

ORDINANCE 223

AN ORDINANCE EMPOWERING THE GOVERNING BODY OF THE MUNICIPALITY TO DECLARE A WATER EMERGENCY WITHIN THE MUNICIPALITY AND ESTABLISHING WATER USE RESTRICTIONS DURING A WATER EMERGENCY IN THE MUNICIPALITY IN THE COUNTY OF MONMOUTH AND STATE OF NEW JERSEY

WHEREAS, Pursuant to N.J.S.A. 40:48-2, the Village 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 Board of Trustees finds, for the purpose of responding to all water emergencies occurring in the future, that it requires the adoption of procedures for the implementation and enforcement of water use regulations in the Village in order to protect the residents, businesses and property and to preserve the public health, safety and welfare;

NOW, THEREFORE, BE IT ORDAINED By the Board of Trustees of the Village of Loch Arbour in the County of Monmouth and State of New Jersey as follows:

1. Declaration of Eater Emergency. Whenever the Board of Trustees shall be satisfied and finds that a water emergency exists in the Village, it may adopt a resolution declaring that a water emergency exists in the Village. Such resolution shall be adopted by the Board of Trustees at a regular, special, adjourned or emergency public meeting of the Board of Trustees. Such resolution shall identify that portion of the municipality affected by the water emergency, which may include the entire municipality and shall specify which of the water use regulations contained in Paragraph 2 of this ordinance is being imposed as well as any exemptions as may be authorized. Such resolution shall be effective immediately upon publication according to law and shall continue in effect for ninety (90) days, unless extended or repealed as set forth in paragraph 3 of this ordinance. For the purpose of this paragraph, a water emergency shall exist if, for any of the following reasons:
  - a. the public utility providing water service to all or a portion of the Village has adopted water use restrictions, has notified the Village, the New Jersey Board of Public Utilities, and the New Jersey Department of Environmental Protection, as well as any other State, County or local agency entitled to notice of such restrictions and such restrictions are not overruled or declared invalid by any State, County or local agency having the jurisdiction and power to do so, or
  - b. the Board of Trustees is otherwise satisfied that a water emergency exists in the municipality.
2. Water Use Restrictions. Upon adoption by the Board of Trustees of a resolution declaring that a water emergency exists in the Village in accordance with Paragraph 1 of this Ordinance, all citizens shall be urged to observe voluntary indoor conservation measures and, any of the following water restrictions shall be imposed and shall be applicable to all residents and tenants, except where a bonafide health emergency exists and to exempt businesses, as specified herein during the water emergency:
  - a. the complete ban and prohibition of outside water usage, including the watering of lawns and plants, the filling of pools and the washing of cars; or

- b. outside water usage on alternate days allowing outside water usage by persons or businesses having even house or box numbers on even days and those having odd or box numbers on odd days with outside water usage being completely banned and prohibited on the thirty-first of any month during the water emergency; or
  - c. any other water use restrictions specified by the Board of Trustees in the resolution required by paragraph 1 of this Ordinance which is reasonable the circumstances considering the nature and extent of the water emergency. Any water restriction imposed pursuant to this paragraph shall be limited in application to that portion of the Village, which may include the entire Village, identified as being affected by the water emergency in the resolution of the Board of Trustees adopted in accordance with Paragraph 1 of this Ordinance.
3. Duration of Water Use Restrictions. The resolution of the Board of Trustees required in Paragraph 1 of this ordinance shall, in addition to complying with Paragraph 1, provide a period of time during which the water use restrictions imposed shall be applicable and which shall be no longer than reasonably necessary to abate the water emergency under the circumstances considering the nature and extent of the water emergency. At the expiration of the time period specified in the resolution, the water use restriction shall lapse and be inapplicable and unenforceable. If the Board of Trustees shall be satisfied that the water emergency has abated prior to the expiration of the time period specified in the resolution, it shall adopt a resolution declaring the water emergency ended and the water use restrictions inapplicable. If, at the expiration of the time period specified in the resolution, the Board of Trustees shall be satisfied that the water emergency continues to exist, it may adopt a resolution in accordance with the requirements of this Ordinance continuing the water use restrictions.
4. Enforcement of Water Use Restrictions. The water use restrictions imposed pursuant to this Ordinance 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, such authorized official shall give the violator a written warning and explain the penalties for a second and third offense as provided by Paragraph 5 of this Ordinance. 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 summonses for the violation of the water use restrictions imposed pursuant to this Ordinance.
5. Penalties. After a first offense in accordance with Paragraph 4 of this ordinance, any person or business who thereafter violates the water use restrictions imposed pursuant to this ordinance shall be fined or imprisoned in accordance with this paragraph. For a second offense, the fine imposed shall be \$500.00 or imprisonment for ten days or both. For a third and subsequent offense, the fine imposed shall be \$1,000.00 or imprisonment for thirty days or both.
6. Severability. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision invalidated and the remainder of this Ordinance shall be valid and enforceable.

7. Repealer. All Ordinances and resolutions or parts thereof inconsistent with this Ordinance are hereby repealed.