

ORDINANCE #2011-15

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 356, "WATER USE",
ARTICLE IV "WATER EMERGENCIES", SECTIONS 356-17 THROUGH 356-19, OF THE
CODE OF THE TOWNSHIP OF MARLBORO, TO REVISE WATER EMERGENCY MEASURES
THROUGHOUT MARLBORO TOWNSHIP

BE IT ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that, Chapter 356 Water Use, Article II, Water Emergencies, Sections 356-17 through 356-19 of the Code of the Township of Marlboro, be and is hereby amended and supplemented to revise water emergency measures through Marlboro Township as follows:

§ 356-17. Declaration of a Water Emergency.

A. Whenever the Municipal Engineer certifies that an emergency exists in the water supplies serving Marlboro Township, a water emergency may be declared:

- (1) Upon the adoption of a resolution of the Township of Council of the Township of Marlboro. Any such resolution declaring a water emergency may be adopted by the Township Council at any regular, special, adjourned or emergency public meeting of the Township Council and such resolution shall become effective immediately upon its filing in the Office of the Township Clerk and shall continue in effect until modified or repealed by a subsequent resolution; or,
- (2) If the nature of the attendant circumstances will not permit delay, upon the issuance of a proclamation by the Mayor of the Township of Marlboro. The proclamation of an emergency shall be conclusive as to the fact of the existence of an emergency and shall be binding on all persons upon its filing in the Office of the Township Clerk. The terms and provisions of the proclamation shall remain and continue in effect until modified or repealed by a subsequent proclamation.

B. Water emergencies may also be declared by other governmental units or agencies having jurisdiction over water supplies and water usage within Marlboro Township, including the Governor of the State of New Jersey and the New Jersey Department of Environmental Protection.

§ 356-18. Prescription of regulations and prohibition of certain uses during emergency conditions.

A. Any resolution that is adopted by the Township Council and any proclamation that is issued by the Mayor for the declaration of a water emergency may also prescribe regulations to:

- (1) Establish indoor conservation measures;
- (2) Prohibit or restrict the use of water for any purpose not deemed necessary for the health or safety of the public;
- (3). Allocate the available water supplies;
- (4). Reduce the consumption of water;
- (5). Prevent waste for the period of the emergency; and
- (6). Implement such other measures as are deemed reasonable and necessary to protect the health, safety and welfare of the public.

B. All regulations included in any resolution or proclamation, as well as any regulations subsequently promulgated, shall have the same force and effect as if specifically set forth in this section. Every owner, lessee, tenant, and occupant of any dwelling, building, structure, or property within Marlboro Township shall, upon the promulgation of any regulations, become bound by them and shall conform to them in the use of water and the maintenance of water service connections and equipment.

C. Any regulation or water use restriction set forth in a resolution or proclamation shall remain and continue in effect until modified, amended, or rescinded by a subsequent resolution or proclamation, as the case may be. Additional regulations may, similarly, be promulgated by the adoption of a subsequent resolution or the issuance of a subsequent proclamation.

D. Unless excepted by the provisions of subsection 356-18D(1), below, any water use restriction imposed pursuant to this Article IV shall apply equally and fully to every owner, lessee, tenant, and occupant of any dwelling, building, structure, or property within Marlboro Township, regardless of whether water service is

provided by the Marlboro Township Water Utility Division, Gordon's Corner Water Company, private wells, or private connections to surface water sources (e.g. ponds, streams, brooks, basins, etc.).

(1) Any person or business entity that uses a private well for potable water service and/or irrigation purposes shall not be restricted from the continuing use of such well by any water use restriction imposed pursuant to this Article IV, provided:

(a) The terms of the resolution or proclamation that is used to declare a water emergency expressly excludes private wells from the scope of the declaration [generally, emergency conditions that are strictly limited to a particular water system or source will not necessitate restrictions being imposed on other water sources, but emergency conditions that are broad based, such as a drought, will, typically, result in water use restrictions being applicable to all citizens, regardless of water source]; and

(b) The private well has been specifically registered with the Township for use during a water emergency. A private well that is registered under this section shall be subject to inspection by Township personnel to verify that there are no connections or cross-connections between the well and a public community water system.

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

E. 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.

§ 356-19. Enforcement of water use restrictions.

The water use restrictions imposed pursuant to Article IV shall be enforced during a water emergency by the Township Engineer, Code Enforcement Officer and enforcement personnel in the Department of Public Safety (collectively, the "Enforcement Officials"). Whenever an Enforcement Official shall find a violation of any water use restriction established by this chapter, the violator shall be given a written warning and explanation of the penalties for a violation of the Code. The Enforcement Officials shall keep such records as may be reasonable and necessary for the purpose of determining the persons and business entities that have been issued a written warning for a violation of the provisions of Article I or this Article IV and, in the event of any subsequent violation by a previously warned person or business entity, the Enforcement Officials are hereby duly authorized to issue summonses for the violation of the water use restrictions imposed pursuant to this Article IV.

§ 356-20. Violations and penalties.

After a written warning for a first offense in accordance with § 356-2 or § 356-19, any person or business entity that thereafter violates the water use restrictions imposed pursuant to this Article IV shall be subject to a minimum penalty of \$50 for such first violation. No municipal court appearance shall be required for such first violation, unless the person or business pleads not guilty to the alleged violation. Each subsequent violation shall be subject to a penalty to be imposed at the discretion of the Municipal Court Judge, up to the maximum penalties authorized by § 4-3 of the Code.

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the Courts to be invalid, such adjudication shall only apply to the section, paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed invalid and effective.

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

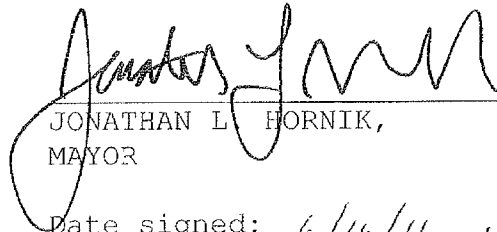
BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

PASSED: May 19, 2011

ADOPTED: June 16, 2011



ALIDA MANCO,
MUNICIPAL CLERK



JONATHAN L. HORNİK,
MAYOR

Date signed: 6/16/11, 2011