

*New Jersey Collection*

# ACTS

OF THE

EIGHTY-SIXTH LEGISLATURE

OF THE

STATE OF NEW JERSEY,

AND

EIGHTEENTH UNDER THE NEW CONSTITUTION.



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## CHAPTER LXX.

Supplement to an act entitled "An act to enable the city of Hudson to introduce water, and to pay for the laying of water pipes in a portion of said city," approved March fifteenth, eighteen hundred and sixty-one.

1. BE IT ENACTED *by the Senate and General Assembly of* <sup>Water rent, how regulated</sup> *the State of New Jersey*, That the common council of the city of Hudson shall from time to time fix the prices to be charged for the use of Passaic water where the same is taken and used, and the owner and occupier of any house, lot or tenement shall each be liable for the payment of the prices so fixed; and the said common council shall also from time to time fix a sum to be assessed annually upon all vacant lots and lots with buildings thereon in which Passaic water is not taken, and also upon the lots or buildings where the water is taken, if the same are situated upon any road, street, avenue, lane, alley or court in the city of Hudson, through or in which pipes for distributing the water are laid, which prices and sums so fixed and assessed shall be denominated "water rents;" and the said common council shall from time to time determine and give public notice, by advertisement in a newspaper printed in the county of Hudson, of the times and places at which the said water rents shall be due and payable, and the penalties to be charged for delaying the payments beyond the times so fixed; and the said water rents and penalties shall, until paid, be liens upon the property charged therewith; all such water rents and penalties shall be payable to the clerk of said city, who shall, after the twentieth day of December in each year, deliver to the common council <sup>When to be paid.</sup> a certified account of all such water rents and penalties for delinquency as were due before the said twentieth day of December, and remain unpaid, with the name of the owner or occupier of the lot liable to said rent, and whereon the water was used for which such rent is charged, and a description or designation of such lot, and such certified account shall be filed in the office of the city clerk, and recorded in a book to be kept for that purpose, and the said account and book and duly certified copies thereof shall be evidence of the facts

When lots liable may be sold.

contained therein; and the said mayor and common council may and shall, upon receiving said certified account, cause said lands to be sold for the payment of said water rents and penalties and the interest thereon, from the said twentieth day of December, at the rate of twelve per centum per annum, together with costs, charges and expenses of advertising and sale, in the same manner as said mayor and common council are or may be authorized by law to sell lands in said city for the payment of taxes thereon; and said proceedings and the effect thereof shall be the same in all things as if the said lands were sold for taxes; and the city clerk shall have power to collect and receive said water rents and penalties, with interest thereon at the rate of twelve per centum per annum, from such twentieth day of December, and the costs that may have accrued thereon, and shall before such sale certify to the common council what rents, penalties and interest thereon, contained in such certified account, have been since paid.

Regulations by common council.

2. *And be it enacted*, That the common council shall have power to impose penalties to be charged for delaying the payments of water rents beyond the times fixed for such payments, and shall regulate the distribution and use of the water in all places, and for all purposes where the same may be introduced, and may erect such number of public hydrants and in such places as they shall see fit, and direct in what manner and for what purposes the same shall be used; all which they may change at their discretion, and the same shall be under their exclusive control and direction.

Powers of water commissioners.

3. *And be it enacted*, That the water commissioners of Jersey City, and their agents, are hereby authorized to enter at reasonable hours any dwelling or other place where Passaic water is taken or used, and where unnecessary waste thereof is known or suspected, and examine and inquire into the cause thereof; and the said agent or agents shall have full power to examine all service pipes, stop-cocks, and other apparatus connected with the water supply, for the purpose of ascertaining whether the same are of the character and dimensions and fixed in the manner directed in the permits issued therefor, and if any person or persons shall refuse to permit such examinations, or oppose or obstruct such agent in the performance of such duty, he, she or they so offending shall be liable to such penalty, not exceeding ten dollars, as the common council may impose, and the supply of water shall be shut off until the required examination is made, and such alterations and repairs as may be found necessary are contemplated.

4. *And be it enacted*, That the said common council may, Pay of surveyors and clerks. for the purpose of carrying out the objects of this act, employ proper surveyors, clerks, and other agents and assistants, who, together with the city clerk, shall receive such pay or emolument for their services as the said common council shall from time to time determine, to be paid out of the moneys accruing by virtue of this act.

5. *And be it enacted*, That the common council shall fix Regulations of rents, &c. the aforesaid water rents with reference to paying from the proceeds thereof the water commissioners of Jersey City for the use of the water, the expenses of maintaining the pipes and distributing the water, and salaries, wages and incidental charges; and also with reference to paying the interest and principal of the bonds already issued and that may be issued in pursuance of the act to which this is a supplement, as they respectively fall due; and the net proceeds of the water rents and penalties, after paying for the use of the water, as aforesaid, and all expenses for maintaining the pipes and distributing the water, and salaries, wages, and incidental charges, shall be applied to the purchase of said bonds, if the same can be obtained at reasonable rates, or if that cannot be effected, then to be safely invested by the common council and allowed to remain as a sinking fund to be applied to the redemption of the said bonds at their maturity.

6. *And be it enacted*, That if any person shall place any Penalty for obstructing water. stones, brick, lime, sand, lumber or any other article, in such situation in any street, avenue, lane or alley, as to prevent access to any water pipe, stop-cock, or fire hydrant, the owner or owners of such materials shall forfeit and pay for each offence the sum of twenty-five dollars, and ten dollars for each day such articles are suffered to remain in such situation, after written notice from the city clerk to remove the same.

7. *And be it enacted*, That all fines, forfeitures and penalties imposed by or under authority contained in this act, may be sued for and recovered by an action of debt, instituted in the name of "The Mayor and Common Council of the city of Hudson," before any justice of the peace in and for the county of Hudson, or in any other court having cognizance in similar cases. Fines, how recovered.

8. *And be it enacted*, That this act shall be deemed a public act, and shall take effect immediately.

Approved March 6, 1862.