

9/8/09

(9-52)

AN ORDINANCE TO AMEND CHAPTER 556, "WATER", by ARTICLE V "Water Use"

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

WHEREAS, the water resources associated with the Township of Bloomfield 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 of Bloomfield 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 Bloomfield citizens;

WHEREAS, pursuant to N.J.S.A. 40:48-2, the Township of Bloomfield 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 Mayor and Council of the Township of Bloomfield, County of Essex, State of New Jersey, as follows:

Section 1. Chapter 556 "WATER", ARTICLE V "Water Use", of the Code of the Township of Bloomfield, County of Essex, State of New Jersey, is hereby amended by the addition of the following, § 556-33.1 "Water Conservation" to read as follows:

Section 1 Water Conservation

A. Water Conservation Guidelines for All Users Including Residential, Commercial, Academic, Municipal Properties and Parks & Recreation Fields Except as may be further restricted in accordance with 2.B below, the use of water within the Township of Bloomfield, regardless of the source of water (public or private) shall conform to the following:

APPROVED AS TO FORM AND PROCEDURE
ON BASIS OF FACTS SET FORTH

[Signature]
Director of Law-Township Attorney

1. All citizens shall be urged to observe indoor conservation measures at all times; and

2. Water Use Restrictions

a. Lawn watering :

1. Properties may only water lawns 2 days out of the seven days in the week

2. Watering shall only be conducted between the hours of 5:00 p.m. and 9:00 a.m.; and

3. The watering of any single area shall not exceed thirty minutes per day.

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. Lawn watering is not permitted while it is raining or on days when it has already rained for 30 minutes or longer.

e. Per N.J.P.L. 2000, c.107 (see N.J.S.A. 52:27D-123.13), operational automatic rain sensor devices are required for all sprinkler/irrigation systems installed after September 8, 2000 to ensure that watering does not occur during periods of rain. In addition, all sprinkler /irrigation systems installed prior to September 8, 2000 should be equipped with an operational automatic rain sensor because in accordance with paragraph d watering is not permitted while it is raining or if it has already rained for 30 minutes or longer on that day.

f. Violators of these guidelines and requirements are subject to fines as described in Subsection 1C "Penalties."

g. Restrictions identified in Section 2.B. shall supersede those identified in this Chapter when the Bloomfield Township Council declares a Declaration of Water Emergency;

h. State of New Jersey requirements shall supersede when more stringent than Township of Bloomfield Water Conservation Guidelines;

B. Enforcement of Water Conservation Guidelines. The water use restrictions and automatic rain sensor requirement imposed pursuant to this section shall be enforced by local authorized officials, including but not limited to the Health Department, the Police Department, and code officials. Whenever there is a violation of the water use restrictions, regardless of the source of the water (public supply or private well), such official shall give the violator a written warning and explain the penalties for a second and third offense as provided in subsection 1.C “Penalties.” The Township 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 officials are hereby empowered to write summons for the violation of the water use restrictions imposed pursuant to this section.

C. Penalties. After a warning for a first offense in accordance with subsection 1.B above, any person or business that thereafter violates the water use restrictions imposed pursuant to this section shall be subject to a fine of not less than \$25 nor more than \$2000, imprisonment for not more than 90 days or a period of community service not exceeding 90 days in the discretion of the Judge imposing the same for each subsequent offense in the calendar year.

D. Exemptions. Restrictions in 1.A above do not apply to the following:

- a.** Commercial crop and sod farms and nursery stock at nurseries or retail outlets and commercial golf courses.
- b.** Outdoor irrigation necessary for one day only where treatment with an application of chemicals require immediate watering to preserve and existing landscape or to establish a new landscape.
- c.** Outdoor irrigation necessary for the establishment of newly sodded lawns or landscaping within the first 21 consecutive days of planting
- d.** Visually supervised operation of watering systems by a State of New Jersey Licensed Irrigation Contractor for short periods of time to check system condition and effectiveness.

e. The use of Reclaimed Water for Beneficial Reuse (RWBR), as approved in a New Jersey Pollutant Discharge Elimination System permit pursuant to N.J.A.C. 7:14A-1 et seq., and any conditions appertaining thereto.

Section 2. Prohibition of Certain Uses of Water During Emergency Conditions:

A. Declaration of Water Emergency. A water emergency shall be declared:

1. Upon action by resolution of the Governing Body:

a. Whenever the Township Engineer or in his absence the Township Administrator in his or her professional judgment finds that emergency conditions exist within the Township, he or she shall recommend to the Bloomfield Township Council that a water emergency be declared. Said recommendation shall contain findings which specify which water use restrictions, if any, contained in Section 2.B below 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 municipal 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 Township 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, New Jersey Geological Survey or other wells monitored by agencies of the United States or New Jersey;
8. Evidence of low or dirty water yields in private wells in the Township; or
9. Declaration of a water emergency resulting from infrastructure failure or any other Safe Drinking Water emergency issues.

b. Upon receiving such a recommendation, the Township Council 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 Council at any regular, special, adjourned or emergency public meeting of the Township Council. Such resolution shall specify which of the water use restrictions, if any contained in Section 2 B below 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 forth in Section 2.C and 2.D below.

B. Water Use Restrictions. Upon adoption by the Township Council of a resolution declaring that a water emergency exists in the Township in accordance with Section 2.A:

1. All citizens shall be urged to observe voluntary indoor conservation measures; and

2. Water uses and restrictions including, but not limited to, the following may be included in a Water Emergency Resolution:

a. The watering of all plant growth, except commercially grown food crops, sod at commercial sod farms and golf courses and nursery stock at nurseries or retail outlets;

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 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 Municipal Fire Chief deems necessary in the interest of public safety;
 - f. The use of fire hydrants by municipal road departments, contractor, and all others, except as necessary for fire fighting 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;
 - 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;
 - k. The washing of streets via a street sweeper, except in those instances where Reclaimed Water for Beneficial Reuse (RWBR) is authorized under a valid New Jersey Pollutant Discharge Elimination System (NJPDES) Permit.
 - l. Any other water use activity specified by the Township Council in the resolution required by Section 2.A above which is reasonable under the circumstances considering the nature and extent of the water emergency.
3. The following restrictions may be imposed on the water uses stated in Section 2.B:
- a. Limiting or restricting all outdoor water;
 - b. The watering of any single area shall not exceed thirty minutes per day or longer while raining, and
 - c. Any other restriction specified by the Township Council which is reasonable under the circumstances considering the nature and extent of the water emergency.
4. Any water use restriction imposed pursuant to this subsection may be amended by the Township Council 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 Council.

5. 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 water system.

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

C. Duration of Water Emergency. Whenever the Township Engineer or in his absence the Township Administrator 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 Council that the water emergency cease. Upon such a recommendation to cease, the Township Council may adopt a resolution declaring the water emergency ended and the water use restrictions identified in Section 2.B inapplicable. Otherwise, at the end of the time period specified in the original resolution, the water use restrictions identified in Section 2.B shall lapse and be inapplicable and unenforceable.

D. 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 Council that the water emergency remain in effect. Said recommendation shall specify the duration of the extension. Whenever the Township Council 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.

E. 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.

F. 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. The local authorized official is hereby empowered to write summons for the violation of the water use restrictions imposed pursuant to this section.

G. Penalties Any person or business that violates the water use restrictions imposed pursuant to this section shall be subject to a fine for each offense of not less than \$200 or more than \$2000, imprisonment for not more than 90 days or a period of community service not exceeding 90 days in the discretion of the Judge imposing the same for each subsequent offense in the calendar year.

* * *

I hereby certify that the above ordinance was duly adopted by the Mayor and Council of the Township of Bloomfield at a meeting of said Township Council held on *Sept. 8, 2009*

Louise M. Calogano

 Municipal Clerk of the Township of Bloomfield

I hereby approve the above ordinance.

Raymond J. ...

 Mayor of the Township of Bloomfield

ROLL CALL VOTE

MAYOR & COUNCIL	Y	N	ABSTAIN	ABSENT	Y	N	ABSTAIN	ABSENT
MALY	✓				✓			
JOANOW	✓				✓			
RUANE	✓				✓			
BARKER	✓							✓
SPYCHALA	✓							✓
HAMILTON	✓				✓			
McCARTHY	✓				✓			