

ORDINANCE # 0-13-01

**AN ORDINANCE ADOPTING A COMPREHENSIVE
WATER CONSERVATION PLAN**

BE IT ORDAINED by the Township of Mantua, County of Gloucester and State of New Jersey as follows:

SECTION 1. PURPOSE, INTENT.

It is hereby declared that the public health, safety and welfare requires that the Township of Mantua maximize the beneficial use of its available natural resources and that the waste or unreasonable use or unreasonable method of use of water be prevented. The conservation of such potable water resource is to be extended with a view to the reasonable and beneficial use thereof as is necessary for sanitary, domestic and firefighting purposes in the interests of the people of the Township of Mantua.

SECTION 2. AUTHORIZATION TO DECLARE A STATE OF WATER SUPPLY CONSERVATION.

The Township Committee, by and through the Mantua Township Municipal Utilities Authority, may declare a State of Water Supply Conservation, upon a determination by a majority vote of the MTMUA, that conservation measures are appropriate to ensure an adequate supply of water to all water customers of the Mantua Township Municipal Utilities Authority.

In case of an emergency where the available supply of water becomes dangerously low, the Mantua Township Municipal Utilities Authority is hereby authorized to declare by resolution, the existence of a Water Emergency.

The resolution (hereinafter referred to as the "Declaration"), adopted by the Mantua Township Municipal Utilities Authority, shall state that an emergency exists requiring the implementation of such measures for the conservation of water for domestic and sanitary purposes and fire protection as are specified in Section 3.

SECTION 3. WATER CONSERVATION STAGES

It is unlawful for any customer of Mantua Township Municipal Utilities Authority to make, cause, use or permit the use of water from the M.U.A. for residential, commercial, industrial, agricultural, governmental or any other purpose in a manner contrary to any provision herein,

or in an amount in excess of that use permitted by the following conservation stages which are in effect pursuant to action taken by the MTMUA, or its designee, in accordance with these provisions. It is unlawful for any person to waste water or to use it unreasonably.

Unreasonable uses of water shall include, but are not limited to, the following practices:

a. A customer shall not let water leave the customer's property by drainage onto adjacent properties or public or private roadways or streets due to excessive irrigation and/or uncorrected leaks

b. A customer will not fail to repair a water leak.

The following stages shall take effect upon Declaration as herein provided:

3.1 STAGE 1. WATER ALERT MANDATORY COMPLIANCE -- Upon implementation by the MTMUA and publication of notice, the following water conservation measures shall apply, except when reclaimed water is used:

(1) Lawn watering and landscape irrigation, including construction irrigation, is permitted only during designated hours on designated days.

Watering is permitted at any time if:

- (a) a hand-held hose equipped with a positive shut-off nozzle is used, or
- (b) a hand-held container is used, or
- (c) a drip irrigation system is used.

Commercial nurseries, commercial sod farms and similarly situated establishments are exempt from Stage 1 irrigation restrictions but will be required to curtail all nonessential water use.

(2) The washing of automobiles, trucks, trailers, boats, airplanes and other types of mobile equipment, is permitted at any time with a hand-held bucket or a hand-held hose equipped with a positive shut-off nozzle for quick rinses. Washing may be done at any time on the immediate premises of a commercial car wash or commercial service station, or by a mobile car wash or on-site car wash using high pressure washing equipment. Further, such washings are exempted from these regulations where the health, safety and welfare of the public is contingent upon frequent vehicle cleanings, such as garbage trucks and vehicles to transport food and perishables.

(3) Irrigation of golf courses, parks, school grounds and recreation fields is permitted only during designated hours on designated days.

(4) The overfilling of swimming pools and spas is prohibited. The filling or refilling of ponds and artificial lakes is prohibited.

(5) Use of water from fire hydrants shall be limited to fire fighting, related activities or other activities necessary to maintain the health, safety and welfare of the citizens of Mantua.

(6) All restaurants are prohibited from serving water to their customers except when specifically requested by the customers.

(7) Water shall not be used to wash down sidewalks, driveways, parking areas, tennis courts, patios or other paved areas, except to alleviate immediate fire or sanitation hazards. High pressure washing of such surfaces will be permitted.

(8) Ornamental fountains and garden ponds may operate if they recirculate water. Ornamental fountains and garden ponds that do not recycle water are prohibited.

(9) Construction operations receiving water from a construction meter or water truck shall not use water unnecessarily for any purposes other than those required by regulatory agencies. Construction projects requiring watering for new landscaping materials should adhere to the designated irrigation hours associated with subsection (1) of Stage 1.

(3.2) STAGE 2. WATER WARNING Mandatory Compliance - Stage 2 applies during periods when the MTMUA will not be able to meet all of the water demands of its customers. Upon implementation by the MTMUA and publication of notice, the following water conservation measures shall apply except when reclaimed water is used:

(1) Lawn watering and landscape irrigation, including with a hand-held hose equipped with a positive shut-off nozzle, is permitted only during designated hours on designated days. Watering is permitted at any hour, on any day, if a hand-held container or drip irrigation system is used.

(2) Commercial nurseries shall reduce water use by an amount to be determined by the MTMUA.

(3) The washing of automobiles, trucks, trailers, boats, airplanes and other types of mobile equipment is permitted only during designated hours on designated days with a hand-held bucket or a hand-held hose equipped with a positive shut-off nozzle for quick rinses. Washing is permitted at any time on the immediate premises of a commercial car wash. The use of water by all types of commercial car washes not using partially reclaimed or recycled water shall be reduced in volume by an amount determined by the MTMUA. Further, such washings are exempt from these regulations where the health, safety and welfare of the public is contingent upon frequent vehicle cleanings, such as garbage trucks and vehicles to transport food and perishables.

(4) The overfilling of swimming pools and spas is prohibited. The filling or refilling of ponds and artificial lakes is prohibited.

(5) Watering golf courses, parks, school grounds and recreation fields is permitted only during designated hours on designated days, except golf course greens.

(6) Use of water from fire hydrants shall be limited to fire fighting or other activities immediately necessary to maintaining the health, safety and welfare of the citizens of MANTUA.

(7) All restaurants are prohibited from serving water to their customers except when specifically requested by the customers.

(8) Water shall not be used to wash down sidewalks, driveways, parking areas, tennis courts, patios or other paved areas, except to alleviate immediate fire or sanitation hazards.

(9) The operation of any ornamental fountain or similar structure is prohibited except for short periods of time to prevent damage.

(3.3) - STAGE 3 WATER EMERGENCY - MANDATORY COMPLIANCE -

Stage 3 applies when a major failure of any supply or distribution facility, whether temporary or permanent, occurs in the water distribution system of the MTMUA water facilities.

Upon implementation by the MTMUA and publication of notice, the following measures shall apply except when reclaimed water is used:

(1) All outdoor irrigation of turf and ground covers is prohibited with the exception of plant materials classified to be rare, exceptionally valuable or essential to the well being of the public at large or rare animals. Irrigation of trees and shrubs is permitted only by hand-held hose equipped with a positive shut-off nozzle, hand-held container, or drip irrigation system. Greywater may be used in accordance with appropriate regulatory agency guidelines and regulations to irrigate fruit trees, ground covers and ornamental trees and shrubs. Greywater is defined as household wastewater other than toilet waste.

(2) The use of water at commercial nurseries, commercial sod farmers and similarly situated establishments shall be reduced in volume by an amount determined by the MTMUA. Greywater may be used in accordance with the appropriate regulatory agencies to irrigate fruit trees, ground covers and ornamental trees and shrubs.

(3) The washing of automobiles, trucks, trailers, boats, airplanes and other types of mobile equipment is prohibited. The use of water by all types of commercial car washes or commercial vehicle service stations and not in the immediate interest of the public health, safety and welfare shall be reduced in volume by an amount determined by the MTMUA. Further, such washings are exempt from these regulations where the health, safety and welfare of the public is contingent upon frequent vehicle cleanings such as garbage trucks and vehicles used to transport food and perishables.

(4) The filling, refilling or adding of water to swimming pools, spas, ponds and artificial lakes is prohibited.

(5) The watering of all golf course areas, except greens, is prohibited.

(6) Use of water from fire hydrants shall be limited to fire fighting or other activities immediately necessary to maintain the health, safety and welfare of the citizens of Mantua.

(7) All Restaurants are prohibited from serving water to their customers except when specifically requested by the customers.

(8) Water shall not be used to wash down sidewalks, driveways, parking areas, tennis courts, patios or other paved areas, except to alleviate immediate fire or sanitation hazards.

(9) The operation of any ornamental fountain or similar structure is prohibited except for short periods of time to prevent damage.

(10) The use of water for commercial, manufacturing or processing purposes shall be reduced in volume by an amount determined by the MTMUA.

(11) All sales of non-reclaimed water outside of the TOWNSHIP limits shall be discontinued, with the exception of sales previously approved by the MTMUA.

(12) No new construction meters will be issued. Construction water shall not be used for earth work or road construction purposes. Construction projects necessary to maintaining the health, safety and welfare of the public are exempt from these regulations.

(13) Except as to property for which a building permit has been heretofore issued, no new building permit(s) shall be provided, except in the following circumstances:

- (a) For projects necessary to protect the public's health, safety, and welfare;
- (b) When using reclaimed water;
- (c) When the recipient of the building permit can demonstrate that no net increase in water use will occur.

SECTION 3.4. In the case of any such emergency declaration as is described herein, the terms of the curtailment may be modified by amendment from time to time based on any change in emergent conditions.

SECTION 4. NOTICE OF DECLARATION.

Immediately following the passage of any of the Water Supply Conservation Declarations herein before described, a copy of the declaration shall be published in official township

newspapers circulated in the township and posted throughout the township in the municipal building, police headquarters, construction office and the office of the Mantua Township Municipal Utilities Authority.

SECTION 5. EFFECT OF DECLARATION.

The Declaration of a State of Water Supply Conservation shall be conclusive of the fact of the existence of such stage of Water Supply Conservation 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 in the official township newspapers. .

SECTION 6. TERMINATION OF DECLARATION.

The Declaration shall continue in full force and effect, except as amended, until terminated by a resolution of termination adopted by the Mantua Township Municipal Utilities Authority.

SECTION 7. INSPECTIONS.

During each stage of Water Supply Conservation all premises receiving water from the Mantua Township Municipal Utilities Authority system shall be subject to inspection between sunrise and sunset by the Utility Authority's employees or any other person duly authorized and appointed by the township or Authority to perform inspections to oversee compliance during each stage of Water Supply Conservation . It shall be a violation of this chapter for any person to hinder, obstruct, delay, resist or prevent any such inspection as is described herein.

SECTION 8. USE TO BE A VIOLATION.

It shall be a violation of this chapter for any person to use water from the Mantua Township Municipal Utilities Authority water system at any time in a manner prohibited by any declaration issued pursuant to this chapter.

SECTION 9. CONTINUED USAGE DEEMED A VIOLATION OF THIS SECTION AND THE AUTHORITY RULES AND REGULATIONS.

In the event that there is on any premises a continuing usage of water from the Mantua Township Municipal Utilities Authority water system by any person in a manner prohibited by any declaration issued pursuant to this chapter, such continuing usage is hereby declared to be a violation of this section and the Authority Rules and Regulations. The owner, occupant and/or operator of the premises whereon the violation is occurring shall be served with written notice of the violation by the delivery to any such owner, occupant and/or operator or the agent or employee of any of same actually on the premises. If no such person is present the notice shall be posted on the premises. If, after the passage of one (1) hour from the delivery or posting of such notice, the violation has not been abated, any employee of the Mantua Township Municipal Utilities Authority, is hereby authorized to enter upon the

premises to abate the violation and discontinue water service. Thereafter, the Township or Utilities Authority, as the case may be, shall assess the costs of such abatement against the owner, operator and/or occupant of the premises.

SECTION 10. VIOLATION AND PENALTIES.

Any person found guilty of violating Section 8 shall be subject to a fine according to the following schedule:

Warning to Fifty dollars for the first offense;
One Hundred Dollars to Three Hundred dollars (\$300.00) for the second offense;
Three Hundred Dollars to Five Hundred dollars (\$500.00 for the third offense and Thirty Days imprisonment or Community Service.

Any person found guilty of violating Section 9 shall be subject to a fine of five hundred dollars (\$500.00) for each twenty-four hour period or part thereof for which it can be proven that the violation occurred.

Any person found guilty of renewing a continuing violation after it has been abated shall be subject to up to ninety (90) days imprisonment.

No person shall be fined for any violation of any declaration issued pursuant to this section if such violation occurs less than forty-eight (48) hours after passage of the declaration.

It shall be a complete defense to any charge of violating this section if it can be shown that the defendant could not reasonably have known the violation was occurring because it was due to a latent defect in plumbing or other water conduits.

This Ordinance shall take effect immediately upon final passage and publication according to law.

Township of Mantua

By: Walter Lenkowski, Deputy Mayor

Date: August 14, 2001

ATTEST: John J. Tighe, Clerk

APPROVED: 4 Votes in Favor; 0 Opposed

DATE: August 14, 2001

CERTIFICATION

The foregoing ordinance was introduced at a regular meeting of the Township Committee of Mantua held on the 24th day of July 2001, and will be considered for a final passage and adoption at a regular meeting held on the 14th day of August 2001 at 7:30 pm at the Municipal Building, 401 Main Street, Mantua New Jersey, at which time any person interested may attend.

John J. Tighe, Clerk