article II of the Borough Code need to be updated and amended; and

WHEREAS, the Mayor and Council of the Borough of Lavallette concur that the fees in several sections of Chapter 24 Article II of the Borough Code need to be updated and amended.

NOW THEREFORE BE IT ORDAINED that the below listed sections of Chapter 24 Article II of the Borough Code of the Borough of Lavallette are hereby amended as follows:

~~Strikethrough~~ denotes deletion/removal and **Bold** denotes new language.

§ 24-9. Definitions.

As used in this article, the following terms shall have the meanings or symbols indicated:

ENERGY ADJUSTMENT CHARGE — As applicable to all kilowatt hours served, the amount imposed on the Borough by the public utility company selling electricity to the Borough, after adjustment for electrical system losses.

GENERAL SERVICE — The electrical service supplied to a general user. GENERAL USER — Any user other than a residential user.

KILOWATT HOURS — Shall be set forth as “kwh.”

RESIDENTIAL SERVICE — The electrical service provided to a residential user.

RESIDENTIAL SERVICE, TOTAL-ELECTRIC — The electric service provided to any residential user, total-electric.

RESIDENTIAL USER — A user being supplied with electricity for a complete living unit intended for residential occupancy, churches, volunteer fire companies and volunteer first-aid squads. Each residential user shall be equipped with an individual electric meter. A living unit intended for a transient or temporary occupancy, such as a motel or hotel room shall not be considered a residential user.

RESIDENTIAL USER, TOTAL-ELECTRIC — A residential user which exclusively uses electricity as a source of operating all appliances, electric systems, air-conditioning systems and

all other apparatus within a residential unit. In order to qualify as a total-electric user, the unit receiving the supply of electricity must have a permanent electric heating system. A residential user, total- electric, shall also meet all requirements applied to a residential user as set forth above.

§ 24-10. Rates.

As the Borough of Lavallette is subject to a contract for the provision of bulk electricity which imposes upon the Borough higher rates from June 1 through September 30, the rates charged by the Borough Electric Utility shall reflect the additional charge to the Borough for this period. Accordingly, the bills received from the Borough Electric Utility for July, August, September and October will reflect the higher seasonal rate of electricity. The Borough of Lavallette is subject to variable capacity charges.

A. June 1 through September 30:

(1) The rates to be charged for residential service shall be as follows:

(a) Base service charge to each user: \$19.75 per month.

(b) For each kwh per month: ~~\$0.14250~~ **\$0.16388** per kwh.

(c) Where electric service is provided to a multiple living unit installation having one electric meter, the user shall pay the following:

[1] A base service charge of \$19.75 per month times the number of living units being served, whether occupied or not.

[2] For each kwh per month: ~~\$0.14250~~ **\$0.16388** per kwh.

(2) The rates to be charged for residential service total electric shall be as follows:

(a) Base service charge to each user: \$19.75 per month.

(b) For each kwh per month: ~~\$0.14250~~ **\$0.16388** per kwh.

(3) The rates to be charged for general service shall be as follows:

(a) Base service charge to each user: \$29.75 per month.

(b) For each kwh per month: ~~\$0.15750~~ **\$0.18113** per kwh.

B. October 1 through May 31:

(1) The rates to be charged for residential service shall be as follows:

(a) Base service charge to each user: \$19.75 per month.

(b) For each kwh per month: ~~\$0.11550~~ **\$0.13688** per kwh.

(c) Where electric service is provided to a multiple living unit installation having one electric meter, the user shall pay the following:

[1] A base service charge of \$19.75 per month times the number of living units being served, whether occupied or not.

[2] For each kwh per month: ~~\$0.11550~~ **\$0.13688** per kwh.

(2) The rates to be charged for residential service — total electric shall be as follows:

(a) Base service charge to each user: \$19.75 per month.

(b) From zero to 300 kwh per month: ~~\$0.11550~~ **\$0.13688** per kwh.

(c) For over 300 kwh: ~~\$0.11175~~ **\$0.13313** per kwh.

(3) The rates to be charged for general service shall be as follows:

(a) Base service charge to each user: \$29.75 per month.

(b) For each kwh per month: ~~\$0.13050~~ **\$0.15188** per kwh.

C. Amendments and changes to the rates established above will be determined by the governing body of the Borough of Lavallette through a resolution, which must be introduced and approved by a majority vote during a regularly scheduled meeting of the Mayor and Council

D. The annual rate for the purchase of excess generation energy pursuant to § 24-20 of the Borough Code from a resident customer operating self-generation equipment pursuant to this chapter shall be as follows:

(1) The rate for the period from the present through December 31, 2016, shall be \$0.04883 per kilowatt hour.

(2) The rate for the period from January 1, 2017, through December 31, 2017, shall be \$0.04869 per kilowatt hour.

(3) The rate for the period from January 1, 2018, through December 31, 2018, shall be \$0.03898 per kilowatt hour.

(4) The rate for the period from January 1, 2019, through December 31, 2019, shall be \$0.03160 per kilowatt hour.

(5) The rate for the period from January 1, 2020, through December 31, 2020, shall be \$0.03081 per kilowatt hour.

(6) The rate for the period from January 1, 2021, through December 31, 2021, shall be \$0.02931 per kilowatt hour.

(7) The rate for the period from January 1, 2022, through December 31, 2022, shall be \$0.02794 per kilowatt hour.

(8) The rate for the period from January 1, 2023, through December 31, 2023, shall be \$0.02704 per kilowatt hour.

(9) The rate for the period from January 1, 2024, through December 31, 2024, shall be \$0.02555 per kilowatt hour.

(10) The rate for the period from January 1, 2025, through December 31, 2025, shall be \$0.02750 per kilowatt hour.

(11) The rate for the period from January 1, 2026, through December 31, 2026, shall be \$0.04169 per kilowatt hour.

(12) Rates effective after December 31, 2026, will reflect the actual contract costs for bulk energy purchased by the Borough. These costs will be determined by the governing body of the Borough of Lavallette through a resolution, which must be introduced and approved by a majority vote during a regularly scheduled meeting of the Mayor and Council.

§ 24-11. Metering requirements, charges and regulations.

A. A separate electric meter shall be required for each residential and general user. The electric service shall be either continuous single or three phase service at secondary voltage.

B. There shall be a charge of \$250 for any permanent meter installation on any building or structure and a charge of \$100 for a temporary installation. These charges shall be paid to the Borough prior to the installation of a permanent or temporary meter.

C. The user must provide a suitable and readily accessible place on the exterior of the building or structure for installing the electric meter. The location of the electric meter shall be approved by the Superintendent of Public Works.

D. All connections between the Borough's electrical distribution lines and structures receiving electrical service shall be made by utilizing copper entrance cable. The gauge of the copper entrance cable shall be approved by the Superintendent of Public Works.

E Capacity Adjustment Charge.

(1) To account for the uncertainty and annual fluctuations in capacity charges imposed on the Borough of Lavallette, the governing body shall set the Capacity Adjustment Charge each year by resolution.

(a) The resolution setting the Capacity Adjustment Charge shall be introduced and approved by a majority vote of the governing body during a regularly scheduled meeting of the Mayor and Council, no later than March 15th of each year

(2) The Capacity Adjustment Charge adopted by the governing body will be implemented starting with the May billing cycle.

§ 24-12. Payment of bills; discontinuance of service; fee for reinstallation of service.

A. All electric rates and charges shall be payable as of the date of the bill to the user and shall be considered delinquent if not paid within 30 days of such date.

B. Electric accounts which become delinquent shall, from the date of the delinquency, be subject to interest charged at the rate of 18% per annum on all amounts for which such accounts are delinquent.

C. Electric service may be discontinued, without notice, to any user having a delinquent account.

D. Whenever electric service to any user is disconnected for nonpayment of rates and service charges, a fee of \$100 shall be imposed for the reinstallation of service. This charge shall be paid to the Borough prior to service being reinstated.

§ 24-13. Connections; meters; complaints; disconnection.

A. Connection without permit prohibited. No person shall make any connection to the municipal electric system until a connection permit is approved and all permit fees and service charges have been paid.

B. Application for electric service connections.

(1) Contents of application. All applications for electric service and/or connection shall be made to the Superintendent of Public Works and shall contain an assent to the rules and regulations herein prescribed from the prospective user of the electric supply. The application shall give the following information:

- (a) The date of the application.
- (b) The name of the property owner.
- (c) The name of the applicant.
- (d) The kind and extent of service applied for.
- (e) A description and the location of the property to be supplied.
- (f) The lot and block number as designated on the Borough Tax Map.

(2) Service term. Electric service shall continue in force from the date of the initial service unless 30 days' notice in writing is given to the Superintendent of Public Works, requesting termination of the service.

C. Additional fee for connection where extraordinary or unanticipated conditions are encountered. The Borough of Lavallette may charge the owner or the duly authorized agent of the owner of the property on which the electrical service is desired an additional reasonable charge for time or materials which is incurred due to extraordinary or unanticipated conditions encountered during connection. Such extraordinary or unanticipated conditions may include, but are not limited to, a requirement to disconnect additional properties or move electrical lines or poles for construction or connection, site conditions, hidden or underground obstructions, unique physical layout or topography of the property or distance to existing service, or damaged or faulty work at the point of connection of the new service. Such fees shall be calculated and charged in advance of the connection if possible. The reasonableness of such fees shall be

determined by reference to standard fee schedules or material rates as shall exist in and about Ocean County. The decision of the Construction Official shall be the final agency action in the event of any dispute over connection fees.

D. Electric meters owned by the Borough. Electric meters shall be made available by the Department of Public Works and shall remain the property of the Borough of Lavallette. The user shall pay the cost of any replacement thereof caused by negligence of the user of the electric service.

E. User responsible for meter. The user of the electric service shall be held responsible for the care and protection of the electric meter. The user shall notify the Superintendent of Public Works of any damage to or of the nonworking of the meter as soon as the same comes to his/ her knowledge.

F. Repairs to electric meters. Repairs to the electric meters shall be made by the Department of Public Works at its own expense; provided, however, that if proper protection has not been provided, all expenses incurred by the Department of Public Works for repairing or replacing the meter shall be charged to the user or owner of the premises where such meter is located, in accordance with the schedule of repair and replacement charges on file in the office of the Department of Public Works.

G. Measurement. The measure of use by an electric meter shall be conclusive on both the user and the Borough of Lavallette, except where the meter has been found to be registering incorrectly or has ceased to register. In such case or cases, the amount of use shall be determined by the average registration of another meter for a period of 30 days or by the same meter for a period of 30 days after it has been repaired and tested, during a similar use period, or the kilowatt hours used during the previous corresponding period. The period of similar use or the previous corresponding period shall be determined by the Superintendent of Public Works.

H. Tests. The Department of Public Works shall, at the request of any user, test the electric meter. A meter shall be considered to be functioning correctly if it records the use within 2% of absolute correctness. If the meter is determined to be inaccurately recording use of the kilowatt hours of usage, the rate or charge shall be adjusted: provided, however, that the maximum adjustment shall be for one year's average rates or charges. If the meter is found to be recording correctly, the user shall pay a test fee of \$50. The Department of Public Works will conduct tests of the electric meters as determined to be necessary.

I. Complaints. Complaints with regard to the character of the service furnished, the reading of meters or bills rendered must be made to the Department of Public Works in writing. The Superintendent of Public Works shall make a record of such complaint, giving the name and address of the complainant, the date, the nature of the complaint and the remedy.

J. Interference, tampering or unauthorized reconnection.

(1) No person, other than an employee of the Department of Public Works or its authorized agents, shall, without the prior authorization of the Superintendent of Public Works, remove, replace or in any manner interfere with an electric meter.

(2) No person, other than an employee of the Department of Public Works or its authorized agents, shall reconnect any service wire, break any switch or meter seal or do any other thing for the purpose of reestablishing service where a meter has been disconnected by the Borough for nonpayment of a bill.

K. Discontinuance of service.

(1) Discontinuance by user.

(a) Any user wishing to discontinue electric service shall give written notice thereof at the office of the Department of Public Works. The charge for electric service will continue until such notice is given. Upon receipt of such notice, the Department shall disconnect the electric service.

(b) The charge for reconnection for the same user within 12 months of the notice set forth above shall be \$100 or the minimum charges under the rates which would have been applicable during the period of disconnection, whichever is greater.

(2) Discontinuance of electric service by Department of Public Works. Service may be disconnected by the Department of Public Works for any of the following reasons:

(a) For failure to maintain the electric service connections in safe condition or failure to abate any hazardous condition.

(b) For nonpayment of electric rates or charges within 30 days of the due date of the payment.

(c) For refusal of reasonable access to the property for the purposes of inspecting or reading, caring for or removing meters.

(d) For fraudulent representation on the part of the user of the electric service.

(e) For tampering with any electric meter, seal or other device owned by the Borough.

§ 24-14. Violations and penalties.

Any person, firm or corporation that shall be convicted of a violation of a provision of this article shall, upon conviction whereof by any court authorized by law to hear and determine the matter, be subject to a fine of no less than \$100 and no more than \$1,000, imprisonment not to exceed 90 days or community service of not more than 90 days, or any combination of fine, imprisonment and community service, as such court in its discretion may impose. Each day that such violation exists shall constitute a separate offense.

BE IT FURTHER ORDAINED THAT this Ordinance shall become effective upon approval of the State of New Jersey, Department of Community Affairs.

BE IT FURTHER ORDAINED THAT all sections or subsections of Chapter 24 of the Borough Code of the Borough of Lavallette not modified herein shall remain in full force and effect.

BE IT FURTHER ORDAINED THAT if any section or part of this ordinance shall be declared to be unconstitutional, invalid or inoperative in whole or in part, by a court of competent jurisdiction, such section or part shall, to the extent that it is not unconstitutional, invalid or inoperative, remain in full force and effect, and no such determination shall be deemed to invalidate the remaining sections or parts of this ordinances.

BOROUGH OF LAVALLETTE

NOTICE OF PENDING ORDINANCE

ORDINANCE NO. 2025-21 (1285)

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BOROUGH OF LAVALLETTE**

Take Notice the ordinance published herewith was introduced and passed upon first reading at a meeting of the governing body of the Borough of Lavallette, in the County of Ocean, State of New Jersey on November 17, 2025. It will be further considered for final passage after public hearing thereon, at a meeting of said governing body to be held in the Lavallette Municipal Building, Council Chambers, 1306 Grand Central Avenue, Lavallette, New Jersey, on December 1, 2025 at 7:00 p.m. or as soon thereafter as said matter can be reached, at which time and place all persons who may be interested therein shall be given the opportunity to be heard concerning said Ordinance.

A copy of this Ordinance has been posted on the bulletin board upon which public notices are customarily posted in the Borough Hall of the Borough during the week prior to and up to and including the date of such meeting; copies of the ordinance are available to the general public of the Borough who shall request such copies, at the office of the Municipal Clerk in said Borough of Lavallette, in the County of Ocean, New Jersey.

Donnelly Amico
Municipal Clerk

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BOROUGH OF LAVALLETTE**

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Borough Council on first reading at a meeting held on November 17, 2025. It was further considered for second (2nd) reading and final passage at a meeting of the Borough Council held on December 1, 2025 at 7:00 pm at which time and place persons desiring to be heard upon the same were given the opportunity to be heard.

Said Ordinance was duly adopted on the 3rd day of February, 2025 and shall take effect upon publication as required by law.

(SEAL)

DONNELLY AMICO, RMC
Municipal Clerk

APPROVED:

WALTER G. LACICERO
Mayor