

AN ORDINANCE CREATING THE PLAINFIELD MUNICIPAL  
UTILITIES AUTHORITY

MC 1995 - 19

BE IT ENACTED BY THE COUNCIL OF THE CITY OF PLAINFIELD as follows:

WHEREAS, the City of Plainfield (the "City") has determined that the formation of a Municipal Utilities Authority, pursuant to the Municipal and County Utilities Authorities Law of the State of New Jersey (Laws of 1957, Chapter 183, as amended and supplemented) N.J.S.A. 40:14B-1, et seq. (the "Act"), is in the best interests of the City, its citizens, and the surrounding environment; and

WHEREAS, the Act grants power to any municipality, by means and through the agency of a municipal authority, to acquire, construct, maintain, operate, or improve works for the accumulation, supply or distribution of water, works for the collection, treatment, recycling and disposal of solid wastes, works for the collection treatment, purification or disposal of sewage or other wastes, and works for the generation of hydroelectric power in the area of such municipality; and

WHEREAS, the City Council decided and hereby determines that it is necessary and advisable and is in the best interest of the inhabitants of this City that there be created a municipal authority pursuant to said Municipal and County Utilities Authorities Law as a public body politic and corporate constituting a political subdivision of the State and an agency and instrumentality of the City to foster and promote by all reasonable means the provision and distribution of an adequate water supply for the public and private use of the City and its inhabitants, the collection, disposal and recycling of solid waste including sewage sludge and bulk items, in an environmentally sound manner, the relief of lands and waters in or bordering the State from pollution from domestic, industrial and other sources,

including pollution derived from chemical and hazardous wastes and thus the reduction and ultimate abatement of the menace to the public health resulting from such pollution and the operation and maintenance of the Plainfield transfer station.

**SECTION I.** Pursuant to the provisions of paragraph (a) of Section 4 of the Act, there is hereby created a public body politic and corporate under the name and style of "Plainfield Municipal Utilities Authority."

**SECTION II.** The Plainfield Municipal Utilities Authority is and shall be an agency and instrumentality of the City created by ordinance duly adopted by the City Council, and is a Municipal Authority as contemplated and provided for by the Act and shall have and exercise all of the powers and perform all of the duties provided for by the Act and any other statutes heretofore or hereafter enacted and applicable thereto.

**SECTION III.** The purpose of the Plainfield Municipal Utilities Authority shall be (a) the provision and distribution of an adequate supply of water for the public and private uses of the City and its inhabitants, within the City, (b) the relief of waters in or bordering the City from pollution arising from causes within the City and the relief of waters in, bordering or entering the City from pollution or threatened pollution, and the consequent improvement of conditions affecting the public health, (c) the provision of sewage collection and disposal service within or without the City, (d) the provision of water supply and distribution service in such areas without the City as are permitted by the provisions of the Act, (e) the provision of solid waste services and facilities within the City in a manner consistent with the Solid Waste Management Act, P.L. 1970. c. 39 (N.J.S.A. 13:1E-1 et seq.) and in conformance with the solid waste management plans adopted in the manner prescribed by applicable law, including, without limitation, the collection and remarketing of recyclable materials, the collection and disposal of bulk items and the operation and maintenance of the City transfer

station, (f) the operation and maintenance of utility systems owned by other governments and municipalities through contracts with said governments and municipalities, and (g) the provision of such other services, the exercise of all powers and the performance of all duties provided by the Act and any other statutes heretofore or hereafter enacted applicable thereto.

SECTION IV. The Plainfield Municipal Utilities Authority shall annually set rates for the services to be provided by the Authority and develop, implement and administer a system for the billing and collection of charges from property owners in Plainfield for such services in accordance with applicable law.

SECTION V. The City shall provide interim funding to the Plainfield Municipal Utilities Authority in an amount not to exceed \$250,000 which amount shall be repaid by the Authority within two years from the date of funding, together with interest at a market rate of interest to be agreed upon but in no event less than 5-1/2% per annum or such other rate as may be required by applicable law.

SECTION VI. The Plainfield Municipal Utilities Authority shall consist of five members, each of which shall be appointed by the Mayor with the advice and consent of the City Council in accordance with the provisions of said Municipal and County Utilities Authorities Law, with such resolution being filed with the Secretary of State of New Jersey. The Mayor with the advice and consent of the City Council may additionally appoint one or two individuals to serve as an alternate during the absence or disqualification of such municipality's regular member, pursuant to the provisions of said Municipal and County Utilities Authorities Law, with the first alternate to be designated as alternate no. 1 and the second alternate, if appointed, to be designated as alternate no. 2.

SECTION VII. Members of the Plainfield Municipal Utilities Authority may receive compensation for their services as members of the Plainfield Municipal Utilities Authority within the

limitation herein stated, that no member shall receive compensation, either direct or indirect, in excess of \$4,500 per annum.

**SECTION VIII.** The Executive Director of the Plainfield Municipal Utilities Authority or a member of the Plainfield Municipal Utilities Authority shall serve as the representative of the City to the Plainfield Area Regional Sewerage Authority as designated by the Mayor with the advice and consent of the Council.

**SECTION IX.** The Corporation Council is hereby authorized and directed to negotiate an Interlocal Services Agreement with the Plainfield Municipal Utilities Authority that incorporates, among other things, the provisions set forth in Sections III, IV, V and VIII hereof and the Mayor and the Clerk are hereby authorized to execute such Interlocal Services Agreement with the Plainfield Municipal Utilities Authority.

**SECTION X.** A copy of this Ordinance, duly certified by the Clerk of the City, shall forthwith be filed by such Clerk in the office of the Secretary of State of the State of New Jersey.

**SECTION XI.** This Ordinance shall take effect as provided by law.

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| FIRST READING                  | <u>AUGUST 21, 1995</u>    |
| SECOND READING & FINAL PASSAGE | <u>SEPTEMBER 18, 1995</u> |
| ADOPTED BY THE COUNCIL         | <u>SEPTEMBER 18, 1995</u> |
| APPROVED BY THE MAYOR          | <u>SEPTEMBER 20, 1995</u> |
| ATTESTED BY THE CITY CLERK     | <u>SEPTEMBER 20, 1995</u> |

This will certify that the foregoing is a true copy

*Cecilia E. Bernides*  
Deputy City Clerk