

ORDINANCE NO. 2017-1_____

AN ORDINANCE AMENDING THE CODE OF THE CITY OF VINELAND,
BY REPLACING CHAPTER 687, PART 4, ARTICLE XX ENTITLED
WATER CONSERVATION

WHEREAS, the water supplies within the City of Vineland should be protected to afford the greatest beneficial use to City of Vineland citizens and businesses, which depend on adequate water supplies for their livelihood, health, welfare, and economic production; and

WHEREAS, the water resources associated with the City of Vineland have been threatened in the past due to drought conditions; and

WHEREAS, there exists a need to ensure water is available for uses essential to the health, welfare and safety of the City of Vineland and for averting or lessening the impact of any water shortage; and

WHEREAS, taking steps to ensure clean, wholesome, and adequate water supplies is a high priority in protecting the health, safety, and welfare of City of Vineland citizens;

WHEREAS, pursuant to N.J.S.A. 40:48-2, the City of Vineland 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 City Council of the City of Vineland in Cumberland County as follows:

The Code of the City of Vineland in Cumberland County (2016) shall be amended by the replacement of Chapter 687, Part 4, Article XX entitled, "Water Conservation", with the following:

I. Water Use Restrictions

Restrictions on outdoor water use apply to all users in the City of Vineland at all times regardless of source of supply (e.g. public water supplies, well or ground water, lakes, streams, or ponds) unless expressly exempt in *Section VI. Exemptions*. Such outdoor water use shall conform to the following water use restrictions:

A. Car washing, pressure washing and other non-landscape outdoor water uses:

1. Properties may only use water for this purpose 2 days per week.
 - a. Properties with even number addresses may only use water on Wednesdays and Saturdays.
 - b. Properties with odd number addresses may only use water on Thursdays and Sundays.

B. Lawn watering with a hose or hose-end sprinkler:

1. Properties may only use water for this purpose 2 days per week.
 - a. Properties with even number addresses may only use water on Wednesdays and Saturdays.
 - b. Properties with odd number addresses may only use water on Thursdays and Sundays.
2. Watering shall only be conducted between the hours of 6:00 a.m. and 9:00 a.m. or between the hours of 5:00 p.m. and 8:00 p.m.
3. The watering of any single area shall not exceed thirty minutes per day.
4. Flowers and shrubs may be watered as needed with a hand-held hose equipped with an automatic shut-off nozzle.

5. No hose or hose-end watering shall be permitted when it is raining.
- C. Irrigating lawns and landscapes with automatic irrigation systems equipped with a conventional irrigation controller:
1. Properties may only use water for this purpose 2 days per week.
 - a. Properties with even number addresses may only use water on Wednesdays and Saturdays.
 - b. Properties with odd number addresses may only use water on Thursdays and Sundays.
 2. Irrigation shall only be conducted between the hours of 12:00 midnight and 10:00 a.m.
 3. Operation of any irrigation zone equipped with spray (mist) heads shall not exceed 15 minutes per zone. Operation of any irrigation zone equipped with rotary sprinkler heads shall not exceed 50 minutes per zone.
- D. Flowers and shrubs irrigated with drip or micro irrigation:
2. Properties may use water for this purpose as needed.
- E. State of New Jersey requirements shall supersede those identified in this Section when more stringent than those identified in this ordinance.

II. Declaration of Extreme Water Emergency

- A. Upon declaration of an extreme water emergency by the City of Vineland, outside water use is strictly prohibited. In addition to the outside prohibition and whenever possible, all inside water use for homes and businesses shall be reduced.
- B. Outdoor water use for commercial farms producing harvestable crops, commercial nurseries, and sod farms are exempt from extreme water emergency restrictions.
- C. Non-turf plants may be watered by hand-held containers

III. Violations

- A. Violations of the Water Use Restrictions in *Section I* include outdoor water use on days not permitted in this ordinance, or during hours not permitted in this ordinance, where said use is not explicitly exempted by *Section VI. Exemptions*.
- B. Violations of the extreme water emergency restrictions in *Section II* include any outdoor water use not explicitly exempted by *Section II. Extreme Water Emergency*.
- C. Violations of these restrictions are subject to the fines and penalties described in *Section V. Penalties*.

IV. Enforcement of Water Conservation Restrictions

- A. Enforcement of the above restrictions shall be administered by representatives of the Water Utility, and any representative of the City (i.e., inspectors, fire fighters, police), who will inform the Water Utility of any violations. All fines imposed per *Section V. Penalties* shall be added onto the next regular billing cycle of the offending property.
- B. All written warnings issued per *Section V. Penalties* shall include an explanation of the penalties for additional offenses.
- C. The Water Utility shall keep such records as may be reasonable and necessary for the purpose of determining the persons and businesses who have been warned or fined for violations of this ordinance.

V. Penalties

A) Water Use Restrictions per *Section I.*

- 1) First Offense: Written Warning
- 2) Second Offense: Written Warning
- 3) Third Offense: \$100 Fine
- 4) Fourth Offense: \$250 Fine
- 5) Fifth Offense: \$500 Fine and water shut-off until payment made

B) Extreme Water Emergency Restrictions per *Section II.*

- 1) First Offense: Written Warning
- 2) Second Offense: \$250 Fine
- 3) Third Offense: \$500 Fine and water shut-off until payment is made AND water emergency is lifted.

VI. Exemptions

The water use restrictions in *Section I. Water Use Restrictions* above do not apply to the following:

- A. Outdoor water use from rain water harvesting, gray water, or reclaimed water are exempt from the provisions of the ordinance. Use of gray or reclaimed water must have an approved NJPDES permit issued through the NJDEP.
- B. Outdoor water use for commercial farms producing harvestable crops, commercial nurseries, sod farms and golf courses are exempt from the provisions of the ordinance.
- C. Other commercial uses including, but not limited to, commercial car washing and commercial power washing.
- D. Outdoor irrigation necessary for one day only where treatment with an application of chemicals require immediate watering to preserve an existing landscape or to establish a new landscape.
- E. Outdoor irrigation necessary for the establishment of newly sodded lawns or landscaping within the first 21 consecutive days of planting.

Passed first reading:

Passed final reading:

President of Council

Approved by the Mayor:

Mayor

ATTEST:

City Clerk



Water Conservation Ordinance

20 Points **Bronze Priority** **Silver Priority**

Updated June 2013

Demands on NJ's limited water supply due to population growth and development have greatly increased, making water conservation a prudent step for New Jersey's citizens year round. The state has been subject to periodic droughts and water shortages. In addition, the creation and transport of potable water at any time utilizes resources such as electricity and chemical processing agents that have an environmental impact, including contributing to global warming. A Water Conservation Ordinance can help municipalities curtail unnecessary water waste. Seasonal outdoor water usage in particular can lead to an unnecessary reduction in reservoir storage, ground water levels, and stream flows. This Water Conservation Ordinance seeks to help extend available supplies through short-term drought periods, and to avoid recurrent drought warnings/water emergencies caused by late summer "drought."

NOTE: This final model ordinance released in 2011 represents a significant change from the original version released in 2009 in that it only allows watering twice a week and it promotes the use of smart controllers and advanced irrigation techniques that meet WaterSense standards. A Best Management Practices guide to accompany this final ordinance will also be released in the future.

Who should lead and be involved with this action?

The ordinance would follow the standard municipal review and approval process. Enforcement of restrictions would fall to local code and law enforcement officials.

Timeframe

Time required to approve ordinance is a function of local processes. Enforcement requirements would likely be limited to summer months and could occur during normal code and law officials' community rounds or based on complaints.

Project Costs and Resource Needs

Costs to implement this tool are minimal:

- The drafting, review, and approval of the ordinance may involve some limited professional consultant and attorney review.
- Notification of community members regarding new policy could include preparation and distribution of information materials.
- Enforcing the ordinance should present only a very modest increase in staff time if enforcement occurs during normal staff work routines and travel around municipality.
- Primary burdens are on municipal staff to 1) remain vigilant during watering season, and 2) handle any enforcement actions and follow-up.

Why is it important?

Water is a critical natural resource that supports essential human activities as well as ecological functions. Shortages can have dangerous and significant implications for public health as well as for the local economy and for ecological integrity. In addition to reduced groundwater recharge from increasing impervious surfaces, demands on New Jersey's limited water supply due to population growth and development have greatly increased. As the state has been subject to periodic droughts and water shortages, these trends have created water deficits in numerous watersheds. The ongoing water deficits demonstrate that water conservation is a prudent step for New Jersey's citizens year round. This action puts in place controls on the excessive and wasteful use of potable water in a municipality; it also gives municipal officials authority to limit water use beyond what State drought controls may require if deemed necessary for that particular locality. On a more modest scale, controls on water use also reduce energy consumption and CO2 emissions by decreasing pumping activity.

What to do, and how to do it ("How To")

Implementing this action requires several basic steps:

- 1) Draft and approve an ordinance substantially based on the model ordinance and specific to the implementing municipality. The ordinances should limit watering to two days per week and also limit the hours when lawn watering or other irrigation can occur. In addition to specifying that all water sources (e.g. private well, public, etc) except those expressly exempt fall under the restrictions, the ordinance also should grant local authority to impose additional limitations during emergency conditions.
- 2) Notify community members about new policies governing outdoor water use. This can be done via existing outreach mechanisms such as community newsletters and a municipal web page.
- 3) Notify municipal staff (public works, police, etc.) about new policy and assign monitoring and enforcement responsibilities. The municipality may choose to delay enforcement in the first year and use year one as an opportunity to raise community awareness. Note: This model ordinance should be handled as any proposed ordinance. The model requires edits to reflect specifics of each municipality considering adoption. Any substantial diversion from this model relating to water use restrictions should be discussed with Sustainable Jersey partners.

What to submit to get credit/points

NOTE: A Best Management Practices guide is currently being updated and we advise municipalities to wait for the updated What to Do and What to Submit sections based on this guide before finalizing your documentation for this action.

While submission requirements have not yet been fully established for this action since the Best Management Practices guide is not yet completed, municipalities that adopt an ordinance that meets the major provisions of the model ordinance can receive points for this action.

In order to earn points, your submission must meet the following standards:

- 1) As long as the ordinance is currently instituted, it may have been adopted at any time prior to application for certification to be eligible for points.
- 2) The ordinance can be adapted to municipal needs, however, it must at least contain all the major provisions of the model ordinance.

Submit the following documentation to verify the action was completed to the above standards. (Log in to the password protected webpage where you submit your online application for certification to write in the text box and upload documents).

- 1) In the text box, please provide a short narrative (300 word max) to summarize what was accomplished and the general steps taken to accomplish it.
 - Upload: Water conservation ordinance as approved by the local governing body, including the date of adoption.

- Upload: Outreach materials used to inform the community of the ordinance and its intent. These could include newsletter articles, mailings, etc.
- Upload: Documentation that the appropriate municipal staff (e.g. public works, police, etc.) were informed of the ordinance, its intent, and its responsibilities. This may include a memo to the department staff.

IMPORTANT NOTES: You can upload up to six separate documents for each action. Please excerpt relevant information from large documents. Please remember that your submissions will be viewable by the public as part of your certified report.

Spotlight: What NJ towns are doing

A number of New Jersey municipalities have passed water conservation ordinances. Most limit days and hours when lawn watering or other irrigation can occur, specify water uses falling under the restrictions, and grant local authority to impose additional limitations during emergency conditions. Some towns have simply established a sprinkler use ordinance that sets a schedule for lawn watering, while others pass an annual resolution to establish seasonal restrictions. The City of Camden passed a water conservation ordinance that meets the submission requirements for this action.

Resources

CASE STUDIES:

US

Alabama Model Ordinance

<http://www.adeca.state.al.us/Office%20of%20Water%20Resources/Document%20Library/SampleOrdinancePage.pdf>

Aurora IL

http://www.aurora-il.org/development_services/publicworks/waterproduction/conservationtips.php

GENERAL RESOURCES ON WATER CONSERVATION:

NDEP Water Conservation Ideas for Saving Water

<http://www.nj.gov/dep/drought/ideas.html>

“Why Water Conservation Is Important”

http://www.nesc.wvu.edu/pdf/DW/conservation/conservation_otf05.pdf

“Conservation 101”

<http://www.nesc.wvu.edu/ndwc/articles/OT/SP03/Conserve.html>

Morris County (NJ) Municipal Utilities Authority "Water Wheel"

http://www.mcmua.com/w_WaterConservationWheel.asp

USEPA Water Sense Program

<http://www.epa.gov/watersense/>