

ORDINANCE NO. 2019- 46

**ORDINANCE SETTING FORTH TIME LIMITATIONS
FOR THE PAYMENT OR COLLECTION OF UTILITY
BILLINGS BASED UPON METER FAILURES.**

WHEREAS, from time to time meter failures or calculations relative to billings occur causing incorrect utility usage and cost for the electric and water utilities; and

WHEREAS, many times said errors go undetected by the Vineland Municipal Utilities due to the substantial number of accounts and different rate calculations for rate payers and utility users; and

WHEREAS, learning of an over billing, or under billing usually requires reports and inquires by the customers; and

WHEREAS, it is the intent of the City Council to set forth time limitations for claims by the utilities for under payment and by the customer for over payment; and

WHEREAS, water and electric service to customers is in form of a contract for the supply of water and electric by the City to customers with the promise thereby to pay the bill for the same; and

WHEREAS, N.J.S.A. 2A:14-1 states that the action for the recovery upon a contractual claim or liability, express or implied, not under seal or upon an account shall be commenced within 6 years next after the cause of such action shall have accrued; and

WHEREAS, the Director of the Vineland Municipal Utilities has recommended City Council consider a 6-year limitation period for the collection or payment of utility bills issued and paid in error and that no claim beyond the said 6-year period should be considered in accordance with N.J.S.A. 2A:14-1.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Vineland that the time limitation for the payment or collection of erroneous utility bills shall be 6 years next after the cause of action shall have accrued.

BE IT FURTHER ORDAINED that the balance of Ordinance not amended hereby shall remain in full force and effect.

BE IT FURTHER ORDAINED that should any portion of this Ordinance be deemed unenforceable by a court of competent jurisdiction, that portion so determined to be unenforceable, shall be void and the balance hereof shall remain in full force and effect.

BE IT FURTHER ORDAINED that should any Ordinance or portion thereof be inconsistent herewith, such Ordinance or portion thereof shall be void to the extent of such inconsistencies.

This Ordinance shall take effect upon adoption and publication according to law.

Passed first reading:

Passed final reading:

President of Council

ATTEST:

City Clerk