

TOWNSHIP OF BLOOMFIELD
ORDINANCE NO. x-xx
(Chapter 556, Article IX, §556-52, or amendment of §556-33)

AN ORDINANCE OF THE TOWNSHIP OF BLOOMFIELD IN ESSEX COUNTY, AMENDING THE CODE OF THE TOWNSHIP OF BLOOMFIELD, BY ADDING A SECTION ENTITLED 556-33, WATER CONSERVATION.

WHEREAS, the water supplies within the Township of Bloomfield 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 Township of Bloomfield Committee of the Township of Bloomfield in Essex County as follows:

Section 1. The Code of the Township of Bloomfield in Essex County (year) shall be amended by the addition of Section x-xx, entitled, "Water Conservation Guidelines", to read as follows:

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:

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

2. Water Use Restrictions

a. Lawn watering (*Choose one of the 2 examples below or develop another structure better suited to individual municipalities*):

1. Example 1- Properties may only water 2 days per week. Properties with odd numbered addresses may water 2 days per week on odd calendar dates and properties with even numbered addresses may only water 2 days per week on even calendar dates as identified by the Township of Bloomfield Committee;

1. Example 2- Properties may only water 2 days a week to coincide with municipal trash pickup days;

1. Example 3- Properties may only water 2 days a week.

2. Watering shall only be conducted between the hours of 5:00 a.m. and 9:00 a.m. or between 5:00 p.m. and 9:00 p.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. Per NJ P.L. 2000, c.107 (see NJSA 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 must be equipped with an operational automatic rain sensor device;

e. Violators of these guidelines and requirements are subject to fines as described in Subsection 1C;

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

g. 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 a local authorized official shall find a violation of the water use restrictions, regardless of the source of the water (public supply or private well), such authorized official shall give the violator a written warning and explain the penalties for a second and third offense as provided in subsection 1.C. 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.

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 \$25 for the first offense and \$50 for each subsequent offense in each 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. The Code of the Township of Bloomfield in Essex County (year) shall be amended by the addition of Section x-xx, entitled, "Prohibition of Certain Uses of Water During Emergency Conditions", to read as follows:

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 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 *[if appropriate]*;
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; or
8. Evidence of low or dirty water yields in private wells in the Township.
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 for 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 below 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 all outdoor usage which is not strictly prohibited by this subsection to the hours of 6:00 a.m. and 9:00 a.m. or between 5:00 p.m. and 8:00 p.m.;
 - b. The watering of any single area shall not exceed thirty minutes per day; 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 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. 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 explain the penalties for a second and third offense as provided in Section 2.G. 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.

G. Penalties. After a warning for a first offense in accordance with Section 2.F of this section, any person or business that thereafter violates the water use restrictions imposed pursuant to this section shall be subject to a fine of \$200 for a first offense, \$500 for a

second offense, with penalties for subsequent offenses to be determined by the Municipal Judge.

NJDEP Outdoor Water Conservation Model Ordinance Description- This model ordinance is intended to help municipalities curtail unnecessary water waste associated with seasonal outdoor water usage, which can lead to an unnecessary reduction in reservoir storage, ground water levels and stream flows. In addition, over-watering actually inhibits the health and drought-tolerance of turf. This ordinance seeks to help extend available supplies through short-term drought periods and avoid recurrent drought warnings/water emergencies caused by late summer “drought.”

This ordinance recommends a two day per week watering schedule. Odd/even watering schedules are not recommended as water use often increases due to the perception by owners that it is necessary to water every other day. Municipalities should consider enforceability when determining how to establish the most appropriate watering schedule for their communities. An example of an effective structure would be to allow watering on the same days as garbage collection. However, despite the type of schedule structure implemented, it should be understood that irrigation in New Jersey is intended to be supplemental to natural rainfall and that during periods of rain lawns may not need any additional watering. In addition, this ordinance recommends morning and late afternoon/early evening irrigation periods to capitalize on low evapo-transpiration (ET) rates and recommends a watering duration limit of 30 minutes per area to reduce over-watering. Finally, this ordinance recommends extending the reach of the State rain sensor law by requiring that all automatic irrigation systems are equipped with operational rain sensors no matter what year they were installed. The current State law requires systems installed after September 8, 2000 to be equipped with an operational rain sensor. Municipalities should consider monitoring this requirement through a combination of routine monitoring and inspections including Time of Sale and Certificate of Occupancy inspections.