

ORDINANCE NO. 96-3

A ORDINANCE OF THE BOROUGH OF ELMER, COUNTY OF SALEM, AND STATE OF NEW JERSEY, REGULATING THE USE OF WATER WITHIN THE BOROUGH OF ELMER AND REPEALING BOROUGH OF ELMER ORDINANCE 94-8

WHEREAS, the Mayor and Borough Council of the Borough of Elmer recognize the importance of conserving natural resources; and

WHEREAS, the State of New Jersey regulates and limits the amount of water that can be drawn from the wells servicing municipal water supply systems; and

WHEREAS, in recognition of these facts the Mayor and Borough Council of the Borough of Elmer adopted Ordinance 94-8 which provides for restrictions on the use of water during drought conditions; and

WHEREAS, it now appears appropriate to further regulate the use of water within the confines of the Borough in order to insure that a sufficient supply exists to satisfy the needs of Borough residents,

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Borough Council of the Borough of Elmer, County of Salem, and State of New Jersey, as follows:

A. - NON-DROUGHT CONDITIONS

Between June 1 and September 1, the residents of the Borough of Elmer shall be permitted to water their lawns or gardens on an alternating day basis. Residents with an even street location number may water their lawns or gardens on days of the month with even numbers, while residents of the Borough with odd street location numbers may water their lawns or gardens on days of the month with odd numbers.

B. DROUGHT CONDITIONS

The Superintendent of the Borough of Elmer Water Department (hereinafter referred to as Superintendent) and/or the Borough of Elmer Water Committee (hereinafter referred to as Water Committee) shall be responsible for monitoring the Borough of Elmer's water supply. Should either

the Superintendent or the Water Committee determine that the Borough's water supply has been reduced to a level insufficient to meet normal demand, and/or that the Borough's pumping rate exceeds the Borough's water allocation permit levels, established by the State of New Jersey, Department of Environmental Protection and Energy, then, in that event, the Superintendent and/or the Water Committee shall recommend that either a water alert or a water emergency be declared, and that either a Phase I water alert plan, or a Phase II or a Phase III emergency plan be implemented as appropriate. Copies of the respective plans are attached hereto and marked as either Schedule A, Schedule B or Schedule C.

C. IMPLEMENTATION OF A WATER ALERT/EMERGENCY PLAN

The Mayor, upon recommendation of the Superintendent or Water Committee may declare, at his discretion, a Phase I water alert or a Phase II or a Phase III emergency plan as is set forth above.

Once the Superintendent or Water Committee deems that an adequate water supply is available, he/they shall so notify the Mayor who then, at his/her discretion, shall terminate the water alert or water emergency plan.

D. EXEMPTION

Those residents of the Borough of Elmer who have privately owned and operated wells which supply all of a part of their water needs may apply to the Superintendent and/or Water Commission for a permit exempting them from the operation of this Ordinance. If such a permit is issued, it should be displayed upon request to any police officer, member of the Water Committee or the Superintendent.

E. ENFORCEMENT

This Ordinance shall be enforced by the Superintendent, the Water Committee, or a police officer, by signing a complaint charging a violation of this Ordinance. Any person found guilty of violating the provisions of this Ordinance shall be subject to the penalties as set forth below.

F. PENALTIES

Any person found guilty of violating this Ordinance shall be penalized in accordance with the

schedule of fines set forth on Schedule D which is attached hereto.

If any section or provision of this Ordinance shall be declared by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or any part thereof.

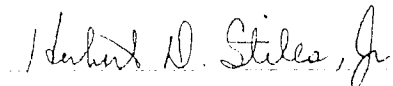
All Ordinances, or parts of Ordinances, heretofore adopted, including Borough of Elmer Ordinance 94-8, that are inconsistent with the terms and provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

This Ordinance shall be effective upon its final passage, adoption and publication in the manner prescribed by law.

ADOPTED: June 12, 1996

Approved by Mayor on June 12, 1996


Beverly S. Richards, Clerk


Herbert D. Stiles, Jr., Mayor

Roll Call Vote:	Yes	No	Abstaining	Absent
Herbert Cunningham	✓			
Peggy L. Harz	✓			
Joseph F. Pedersen	✓			
Stephen A. Richards	✓			
Joseph Stemberger	✓			
George W. Vence, Jr.	✓			

SCHEDULE A

PHASE I WATER ALERT

In the event that a Phase I water alert is declared, the following regulations shall become effective:

1. The use of any water for watering of lawns and gardens shall be on an odd-even basis (odd-numbered street addresses on odd-numbered dates, even-numbered street addresses on even-numbered dates). Water shall be applied to lawns and gardens only between the hours of 6:00 a.m. to 8:00 a.m. and 6:00 p.m. to 10:00 p.m.
2. Water shall not be used to clean paved roads, streets, sidewalks, driveways, garages, and patios.

SCHEDULE B

PHASE II WATER EMERGENCY

In the event that a drought emergency is declared, Phase II of the Water Emergency Plan shall be implemented and the following regulations shall be mandatory.

1. the use of any water for watering of lawns and gardens shall be permitted on an odd-even basis (odd-numbered street addresses on odd-numbered dates, even-numbered street addresses on even-numbered dates). Water shall be applied to lawns from the hours of 6:00 a.m. to 8:00 a.m. and 6:00 p.m. to 10:00 p.m.
2. The use of any water for cleaning of paved roads, streets, sidewalks, driveways, garages, and patios shall be prohibited.
3. The use of water for cleaning of automobiles is prohibited except by commercial car wash equipped with facilities that recycle water.
4. The use of water to fill and top off swimming pools shall be prohibited except for pools serving over 25 dwellings with filtration equipment allowing for continued use and recycling of water over the swimming season.
5. The serving of water in restaurants shall be prohibited unless requested by the customer.

SCHEDULE C

PHASE III WATER EMERGENCY

In the event that a water emergency is declared and Phase III of the water emergency plan is implemented, the following nonessential water use shall be banned:

1. Watering of lawns.
2. Noncommercial washing of automobiles.
3. Serving of water in restaurants unless requested by the customer.
4. Use of fire hydrants for other than fire fighting or public safety.
5. Watering of plants, shrubs, or gardens by means other than a bucket.
6. Water for washing streets, sidewalks, driveways, garages, and patios.
7. The use of water to fill or top swimming pools.

SCHEDULE D

WATER EMERGENCY

PENALTY AND ENFORCEMENT

In the event that a water emergency is declared, the Borough of Elmer may require the use of its police force or deputize people to enforce the following penalties:

1. Any person or persons in violation of Phase I of this Ordinance shall be fined \$50.00.
2. A person found guilty of violating Phase II or Phase III of this Ordinance shall be fined \$200.00.