

**TOWNSHIP OF CEDAR GROVE
CEDAR GROVE, ESSEX COUNTY**

AGENDA ITEM: #4(a)

MAY 6, 2024

PASSED ORDINANCE NO. 24-930

AN ORDINANCE AMENDING CHAPTER 259 OF THE CODE OF THE TOWNSHIP OF CEDAR GROVE ENTITLED WATER

WHEREAS, the Township has not amended Chapter 259 of the Code of the Township of Cedar Grove since 2017; and

WHEREAS, the Township's current code provisions within Chapter 259 contain inconsistencies and are in need of revision; and

WHEREAS, the fee for providing water and water related services to the residents, business, and facilities of Cedar Grove has not been amended since 2017; and

WHEREAS, the Township funds these operations through the Water Utility which, as a utility, must be self-liquidating and sustainable; and

WHEREAS, if the Water Utility is not self-liquidating, taxpayers must cover the difference through their tax dollars; and

WHEREAS, the Township has experienced great increases in the costs of providing water and water related services to the residents, businesses, and facilities of Cedar Grove; and

WHEREAS, the Township has commissioned CP Engineers of Sparta, New Jersey, to conduct a rate study to review the operational and capital needs of the Water Utility; and

WHEREAS, the study, posted on the Township's website, recommended rate increases between 15% and 20% to sustain the utility as well as language amendments to remove inconsistencies.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Cedar Grove, County of Essex, State of New Jersey that:

- 1) Chapter 259 of the Code of the Township of Cedar Grove is amended to include the provisions contained herein.
- 2) The Township Clerk shall publish this Ordinance in accordance with methods proscribed by law.
- 3) Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as to their inconsistencies only.
- 4) Each section of this ordinance is independent and the holding of any section or part

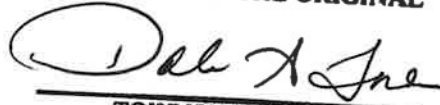
thereof to be unconstitutional, void, or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.

- 5) This ordinance shall take effect immediately upon final passage and publication as provided for by law.

INTRODUCED BY: Deputy Mayor Skabich
SECONDED BY: Councilman Maceri

ROLL CALL VOTE				
COUNCILMEMBER	YES	NO	ABSTAIN	ABSENT
Maceri	X			
Mega	X			
Zazzali				X
Skabich	X			
Peterson	X			

**CERTIFIED TO BE A
TRUE COPY OF THE ORIGINAL**



**TOWNSHIP CLERK
CEDAR GROVE, NJ**



Chapter 259

WATER

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CEDAR GROVE CODE

[HISTORY: Adopted by the Township Council of the Township of Cedar Grove 12-17-1962, Ch. 24, Arts. 1, 2, 3, 5 and 6, of the former Revised Ordinances. Amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. 102.

Uniform construction codes — See Ch. 119.

Housing standards — See Ch. 158.

Hydrants and sprinklers — See Ch. 161.

Public health nuisances — See Ch. 179.

Plumbing — See Ch. 194.

Public improvement specifications — See Ch. 201.

Individual sewage disposal systems — See Ch. 213.

Sewers — See Ch. 217.

Subdivision of land — See Ch. 234.

Private swimming pools — See Ch. 237.

Public swimming pools — See Ch. 239.

Wells, cisterns and holes — See Ch. 265.

ARTICLE I
General Provisions; Regulation of Use

§ 259-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

EQUIVALENT DWELLING UNIT (EDU) - A standardized measure of a contributing source's demand or impact on public utility facilities, based on the source's comparison with a typical single family residential dwelling.

MAIN or MAINS — All pipes, other than supply pipes and service pipes, used for conveying or distributing water in the Township of Cedar Grove.

METER RATES — Rates or prices to be charged for water, based upon the quantity consumed as measured by a water meter approved by the Township of Cedar Grove.

OWNER — Any person, firm, corporation or association owning any property or premises which is or prospectively can be supplied with Township water, or their duly authorized agent.

PREMISES — A building used for either business or residential purposes, or both, together with the land appurtenant thereto and such outbuildings as are used exclusively in connection therewith, or any part of a building with the land appurtenant thereto when sold as a separate unit.

PUBLIC WATER SUPPLY - A system that provides water to residential, commercial, and/or industrial customers, and is regulated under the Federal and State Safe Drinking Water Acts

SERVICE PIPE — A pipe owned by the owner of the premises receiving water service that extends from the curb stop and shutoff valve at the curb line into the privately owned property for the purpose of supplying water thereto. On streets without curbs or within easement areas, the service pipe shall extend from the curb stop and valve located within the street right-of-way or easement limits. **[Amended 11-16-1992 by Ord. No. 92-412]**

SUPPLY PIPE — A pipe owned by the Township, that is connected to the main and extends thence to and including the curb stop and shutoff valve at the curb line of the street. On streets without curbs or within easement areas, the curb stop and valve shall be located entirely within the street right-of-way or easement limits. **[Amended 11-16-1992 by Ord. No. 92-412]**

§ 259-2. Applications for new water service or changes in service.

The owner of any premises or his authorized agent desiring to use Township water or to make a change in an existing water supply to any premises shall first make application, in writing, to the Township for such water service, upon forms furnished by the Township. Such application shall request the installation to be made by the Township, subject to the provisions of this chapter, and bear the consent and agreement that the applicant shall be bound and governed by all the provisions of this chapter and all relevant rules and regulations adopted by the Township. Any misrepresentation of facts contained in any application shall be deemed a violation of this section.

§ 259-3. Processing of application; inspections; payment of review fee and connection fee.

A. Upon receipt of an application for service, the Township Engineer may make or cause to be made an inspection of the premises. Unless the application is rejected for cause by the Township Engineer, the Township will render to the owner of the premises a bill for the application review and inspection in accordance with the provisions of §259-11A.

B. In addition to the application review and inspection fee, owner shall pay a connection fee to the Township. A connection fee shall be paid to the Township at the time the application is filed in the amount of \$4,000 per Equivalent Dwelling Unit (EDU) for any new or increased capacity connection to the Township water system. A connection fee shall be paid to the Township at the time the application

is filed in the amount of \$4,000 per EDU for any new or increased capacity connection to the Township's water system. An EDU for the purposes of this section shall be a use with a design flow of 250 gallons per day. However, each and every residential dwelling unit, whether it be attached or detached housing, shall be considered as one (1)EDU regardless of design flow. In all other cases, the design flow shall be calculated using the design flow criteria established by the New Jersey Department of Environmental Protection at N.J.A.C. 7:14A-23.3. In determining the number of EDUs for purposes of computing the connection fee, the EDUs shall be computed by dividing the design flow in gallons per day for the building, structure or premises by 250 gallons per day and the quotient shall be the number of EDUs assigned to the particular building, structure or premises. The number of computed EDUs shall be rounded to the next highest 1/4. In no event shall the EDUs assigned to a building, structure or premises be less than one (1) EDU. The connection permit shall expire 12 months after the date of issue.

No additional connections or alterations to existing connections shall be made to any premises unless and until charges of every nature due the Township from such owner or against such premises are first paid in full.

§ 259-4. Use of Township water required; restrictions on use of wells. [Amended 8-19-1963]

- A. Every owner of a premises with a frontage on a street in the Township shall be required to obtain water for such premises from the Township's public water supply system, unless special permission is granted by the Township Council to obtain water from another public water supply. This subsection shall not apply to the owner of premises using wells existing on December 17, 1962, for drinking or sanitary purposes, in lieu of the public water supply system.
- B. Water from wells constructed after December 17, 1962, in areas of the Township where the Township's public water supply is available, shall be used only for non-potable purposes and shall not be used for drinking or sanitary purposes.
- C. Any owner of a premises connected to the Township's public water supply system shall not be permitted to disconnect from the Township's public water supply system in order to use a well.

§ 259-5. Temporary service for building purposes.

- A. Written application for a permit to use water service from the Township's public water supply system in the construction or repair of buildings or for other temporary purposes shall be made to the Township, upon forms furnished by the Township, by the owner of such premises or the contractor for the work to be done. The character of the work contemplated, the anticipated duration of the temporary use, and the estimated quantities of the water to be used shall be specified in such application.
- B. No permit for temporary water service during construction or repair shall be issued unless the fees prescribed in § 259-11C shall have first been paid in full
- C. The Township Engineer may, at their discretion, furnish and install a meter during the construction or repair of buildings upon the payment of the fee therefore as prescribed in § 259-11B and, in addition, require a deposit to ensure the return of the meter to the Township in good condition. The cost of such installation shall be borne by the owner of the premises or the contractor performing the work at said premises.

§ 259-6. Authority to make inspections and take necessary actions

- A. Duly authorized employees of the Township, bearing proper credentials and identification, shall be permitted to enter upon all properties, including private developments operating their own water distribution systems, for the purpose of inspection, observation, measurement, sampling, and

testing, in accordance with the provisions of this chapter.

- B. The Township reserves the right to enter upon all properties, including private developments operating their own water distribution systems, if an emergency arises, without advanced notice, however after 48 hour notice to owner in non-emergent situations, and take whatever affirmative actions it deems necessary to abate, mitigate, or eliminate an emergency or serious condition or situation that could impact the Township water system, other public infrastructure or public health or safety. The Township assumes no responsibility for any other damages or consequential damages related to the necessary actions taken, and shall have the right to proceed against third parties to recover all associated costs and expense.
- C. The Township may charge private developments operating their own water distribution systems an annual maintenance fee for hydrant flushing or other such actions deemed necessary by the Township Engineer as prescribed in §259-11.
- D. Duly authorized agents of the Township, upon presentation of credentials provided by the Township, shall have access at any reasonable time to any and all premises supplied by the Township's public water supply system for the purpose of making any desired inspection thereof, including the examination of the entire water supply and plumbing system within said premises. Any person who refuses to admit such duly authorized agent for the purpose of such inspection, or hinders or interferes with the performance of such inspection, shall be deemed to have violated this section and will be subject to the penalty prescribed in §259-30 hereof.

§ 259-7. Discontinuance of service.

- A. Where it is desired by owner to permanently discontinue the use of the Township's public water supply system to any premises, a request to the Township is required and must be made by the owner or their duly authorized agent demonstrating sufficient legal authority to make such a request pursuant to this chapter. Upon receipt of said notice, the water shall be turned off by the Township at the curb stop, and thereafter charges for water for said premises shall not be made.
- B. In case of the temporary vacancy by the owner or occupant of any premises, the water will be turned off at the curb stop by the Township upon written request from the owner thereof, or their duly authorized agent demonstrating sufficient legal authority to make such a request pursuant to this chapter, stating the period of such discontinuance, and when the service will be turned on again by the Township on said last named date, following the payment of any necessary charges.
- C. Where the premises are left unoccupied or vacant, no rebate will be allowed for water registered by the meter unless the water is turned off at the curb stop by the Township, as provided in this section.
- D. The Township may, at its discretion, shut off water to the premises of any owner or consumer for violating any of the provisions of this chapter, upon giving such owner or consumer at least seventy-two (72) hours' notice of such intended action. Such action shall not be deemed to be in lieu of the penalty provisions of § 259-30 hereof. The notice required by this subsection shall be given in person, by telephone or by mail to the last known address of the person to be notified, as the same appears in the Township's records; and the notice so given shall be conclusively deemed to have been given at the time of such mailing.

§ 259-8. Restrictions on use of water in air-conditioning systems.

The use of air-conditioning systems utilizing water, without provision for recirculation, is prohibited.

§ 259-9. Interruptions of service.

In the event that it becomes expedient to shut off the water supply to any section of the Township because of exigency, the Township will endeavor to give reasonably practicable, timely notice to those affected thereby and will, as reasonably practicable, use its best efforts to prevent inconvenience or damage arising from any such shut off; but failure by the Township to give such notice will not render the Township responsible or liable for damages to property or any costs that may result therefrom.

**ARTICLE II
Rates, Charges and Fees; Collection**

§ 259-10. Consumption rates and charges. [Last amended 10-16-2017 by Ord. No. 17-817¹]

- A. Properties served by the public water system of the Township of Cedar Grove shall pay a quarterly charge in accordance with the fee schedule established by Ordinance of the Township Council. Said fee schedule shall be sufficient to cover the costs of the necessary and proper operation, maintenance and improvement of the public water system, including cost of water purchased from suppliers, staffing, equipment, supervision, professional services assistance, overhead and other related costs.
- B. The quarterly charge will be based on a rate of \$5.87 per one thousand (1,000) gallons. When consumption charges at the foregoing rate are less than \$29.35, the minimum quarterly charge will be \$29.35.

§ 259-11. Additional charges and fees. [Amended 8-9-1963; 3-21-1966 by Ord. No. 66-3; 3-18-1974 by Ord. No. 74-5; 2-2-1976 by Ord. No. 76-1; 10-6-1980 by Ord. No. 80-135; 11-7-1988 by Ord. No. 88-326; 11-7-1994 by Ord. No. 94-452; 10-20-2003 by Ord. No. 03-601; 3-4-2019 by Ord. No. 19-838]

- A. For installation of supply pipes. The fees listed in the schedule below shall be charged to cover the granting of permits for, and the installation of, supply pipes, including accessories from water main to and including curb stops, for the various sized taps on all streets of the Township, except those under the control of the county or state, which may require their own fees

- (1) Schedule.

Size of Tap (inches)	Charge
¾	\$900
1	\$975
1 ½	\$1,085
2	\$1,200

- (2) For taps larger than two (2) inches, charges will be quoted by the Township's Water Department, after application to the Construction Department.
- (3) Deductions from or additions to the foregoing charges shall be made, where applicable, as follows:
 - (a) \$500 shall be deducted whenever a trench is open.
 - (b) On state highways there shall be added an extra charge for any fees that may be charged by the New Jersey Department of Transportation. In addition, where it is necessary for the Township to tunnel under or dig across Pompton Avenue or

any other state highway for the purpose of installing a water tap, a record of the costs on the basis of time and materials, plus 20%, shall be maintained for the job. The customer will be responsible for paying any charges based on the above formula that may exceed the normal charge for the tap listed above in 259-11.A(1).

- (c) On county-controlled highways, there shall be added an extra charge to be paid in advance for inspection and repair of pavement, as determined by the Essex County Department of Public Works, Division of Roads and Bridges.
- (d) Should the applicant choose to install the supply line as mentioned above and tap to the water main, the charge will be as follows:

Size of Tap (inches)	Charge
3/4	\$100.00
1	\$125.00
1 ½	\$150.00
2	\$175.00
Over 2	The charge will be quoted on the application to the Water Department

- B. For meter installation, the following fees shall be charged for the installation of meters:
 - (1) For all water meters: Cost of Meter to the Township plus one-hundred-fifty dollars (\$150):.
- C. For permit for temporary water service during construction.
 - (1) The fee for a permit for temporary water service during construction of a single-family residential property shall be \$1,200 for a period of six (6) months; and \$600 for each three (3) month period thereafter.
 - (2) The fee for temporary water service during construction of all other properties shall be such amount per structure as the Township Engineer estimates will be the cost of water to be used or consumed, based upon the established rates; provided, however, that in no case shall such charge be less than \$2,000 for a period of six months.
- D. For meter tests. The fee for the test of the accuracy or condition of any water meter made on the request of the owner shall be \$150 payable in advance to the Township of Cedar Grove.
- E. For thawing frozen pipes. The fee for the thawing of frozen pipes on residential property shall be the actual cost to the Township to provide such service, but not less than \$375.
- F. For use of sprinkler system. A rental fee of \$150 per quarter shall be charged for the use of a fire sprinkler system. In the event a fee is inapplicable by virtue of conflicting law, a separate meter shall be required for purposes of the sprinkler system only.
- G. For inspection of installation or repairs of service pipes. A fee of \$150 shall be charged for the inspection of, installation of or repairs to service pipes.
- H. For turn-on charge. A fee of \$150 shall be charged for turning on the curb stop.
- I. For well permits. The fee for a permit to construct a well shall be \$450. The application for such permit, in the case of a well to be used for sanitary purposes in areas of the Township

where the public water system is not available, shall be accompanied by a certificate stating that the water is safe and that the quantity of water is sufficient to meet the needs of the premises, before the well is put into operation.

- J. For lawn irrigation systems. The fee for a permit for a lawn irrigation system is \$300, plus the cost of a meter as described herein.
- K. Final water meter reading. The fee for final water meter reading shall be \$50.
- L. For water service connection. The fee for a permit and inspection of a water service connection shall be \$4,000.

§ 259-12. Payment of bills; delinquent charges; discontinuance of service.

- A. Bills for water consumed for any quarterly period or fraction thereof shall be due and payable on the date thereof. The nonreceipt of a bill will not constitute excuse for failure to pay.
- B. In the event that such bills are not paid by their respective due date, the interest on such bills shall accrue in a manner consistent with and the same as interest accrual for uncollected taxes, in accordance with the Code of the Township of Cedar Grove.

§ 259-13. Unpaid charges become a lien.

Pursuant to the laws of the State of New Jersey, all charges for water, including penalties, are liens upon the premises or property on account of which such charge is incurred until paid and satisfied.

ARTICLE III
Regulation of Water System

§ 259-14. Control of system; unauthorized disturbance prohibited.

- A. The water mains, supply pipes, curb stop shutoff valves, and meters shall be under the exclusive control of the Township.
- B. The service pipes shall be under the exclusive control of the owner of the premises receiving water service, and the owner shall be solely responsible for the construction, operation, maintenance, and repair of same. All persons, other than a duly authorized agent of the Township, are forbidden to disturb, tamper with, injure, tap, change, obstruct access to, or interfere with any water main, supply pipe, , curb stop, shutoff valve or meter.
- C. Under no circumstances shall curb stop shutoff valves be opened or closed by any person who is not an authorized employee of the Township.

§ 259-15. Specifications for materials; maintenance of equipment; cost; repairs; opening of new service pipes.

- A. Service pipes, supply pipes, curb stops, meters, and all necessary plumbing parts used in the installation and maintenance of water supply systems shall be of such material and manufacture as are reviewed and approved by the Township Engineer.
- B. Supply pipes up to and including the curb stop and valve, either within the street right-of-way or within easement limits, shall remain the property of the Township. Supply pipes shall be maintained by the Township up to and including the inlet side of the curb stop shutoff valve and only within the street right-of-way or easement limit. No repairs will be made by the Township on private property. In the event of a leak, Township personnel shall shut off the curb stop shutoff valve. If, upon examination, the leak stops, it shall be assumed that the leak is within the service

pipe, and it shall be owner's responsibility to make the necessary repairs as provided for in § 259-15C below. If the leak does not stop, it shall be assumed that the leak is within the supply pipe and the Township shall make the necessary repairs. [Amended 11-16-1992 by Ord. No. 92-412]

- C. Service pipes shall be installed at the expense of the owner by a licensed plumber or firm with credentials and experience that are acceptable to the Township Engineer to do plumbing work within the Township and shall be installed in accordance with drawings and the materials specified thereon on file in the office of the Township Engineer. Repairs to service pipes may be made by duly licensed plumbers or firms with credentials and experience that are acceptable to the Township Engineer upon special written permission from the Township; and in such case, a fee for the inspection of the work by the Township, as prescribed in § 259-11 hereof, shall be collected from the owner prior to such inspection.
- D. When new service pipes are installed in any premises, the curb stop shall be left closed and thereafter will be opened only by the Township upon request of the owner of such premises. A fee, as prescribed in § 259-11G hereof, shall be collected from the owner to cover inspection and reopening by the Township and shall be paid prior to such inspection. The service pipe trench shall not be backfilled until such inspection has been made.
- E. When new water services are installed, the Township will obtain an existing utilities markout prior to any excavation or construction. If the owner requests the markout to extend into their property, the Township may agree to do so after payment of a fee by the owner, but the Township will take no responsibility nor accept any liability for the accuracy or completeness of the markout on owner's property. A utility markout requested outside of normal operating hours of the Township will be paid for by the pipe owner or, alternatively, the individual or entity requesting the markout.

§ 259-16. Protection of service pipes from freezing.

Service pipes between the cellar wall and meter, likely to be exposed to freezing temperatures, must be effectively protected from freezing by the property owner.

§ 259-17. Extensions, changes and construction of mains.

Extensions to or changes in existing mains or the construction of new mains within the Township may be initiated by the Township Council.

§ 259-18. Specifications for new water mains.

The minimum size of water pipe extensions shall be not less than eight (8) inches. No dead-end waterline shall be permitted without written consent of the Township Engineer and Township Manager, in which case said officials may also give permission for six (6) inch pipe on dead-end extensions of 600 feet or less.

§ 259-19. Meter required.

- A. All Township water used on any premises must pass through a functioning meter furnished by the Township, except for fire sprinkler connections and temporary water services for construction purposes, unless the Engineer requests a meter in such application.
- B. All persons using water supplied by the Township shall have the duty of determining that such water is being supplied through a functioning meter furnished by the Township, except as otherwise provided in § 259-5 hereof. Any failure so to do shall not relieve such persons from any liability therefor, and the Township, in the absence of a meter, shall determine the estimated amounts of water used and the rates associated thereto.
- C. All supply lines installed by the owner of any premises to service lawn sprinklers or swimming pools must have installed at the owner's expense a separate and independent meter furnished by the Township and approved by the Municipal Engineer. [Added 11-16-1992 by Ord. No. 92-412]

- D. If a person declines to install a new meter furnished by the Township and equipped with telemetry readout capabilities due to valid and verifiable health or safety reasons, the Township will charge said person a fee, established by the fee setting Ordinance, to cover the cost of the periodic inspections and manual readouts of the previous meter by Township staff necessary to determine water usage.

§ 259-20. Installation of meters.

In all cases where meters are to be installed, the Township shall determine the size, proper location, and the manner in which such meter shall be installed and protected. The meters shall be easily accessible for reading and be placed in a free and clear space of at least two (2) feet by two (2) feet, and must be placed at least six (6) inches from any wall. The decision of the Township Engineer in regard to these meters shall be final.

§ 259-21. Care of meters.

- A. The owner or occupant of the premises where the meter is installed shall be held responsible for its care and protection from freezing or hot water or from other damage thereto or interference by any person or persons. In case of any damage to the meter or in case of its stoppage or inaccurate performance, they shall give immediate notice to the Township.
- B. Where replacement, repair, or adjustment of any meter, whether owned by the Township or not, becomes necessary due to the act, neglect or carelessness of the owner or occupant of any premises, any expense to the Township caused thereby shall be charged to and collected from the owner of such premises.
- C. Industrial, commercial and apartment meters. **[Added 3-6-1978 by Ord. No. 78-68]**
- (1) There shall be no service charges for customers with meters up to and including one-inch (1") meters. For meters larger than one inch, the full cost for maintenance, repair and replacement shall be borne by the owner of the premises. The Township reserves the right at all times to inspect and supervise maintenance repairs, replacement or removal of said meters. A certified test report is to be furnished to the Township in accordance with the American Water Works Association testing standards upon completion of meter repairs.
 - (2) A meter shall not be allowed to remain in service for a period longer than that specified by the Township without a complete overhaul and testing in accordance with the American Water Works Association testing standards. The Water Superintendent is to be notified in advance of the date and time of the overhaul and test. A certified test report is to be furnished to the Township in accordance with the American Water Works Association testing standards upon completion of meter repairs.
 - (3) Testing, replacement and/or repair of water meters may be ordered at any time, at the discretion of the Water Superintendent.
 - (4) Upon a final read and during the change in ownership or tenancy of a property, the seller must schedule or cause to be scheduled an inspection of existing meters with the Township of Cedar Grove who will assess the need to replace existing meters with new meters at the sole cost of the property owner.

§ 259-22. Ownership of meters; unauthorized tampering with seals prohibited.

- A. Meters integral to the water supply services provided by the Township are and shall remain the property of the Township and, at all times, shall be under the control of the Township.
- B. Meters shall be sealed by the Township and no person, except an authorized employee or agent of

the Township, shall disconnect, remove, break, injure or in any way tamper with such seals.

§ 259-23. Testing of meters.

The Township shall test the accuracy and condition of any meter upon the written request of the owner or occupant and upon the payment in advance of the fee prescribed in § 259-11. If the meter is found to register over three percent (3%) fast, another meter will be substituted therein and the test fee refunded. The Township Manager may adjust the last water bill upon the basis of said test result as they may deem just and reasonable.

**ARTICLE IV
Droughts and Water Shortages**

§ 259-24. Declaration of findings and purpose.

The Township Council finds that the adoption of this article is necessary for the public health, safety, and welfare and is in the public interest because:

- A. There is a history of long- term droughts which occur from time to time in this area of the state which result in a dangerous lowering of the Township's potable water reserves and threatens the preservation of the public health, safety and welfare.
- B. Past experience has demonstrated that appeals for voluntary aid for water conservation have not been as effective as necessary.
- C. The Township, pursuant to contract, receives all of its potable water from the North Jersey District Water Supply Commission (NJDWSC) and the Passaic Valley Water Commission (PVWC) and is, therefore, entirely dependent upon said public authorities for its water.
- D. Pursuant to the authority granted to it under the N.J. Water Supply Management Act, N.J.S.A. 58:1A-1 et seq., the N.J. Department of Environmental Protection (NJDEP) is empowered to declare a drought emergency in such circumstances and require mandated reductions in and restrictions on water supply usage.
- E. It is advisable, preferable, and in the best interest of the Township, its residents, and businesses, for the Township to recognize when such drought conditions are developing and proactively implement water conservation measures before more restrictive measures are mandated by NJDWSC, PVWC and/or NJDEP.

§ 259-25. Proclamation of emergency; promulgation of regulations.

Whenever the average amount of water in the reservoirs from which the Township either directly or indirectly receives its water in any one month falls 20% below the average amount of water in storage for the corresponding months of a five-year (5) period immediately preceding, and/or whenever the Township Engineer, upon an independent investigation, certifies that it is likely that a drought emergency will be declared by NJDEP that will impact said water supply, the Township Manager may, for the protection of health, safety and general welfare of the citizens and residents of the Township, proclaim the existence of a water emergency and prescribe mandatory requirements which:

- A. Prohibit the use of water from the Township's municipal supply for any purpose not necessary to the health, safety and welfare of the public.
- B. Allocate and prorate the available water supplies.
- C. Reduce consumption by users including restrictions on the use of water for accessory usage such as lawn, shrubbery, and garden sprinkling.
- D. Prevent waste for the period of duration of such emergency

§ 259-26. Compliance with regulations required.

The proclamation of the emergency shall be conclusive of the existence of such emergency and shall be binding upon all persons and users, upon the filing of the same in the office of the Township Clerk and the publication thereof, at least once, in the official newspaper or news source(s) circulating in the Township. The requirements set forth in the proclamation, and any subsequent requirements made and published, as aforesaid, upon filing thereof in the office of the Township Clerk, shall be deemed to have the force and effect of regulations adopted under the authority of this article, the same as if specifically incorporated and set forth herein. Every owner, lessee, tenant, and occupant of any building or premises connected with the municipal water supply, and every user thereof, under any contract, ordinance or statute, shall, upon the proclamation and promulgation of the regulations as aforesaid, become bound thereby and by the provisions of this article and shall conform thereto and comply therewith in the use of water and the maintenance of the water service connections and equipment for the purposes thereof.

§ 259-27. Notice to municipal departments to curtail use of water.

Upon the making of said proclamation of emergency, the Township Manager shall forthwith give written notice to the appropriate departments of the Township to refrain from all street and gutter flushing, hydrant flushing, fire hose testing, and other similar practices, except as said practices are deemed necessary in the interest of public health or safety and until said emergency is declared no longer to exist.

§ 259-28. Responsibilities for prevention of water waste.

- A. Every owner of buildings and premises connected with the municipal water supply shall
- (1) Maintain or cause to be maintained the water service pipes, fixtures and connections in good order and repair, in order to ensure that there shall be no waste of water.
 - (2) Forthwith make or cause to be made necessary repairs to prevent the waste of water.
- B. Every lessee, tenant, and occupant of any building or premises connected with the municipal water supply shall:
- (1) Immediately notify the owner, or his agent, of any defective water service pipes, fixtures or connections whereby water is being wasted.
 - (2) Immediately notify the Township Water Department or Police Department of any waste occurring by reason of defective water service pipes, fixtures or connections.
- C. Every owner and user of water shall, during the period of a water emergency, be chargeable with notice of any waste of water due to defective water service pipes, fixtures or connections, and of the regulations promulgated under the proclamation. It shall be the duty of the owner to forthwith make or cause to be made repairs necessary to prevent such waste.

§ 259-29. Work to be done by Township in case of noncompliance; owner to be charged.

Whenever an owner shall fail to or refuse to make repairs so as to prevent the waste of water, then the Township shall have the power to make such repairs and to charge the cost thereof to the owner in the same manner as other water charges are made, as by the statutes and ordinances provided, or to shut off the water from such premises until such repairs are made by the owner.

ARTICLE V
Penalties

§ 259-30. Violations and penalties. [Amended 7-30-1984 by Ord. No. 84-222; 10-23-2006 by Ord. No. 06-656]

Any person who violates any provision of this chapter or of any of the regulations provided for herein shall, upon conviction thereof, be punished by a fine not exceeding \$2,000. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

