

## ORDINANCE #7-19

### ORDINANCE OF THE BOROUGH OF KEYPORT, COUNTY OF MONMOUTH, NEW JERSEY, GRANTING RENEWED CONSENT AND PERMISSION TO NEW JERSEY NATURAL GAS COMPANY REGARDING FRANCHISE TO LAY, MAINTAIN AND OPERATE GAS FACILITIES IN THE BOROUGH OF KEYPORT

**WHEREAS**, the Borough of Keyport is a public body corporate and politic of the State of New Jersey; and

**WHEREAS**, New Jersey Natural Gas Company has heretofore been granted a franchise and consent to lay, maintain and operate gas facilities in the Borough of Keyport; and

**WHEREAS**, New Jersey Natural Gas Company seeks, pursuant to N.J.S.A. 48:3-15, the consent of the Borough of Keyport to renew its franchise applicable to the use of the streets in the Borough of Keyport by adopting the following Ordinance.

NOW THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Keyport, County of Monmouth and State of New Jersey as follows:

SECTION 1. That the Borough of Keyport hereby consents and authorizes New Jersey Natural Gas Company to lay, maintain and operate for a period of fifty (50) years from the date hereof, its conductors, mains and pipes together with all appurtenances thereto, in, under and over all the public streets, alleys, squares and public places in the Borough of Keyport for the purpose of conducting, transmitting and distributing gas or any mixture of gases of various types, including natural gas, upon the following terms and conditions and rules, regulations and ordinances of the Borough of Keyport; and

SECTION 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 as existed prior to the opening thereof; and

SECTION 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; and

SECTION 4. That New Jersey Natural Gas Company shall safeguard the public interest in continuous and uninterrupted service at and after the expiration of the term of the grant; and

SECTION 5. That New Jersey Natural Gas Company shall maintain its property in good order throughout the full term of the grant; and

SECTION 6. That New Jersey Natural Gas Company shall continuously afford safe, adequate and proper service at just and reasonable rates; and

SECTION 7. That this franchise consent, upon approval of the Board of Public Utilities of the State of New Jersey, shall supersede the Resolution granted by the Borough of Keyport on March 24, 1969; and

SECTION 8. That 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; and

SECTION 9. That this Ordinance shall not become effective unless and until it is approved by the Board of Public Utilities of the State of New Jersey.

SECTION 10. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by any Court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

Introduced: March 5, 2019  
Public Hearing: March 19, 2019  
Adopted: March 19, 2019



Valerie T. Heilweil, RMC, CMR  
Borough Clerk  
Borough of Keyport



Collette J. Kennedy, Mayor  
Borough of Keyport

