

ORDINANCE # 2011-10

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 356, "WATER USE",
ARTICLE I, "WATER CONSERVATION", SECTIONS 356-1 THROUGH 356-5,
OF THE CODE OF THE TOWNSHIP OF MARLBORO, TO REVISE WATER
CONSERVATION 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 I, Water Conservation, Sections 356-1 through 356-5, of the Code of the Township of Marlboro, be and is hereby amended and supplemented to revise water conservation measures through Marlboro Township as follows:

§ 356-1. Water conservation guidelines for all users including residential, commercial, academic, municipal properties and parks and recreation fields.

A. Except as may be further restricted in accordance with Article IV of this chapter, the use of water within the Township of Marlboro, regardless of the source of water (public community water system, private well, or otherwise), shall conform to the following:

(1) All citizens are hereby encouraged to observe indoor water conservation measures at all times; and

(2) All citizens are required to adhere to the following outdoor water conservation measures at all times:

(a) Lawns, landscaping, shrubbery, plants, and other vegetation may ONLY be watered or irrigated two (2) days per week. Properties with odd-numbered addresses may only be watered on Tuesdays and Saturdays, and properties with even-numbered addresses or no addresses may only be watered on Wednesdays and Sundays.

(b) Flowers, shrubbery, plants, and other non-lawn landscaping may be additionally watered at any time, as needed, with a hand-held hose equipped with an automatic shut-off nozzle.

(c) Vehicles, equipment, decks, patios, buildings, and other structures may be washed any day with a hand-held hose equipped with an automatic shut-off nozzle.

(d) Filling of Swimming Pools: *[from § 356-20 Swimming pool regulations.]*

[1] On an alternate-day basis, water may be added to existing swimming pools in order to maintain appropriate water levels when water has been lost due to evaporation or swimming pool use. Swimming pools on properties with odd-numbered addresses may only be filled on odd calendar dates, and swimming pools on properties with even-numbered addresses may only be filled on even calendar dates. NO EXISTING SWIMMING POOLS MAY BE FILLED ON THE 31ST DAY OF ANY MONTH.

[2] Existing swimming pools that have been completely or nearly drained, and all new swimming pools, may only be filled pursuant to a swimming pool filling permit issued by the Marlboro Township Water Utility Division, even if the swimming pool is located in the franchise area of the Gordon's Corner Water Company. (In such instances the issuance of a swimming pool filling permit will be based upon prevailing water availability conditions associated with the water system of Gordon's Corner Water Company.)

[3] Applications for swimming pool filling permits shall be obtained from and submitted to the Marlboro Township Water Utility Division. There shall be NO fees charged for the application process or for the issuance of a permit, itself. The issuance of a swimming pool filling permit shall be subject to the continued availability of adequate and sufficient supplies of water, as determined by the Township's Director of Public Works or Superintendent of the Water Utility Division. A permit may establish and/or limit the time [days and hours] during which a swimming pool may be filled.

B. In addition to the mandatory water conservation measures delineated in §356-1A(2)(a) through (d), above, all citizens are hereby encouraged to also observe the following additional water conservation measures:

(1) Whenever possible, lawns, landscaping, shrubbery, plants, and other vegetation should be irrigated only during non-daylight hours so that the rate of evaporation is slowed and water has an opportunity to penetrate soils and reach root systems. Ideally, outside irrigation should be performed between the hours of 10:00 p.m. and 4:00 a.m. If possible, all outside watering should be avoided between the hours of 6:00 a.m. and 11:00 a.m. and between the hours of 6:00 p.m. and 8:00 p.m.

(2) The watering of any single area of property should be limited to 20 minutes.

C. Pursuant to N.J.S.A. 52:27D-123.13, all automatic lawn sprinkler systems installed after September 8, 2000, shall be equipped with an automatic rain sensor device or switch that will override the irrigation cycle of the automatic lawn sprinkler system when adequate rainfall has occurred.

D. The regulations established in Article IV of this chapter shall supersede the regulations established in Article I of this chapter when a water emergency has been declared using the procedures established by Article IV of this chapter.

E. The regulations, orders or requirements established by the State of New Jersey shall supersede the requirements established by this article when the state requirements are more stringent than those set forth in Article I.

§ 356-2. Enforcement of water conservation guidelines.

The regulations set forth in Article I shall be enforced by the Township Engineer, Code Enforcement Officer, and/or enforcement personnel in the Department of Public Safety (collectively, the "Enforcement Officials"). Whenever an Enforcement Official shall observe a violation of any water use regulation established in this chapter, the violator shall be given a written warning and explanation of the penalties set forth for a violation of these regulations. 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 this Article I or the provisions of 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 regulations imposed pursuant to Article I.

§ 356-3. Violations and penalties.

After a written warning has been issued in accordance with § 356-2 above, any person or business entity that thereafter violates the water use regulations imposed pursuant to Article I 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 entity 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.

§ 356-4. Exemptions.

The restrictions established in this Article I shall not apply to the following:

- A. Commercial crops, sod farms, plants or vegetative stock at nurseries or retail outlets and commercial golf courses;
- B. Outdoor irrigation necessary, for one day only, when a treatment involving an application of chemicals requires immediate watering to preserve an existing landscape or to establish a new landscape;
- C. Outdoor irrigation necessary for the establishment and/or maintenance of new sod installations, lawn renovations (sod, plugs, and other turf materials) and/or new landscaping or plantings 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 the operational condition and effectiveness of such watering systems; and
- 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 pertaining thereto.

§ 356-5. (Reserved)

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. HORNIK,
MAYOR

Date signed: 6/16/11, 2011