ORDINANCE 2015 – 7

AN ORDINANCE OF THE TOWNSHIP OF OCEAN, OCEAN COUNTY, STATE OF NEW JERSEY AMENDING THE CODE OF THE TOWNSHIP OF OCEAN, TO ESTABLISH CHAPTER 172 "WATER CONSERVATION"

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

WHEREAS, the water resources within the Township of Ocean have been threatened in the past due to drought conditions; and

WHEREAS, during certain water emergencies, there exists a need to restrict certain uses of water not essential to the health, welfare and safety of the Township of Ocean 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 Township of Ocean citizens;

WHEREAS, pursuant to N.J.S.A. 40:48-2, the Township of Ocean 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 Township of Ocean, County of Ocean, State of New Jersey that the Code of the Township of Ocean shall be amended by the addition of Chapter 172 entitled "Water Conservation", to read as follows:

172-1 DECLARATION OF WATER EMERGENCY

a. Whenever the Township Engineer in his or her professional judgment finds that water emergency 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 this ordinance 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 any State or Regional Basin Commissions in relation to stream flows and groundwater supplies;
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 this ordinance 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 by Resolution of the Ttownship Committee.

172-2 WATER USE RESTRICTIONS

Upon adoption by the Township Committee of a resolution declaring that a water emergency exists in the Township of Ocean, the Township Committee may, by Resolution, impose any or all of the following restrictions on the use of water within the municipality:

a. Urging all citizens to observe voluntary indoor conservation measures;
b. Permitting the watering of lawns on odd numbered addresses only on odd numbered days;
c. Permitting the watering of lawns on even numbered addresses only on even numbered days;
d. Hours of watering of lawns shall be limited to the hours of 6:00 am –9:00 am and 5:00 pm-8:00 pm;
e. The watering of any single area may not exceed 30 minutes per day;
f. Limiting the watering of flowers and shrubs, which may be watered as needed, with a hand held hose containing an automatic shut-off nozzle;
g. Washing of motor vehicles may be conducted at any time however only with a hand held hose with containing an automatic shut-off nozzle;
h. Prohibiting the washing of streets, driveways, sidewalks, decks, patios or paved areas;
i. The use of water for all outdoor recreational uses;
j. The washing of outside dwellings, buildings or other structures, except windows;
k. Any other water use activity specified by the township committee in the resolution of restrictions.

172-3 EXCEPTIONS

This ordinance shall not apply to the following :

a.. The watering of all plant growth, conducted for commercially grown food crops, sod at commercial sod farms and nursery stock at nurseries or retail outlets;
b. The washing of vehicles by a commercial enterprise whose primary function is car washing, regardless of whether the operation is mobile or stationary;
c. The washing of emergency vehicles or in any instance where washing of a vehicle, roadway or driveway is necessary to protect the public health due to a spill of dangerous materials or to eliminate an unsafe road condition and authorized by a township police or fire official.;

d. Nothing in this chapter shall be read so as to prohibit, restrict or limit water usage where a bona fide health emergency exists.

172-4 AMENDMENTS TO RESTRICTIONS

Any water use restriction imposed pursuant to this chapter may be amended by the Township Committee to add, alter, or delete any restriction at any time during the water emergency. Said amendment shall be by resolution of the Township Committee.

172-5 APPLICABILITY TO PRIVATE WELLS AND PUBLIC WATER USERS

Any water use restriction imposed pursuant to this chapter shall apply equally to both users on privately owned wells and users served by a public utility.

172-6 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 previously imposed to be rescinded. Otherwise, at the end of the time period specified in the original resolution, the water use restrictions previously adopted shall lapse and be inapplicable and unenforceable.

172-7 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.

172-9 ENFORCEMENT OF WATER USE RESTRICTIONS, LOCAL AUTHORIZED OFFICIAL

The water use restrictions imposed pursuant to this section shall be enforced during a water emergency by any duly sworn police department official, the Townships Code Enforcement official or such other employee of the Township of Ocean designated in the resolution declaring the emergency. For purposes of this ordinance such person or persons shall be designated as 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 provide a copy of this ordinance to the violator. 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.

A. Penalties. After a warning for a first offense in accordance with this chapter, any person business or entity that thereafter violates the water use restrictions imposed pursuant to this Chapter shall be subject to the following:

First offense: A fine of up to $100
Second or subsequent offense: A fine of between $250-$500.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed by the Township Committee of the Township of Ocean on first reading at a meeting held on the 11th day of June, 2015. The Ordinance will be considered for second and final reading at a meeting of the Township Committee which is scheduled for the 9th day of July, 2015, at 6:30 p.m., or as soon thereafter as the matter may be reached, at the Municipal Building located at 50 Railroad Avenue, Waretown, New Jersey, at which time the public is invited to ask questions, raise objections, or provide public comment with regard to the proposed adoption of this Ordinance.

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Diane Ambrosio, RMC
TOWNSHIP CLERK