

**<MUNICIPALITY>
ORDINANCE NO. 2007-**

**AN ORDINANCE OF THE
<MUNICIPALITY> IN <COUNTY>
COUNTY, AMENDING THE CODE OF
THE <MUNICIPALITY>, BY ADDING A
SECTION ENTITLED X-XX, WATER
CONSERVATION.**

WHEREAS, the water supplies within the <Municipality> are limited and should be protected to afford the greatest beneficial use to <Municipality> citizens and businesses, which depend on current water supplies for their livelihood, health, welfare, and economic production; and

WHEREAS, the water resources within the <Municipality> have been threatened in the past due to drought conditions; and

WHEREAS, there exists a need to restrict certain uses of water not essential to the health, welfare and safety of the <Municipality> in order to avert or lessen the impact of such shortages; and

WHEREAS, taking steps to ensure clean, wholesome, and adequate water supplies is a high priority in protecting the health, safety, and welfare of <Municipality> citizens;

WHEREAS, pursuant to N.J.S.A. 40:48-2, the <Municipality> has the power to adopt ordinances necessary and proper for the protection of persons and property, and the preservation of the public health, safety and welfare;

BE IT ORDAINED by the Township Committee of the <Municipality> in <County> as follows:

Section 1. The Code of the <Municipality> in <County> (year) shall be amended by the addition of Section x-xx, entitled, "Water Conservation Program", to read as follows:

x-xx.1 Water Conservation Guidelines for All Uses. Except as may be further restricted in accordance with x-xx.2 below of Section 2, the use of water for outside uses within the <Municipality> shall conform to the following:

a. Lawn watering:

(1) Properties with odd numbered addresses may only water on odd calendar dates;

(2) Properties with even numbered addresses may only water on even calendar dates;

- (3) No watering is permitted on the 31st of the month;
- (4) Watering shall only be conducted between the hours of 6:00 a.m. and 9:00 a.m. or between 5:00 p.m. and 8:00 p.m.; and
- (5) The watering of any single area shall not exceed thirty minutes per day^[SCD1].
 - b. Flowers and shrubs may be watered as needed with a hand held hose equipped with an automatic shut-off nozzle;
 - c. Vehicles may be washed any day with a hand held hose equipped with an automatic shut-off nozzle;
 - d. Automatic rain sensor devices are required for all sprinkler/irrigation systems to ensure that watering does not occur during periods of rain^[SCD2];
 - e. Violators of these guidelines are subject to fines;
 - f. Restrictions identified in paragraphs b and c of subsection x-xx.2 of Section 2 of this chapter shall supersede when the Township Committee declares a Declaration of Water Emergency pursuant to subsection x-xx.1 of Section 2 of this Chapter;
 - g. State of New Jersey requirements shall supersede when more stringent than <Municipality> program;

x-xx. 2 Enforcement of Water Conservation Guidelines. The water use restrictions imposed pursuant to this section shall be enforced by the local authorized official. Whenever a local authorized official shall find a violation of the water use restrictions, regardless of the source of the water, such authorized official shall give the violator a written warning and explain the penalties for a second and third offense as provided in subsection x-xx.3 of this section. The local authorized official shall keep such records as may be reasonable and necessary for the purpose of determining the persons and businesses who have been warned upon a first offense. The local authorized official is hereby empowered to write summons for the violation of the water use restrictions imposed pursuant to this section.

x-xx.3 Penalties. After a warning for a first offense in accordance with subsection x-xx.6 of this section, any person or business that thereafter violates the water use restrictions imposed pursuant to this section shall be subject to the penalty provisions stated at

Section 2. The Code of the <Municipality> in <County> (year) shall be amended by the addition of Section x-xx, entitled, "Prohibition of Certain Uses of Water During Emergency Conditions", to read as follows:

x-xx.1 Declaration of Water Emergency. A water emergency shall be declared:

a. Whenever the Township Engineer in his or her professional judgment finds that emergency [SCD3]conditions exist within the Township, he or she shall recommend to the Township Committee that a water emergency be declared. Said recommendation shall contain findings which specify which water use restrictions, if any, contained in subsection x-xx.2 are appropriate. Factors which the Township Engineer may consider in making said recommendation include, but are not limited to, the following:

1. Lack of precipitation for an extended time period;
2. Below-average water levels in Township streams or other surface water bodies;
3. Administrative actions taken by the Delaware River Basin Commission in relation to stream flows in the Delaware River;
4. Declaration of a water emergency by the Governor;
5. Declaration of a water emergency by a surrounding municipality or municipalities;
6. Designation by the New Jersey Department of Environmental of a drought watch or drought warning condition;
7. Below-average water levels in wells monitored by the United States Geological Survey or other wells monitored by agencies of the United States;
8. Evidence of low or dirty water yields in private wells in the Township.

b. Upon receiving such a recommendation, the Township Committee may accept the Township Engineer's recommendation and findings, or any portion thereof, and adopt a resolution declaring a water emergency in the Township.

c. Such resolution shall be adopted by the Township Committee at any regular, special, adjourned or emergency public meeting of the Township Committee. Such resolution shall specify which of the water use restrictions, if any contained in subsection x-xx.2 are being imposed. Such resolution shall be effective immediately upon publication and shall continue in effect for ninety (90) days, or such lesser time period as may be specified, unless extended or repealed as set for in subsections x-xx.3 and x-xx.4 respectively.

x-xx.2 Water Use Restrictions. Upon adoption by the Township Committee of a resolution declaring that a water emergency exists in the Township in accordance with subsection x-xx.1 of this section:

- a. All citizens shall be urged to observe voluntary indoor conservation measures; and
- b. The restrictions stated in subsections x-xx.1-3 of Section 1 of this chapter, and those stated in paragraph c. of this subsection, may be imposed on the following water uses:
 1. The watering of all plant growth, except commercially grown food crops, sod at commercial sod farms and nursery stock at nurseries or retail outlets;
 2. The washing of vehicles, except for emergency vehicles and by a commercial enterprise whose primary function is car washing, regardless of whether the operation is mobile or stationary or in those instances where a threat to public health may exist;
 3. The washing of streets, driveways, sidewalks, decks, patios or paved areas;
 4. The serving of water in restaurants, clubs, or eating places unless specifically requested by patrons;
 5. The use of fire hydrants by fire companies for testing fire apparatus and for fire department drills except as the Township Fire Chief deems necessary in the interest of public safety;
 6. The use of fire hydrants by municipal road departments, contractor, and all others, except as necessary for fire fighting or protection purposes;
 7. The use of water for all outdoor recreational purposes;
 8. The washing of outside of dwellings, buildings, or other structures, except windows;
 9. The operation of any ornamental fountain or other structure making a similar use of water except as necessary to preserve or support fish and aquatic life;
 10. Any other water use activity specified by the Township Committee in the resolution required by subsection x-xx.1 of this section which is reasonable under the circumstances considering the nature and extent of the water emergency.
- c. The following restrictions may be imposed on the water uses stated in paragraph b. of this subsection:

1. Limiting all outdoor usage which is not strictly prohibited by this subsection is limited to the hours of 6:00 a.m. and 9:00 a.m. or between 5:00 p.m. and 8:00 p.m.;
 2. The watering of any single area shall not exceed thirty minutes per day; and
 3. Any other restriction specified by the Township Committee which is reasonable under the circumstances considering the nature and extent of the water emergency.
- d. Any water use restriction imposed pursuant to this subsection may be amended by the Township Committee to add, alter, or delete any restriction in subsection at any time during the water emergency. Said amendment shall be by resolution of the Township Committee.
- e. Any water use restriction imposed pursuant to this subsection shall apply equally to both users on privately owned wells and users served by a public utility.
- f. Nothing in this subsection shall be read so as to prohibit, restrict or limit water usage where a bona fide health emergency exists.

x-xx.3 Duration of Water Emergency. Whenever the Township Engineer in his or her professional judgment finds that the emergency drought conditions in the Township have abated prior to the expiration of the time period specified in the resolution, he or she shall recommend to the Township Committee that the water emergency cease. Upon such a recommendation to cease, the Township Committee may adopt a resolution declaring the water emergency ended and the water use restrictions identified in subsection x-xx.2 inapplicable. Otherwise, at the end of the time period specified in the original resolution, the water use restrictions identified in subsection x-xx.2 shall lapse and be inapplicable and unenforceable.

x-xx.4 Extension of Water Emergency Time Period. If at the expiration of the time period specified in the resolution, the Township Engineer in his or her professional judgment finds that the emergency drought conditions have not abated, he or she shall recommend to the Township Committee that the water emergency remain in effect. Said recommendation shall specify the duration of the extension. Whenever the Township Committee has received such a recommendation, it may accept the Township Engineer's recommendation and findings, or any portion thereof, and adopt a resolution to extend the water emergency. Said resolution shall specify the duration of the extension, which shall not be for more than ninety (90) days.

x-xx.5 Notice. Reasonable attempts shall be made to notify citizens and residents of the Township of the existence of a water emergency, the restrictions imposed, and the penalties for violations.

x-xx.6 Enforcement of Water Use Restrictions. The water use restrictions imposed pursuant to this section shall be enforced during a water emergency by the local authorized official. Whenever a local authorized official shall find a violation of the water use restrictions, regardless of the source of the water, such authorized official shall give the violator a written warning and explain the penalties for a second and third offense as provided in subsection x-xx.7 of this section. The local authorized official shall keep such records as may be reasonable and necessary for the purpose of determining the persons and businesses who have been warned upon a first offense. The local authorized official is hereby empowered to write summons for the violation of the water use restrictions imposed pursuant to this section.

x-xx.7 Penalties. After a warning for a first offense in accordance with subsection x-xx.6 of this section, any person or business that thereafter violates the water use restrictions imposed pursuant to this section shall be subject to the penalty provisions stated at