

TOWNSHIP OF MOORESTOWN

ORDINANCE NO. 17-2016

**AN ORDINANCE OF THE TOWNSHIP OF MOORESTOWN
REPEALING CHAPTER 175, ARTICLE VI ENTITLED “USES OF WATER DURING
EMERGENCIES” AND REPLACING IT WITH A COMPREHENSIVE WATER
CONSERVATION ORDINANCE THAT INCLUDES
WATER USE, RESTRICTIONS AND EMERGENCIES**

WHEREAS, the water supplies within the Township of Moorestown (“Township”) are limited and should be protected to afford the greatest beneficial use to Township 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 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 Township 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 citizens; and

WHEREAS, pursuant to N.J.S.A. 40:48-2, the Township 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; and

WHEREAS, the Township entered into an Administrative Consent Order (ACO) with the New Jersey Department of Environmental Protection on July 1, 2016; and

WHEREAS, the ACO, at paragraph 11, states in pertinent part:

... Moorestown to expand its current water conservation obligations, including, but not limited to, adopting a water use restriction ordinance which limits irrigation to a two day per week watering schedule and restricting hours of lawn irrigation. Moorestown currently has a water conservation ordinance requiring lawn watering only on odd/even days when Moorestown declares a water emergency.; and

WHEREAS, the Township is bound by the provisions of the ACO; and

WHEREAS, the Township, in creating this ordinance, has referenced and incorporated herein recommended water conservation guidelines set forth by the New Jersey Department of Environmental Protection and Sustainable Jersey.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Moorestown, County of Burlington, that the Code of the Township of Moorestown be amended as follows:

Section 1: The Table of Contents, Chapter 175, Article VI “Uses of Water During Emergencies” shall be deleted and replaced as follows:

ARTICLE VI

SECTION I
Water Conservation

175-48 Water Irrigation Districts and District Map
175-49 Outside Uses, Duration and Times
175-50 Exemptions
175-51 Enforcement
175-52 Penalties

SECTION II
Water Emergency Declaration

175-53 Purpose
175-54 Emergency Declaration
175-55 Notification of an Emergency Declaration
175-56 Restrictions Upon Notification of a Water Emergency
175-57 Enforcement
175-58 Penalties

Section 2: Chapter 175, Article VI, Uses of Water During Emergencies, is hereby repealed and the following shall be inserted in its place:

ARTICLE VI
Water Conservation

175-48 Water Irrigation Districts and District Map. There is hereby created four (4) water irrigation districts. The district lines shall coincide with Township Trash Collection District Map. If at any time the Trash Collection District Map shall be amended, the Water Irrigation District Map shall be amended in accordance with same.

The Water Irrigation District Map shall be on file and available for public inspection in the Office of the Municipal Clerk.

175-49 Outside Uses, Duration and Times. Except as may be further restricted in this article, the use of water for outside uses within the Township shall conform to the following:

Watering shall permitted in the following districts on the following days.

- District 1 Sunday and Wednesday
- District 2 Monday and Thursday
- District 3 Monday and Thursday
- District 4 Tuesday and Friday

Duration and Times. Watering in all zones shall only be conducted between the hours of 5 a.m. and 8 a.m. or 5 p.m. and 8 p.m. unless otherwise exempted in this section.

Automatic rain sensor devices are required for all sprinkler and/or irrigation systems to ensure that watering does not occur during periods of rain or immediately after a quarter inch (1/4") of rain has fallen.

175-50 Exemptions. The restrictions contained in this section do not apply to the following:

1. Outdoor water use from private wells, rain water harvesting, gray water or reclaimed water are exempt from the provisions of this section. Use of gray or reclaimed water must have an approved NJPDES permit issued through the NJDEP.
2. Outdoor water use for agricultural use, commercial farms producing harvestable crops, commercial nurseries, sod farms and golf courses.
3. Flowers and shrubs may be watered as needed with a handheld hose equipped with an automatic shutoff nozzle.
4. Vehicles may be washed any day with a handheld hose equipped with an automatic shut-off nozzle.
5. Outdoor irrigation necessary for one day only where treatment with an application of chemicals require immediate watering to preserve an existing landscape or to establish a new landscape.
6. Outdoor irrigation necessary for the establishment of newly sodded or seeded lawns or landscaping within the first twenty-one (21) consecutive days of planting.
7. Visually supervised operation of an irrigation system (by a person in compliance with the New Jersey Landscape Irrigation Contractor

Certification Act of 1991 (N.J.S.A. 45:5AA-1)) at the minimum rate necessary in order to check system condition and effectiveness.

8. Any United States Environmental Protection Agency or New Jersey Department of Environmental Protection rule, regulation or declaration, which is more stringent than the provisions herein, shall supersede.
9. Any Declaration of a Water Emergency by the Township Manager and the provisions set forth in same shall supersede.

175-51 Enforcement. The provisions of this section shall be imposed by the Township Manager or his designee. Whenever a violation of this section is found, the Township Manager or his designee shall give the violator a written warning and explain the penalties for a second and third offense as provided for in Chapter 66 “Penalties for Code Violations.” The Township Manager or his designee 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 Township Manager or his designee may sign a complaint against the violator, and, upon a complaint having been so signed, the Clerk of the Moorestown Township Municipal Court or other person authorized by applicable law, shall cause to be issued a summons against said violator, returnable before the Moorestown Township Municipal Court.

175-52 Penalties. After a warning for a first offense, any person or business that thereafter violates this section shall be subject to the penalties in accordance with Chapter 66 “Penalties for Code Violations.”

SECTION II Water Emergency Declaration

175-53. Purpose. The purpose of this section is to provide for the conservation and protection of water and water resources for the use of the inhabitants of the Township whenever any conditions exist which threaten, endanger, impede or reduce the plentiful supply of water in the Township, thereby promoting the public health, comfort, safety and welfare of the inhabitants of the Township.

175-54. Emergency Declaration. A water emergency shall exist in any part of the municipality when declared by proclamation of the Mayor or, in the absence of the Mayor, by the Acting Mayor or by emergency order of the Township Manager or his designee. The declaration shall state the nature of the emergency, the restrictions imposed, any authorized exceptions thereto and the estimated duration of the emergency restrictions; provided, however, that the emergency restrictions shall remain in effect until lifted, regardless of the estimated duration for the emergency restrictions.

Whenever a water emergency is declared, the declaration shall contain findings which specify which water use restrictions, if any, are appropriate. Factors which may be considered in making such a declaration 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; and
8. Evidence of low or dirty water yields in private wells in the Township.

175-55. Notification of an Emergency Declaration. Reasonable attempt shall be made to notify affected property owners of the existence of a water emergency, the duration of the emergency declaration, restrictions imposed and the penalties for violations.

Any water use restriction imposed pursuant to this section may be amended to add, alter or delete any restriction at any time during the water emergency.

If at the expiration of the emergency declaration the Township finds that the underlying conditions for which the emergency was called have not been abated, the Township may extend the duration of the emergency declaration as may be necessary for the health, safety and welfare of the public.

175-56. Restrictions Upon Notification of Water Emergency. All residents and businesses are urged to observe voluntary indoor conservation measures.

1. In addition to the restrictions set forth in Section I, the following use restrictions may be imposed in the emergency declaration:

- a. The watering of all plant growth;
 - b. 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;
 - c. The washing of streets, driveways, sidewalks, decks, patios or paved areas;
 - d. The serving of water in restaurants, clubs, or eating places unless specifically requested by patrons;
 - e. 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;
 - f. The use of fire hydrants by municipal road departments, contractors, and all others, except as necessary for firefighting or protection purposes;
 - g. The use of water for all outdoor recreational purposes;
 - h. The washing of outside of dwellings, buildings, or other structures, except windows; and
 - i. 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; and
 - j. Any other water use activity specified by the declaration which is reasonable under the circumstances considering the nature and extent of the water emergency.
2. Any water use restriction imposed pursuant to this section may apply to users served by a private-owned well(s), if necessary.
 3. Nothing in this subsection shall be read so as to prohibit, restrict or limit water usage where a bona fide health emergency exists.

175-57. Enforcement. Any police officer of the Township who shall observe any person using or withdrawing water in violation of this section shall issue a summons and complaint to the violator, returnable before the Moorestown Township Municipal Court.

The Township Manager or any authorized employee of the Department of Public Works, who shall observe any person using or withdrawing water in violation of this section, may sign a complaint against the violator, and, upon a complaint having been so signed, the Clerk of the Moorestown Township Municipal Court or other person authorized by applicable law, shall cause to be issued a summons against said violator, returnable before the Moorestown Township Municipal Court.

175-58 Penalties. After a warning for a first offense, any person or business that thereafter violates this section shall be subject to the penalties in accordance with Chapter 66 “Penalties for Code Violations.”

Section 3: In all other respects, Chapter 175 shall remain in full force and effect.

Section 4: Repealer. Any and all other ordinances inconsistent with any of the terms and provisions of this ordinance are hereby repealed to the extent of such inconsistencies.

Section 5: Severability. In the event that any section, paragraph, clause, phrase, term, provision, or part of this ordinance shall be adjudged by a court of competent jurisdiction, to be invalid or unenforceable for any reason, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the section, paragraph, clause, term, provision, or part thereof directly involved in the controversy, if such judgment is rendered.

Section 6: Effective Date. This ordinance shall take effect, upon proper publication, in accordance with law.

Section 7: Short Title. This ordinance shall be known as Ordinance 17-2016.

CERTIFICATION

I, Patricia L. Hunt, Township Clerk, hereby certify that the attached is a true and correct copy of Ordinance No. 17-2016 which was introduced and adopted on first reading on September 26, 2016 and heard on second reading and was duly adopted by the Township Council of the Township of Moorestown, County of Burlington, State of New Jersey at a meeting of the Township Council held on October 17, 2016.

<u>VOTE:</u>	
GARWOOD	YES
DELGADO	YES
JORDAN	YES
NAPOLITANO	YES
PETRIELLO	YES

Patricia L. Hunt, RMC
Township Clerk

