

AN ORDINANCE AMENDING ARTICLE IV, CHAPTER 275
OF THE CODE OF THE TOWN OF HAMMONTON ENTITLED "WATER CONSERVATION"

BE IT ORDAINED by the Town of Hammonton, County of Atlantic and State of New Jersey as follows:

SECTION I. **PURPOSE AND INTENT**

It is hereby declared that the public health, safety and welfare require that the Town of Hammonton 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 Town of Hammonton. Each resident and business within the Town of Hammonton connected to the public water supply is encouraged to support and use water conservation measures throughout the year in order to preserve and protect this valuable commodity. The Superintendent of the Town of Hammonton will provide public notice during the year listing various methods that the general public and business sector can use to conserve water use for the benefit of all.

Listed below are some of the measures that shall be used to conserve water:

1. Check regularly to make sure all pipes, faucets, toilets and other systems and equipment are free of leaks and drips.
2. Water lawn no more frequently than three times a week and limit irrigation time to 15 or 30 minutes within each zone. (See the specific section in this Ordinance concerning irrigation).
3. Install rain sensor gauges to lawn sprinkler systems to prevent irrigation during rain events.
4. Install drip irrigation where possible within landscaped areas to avoid excessive water use.
5. Install low volume toilets. (Max 1.6 gpm)
6. Install low flow shower heads. (Max 2.0 gpm)
7. All faucets should be equipped with aerators. Aerator screens should be cleaned on a regular basis.
8. Use water intermittently when brushing teeth and washing dishes and utensils.
9. Run dishwashers and washing machines only with full loads.

SECTION II. **APPLICABILITY**

All properties located within the Town of Hammonton, whether they be served by the public water system or a private well, shall be subject to compliance with this ordinance.

SECTION III. IRRIGATION CATEGORIES

A. Lawn Watering with a hose or hose end sprinkler

1. May only be done three days per week. Properties with even number addresses may only water on Monday, Wednesday and Friday, properties with odd number addresses may only water on Tuesday, Thursday and Saturday;
2. No irrigation to occur on Sundays.
3. Watering shall only be conducted between the hours of 6:00AM and 9:00AM or between 5:00PM and 8:00PM; and
4. The watering of any single zone shall not exceed thirty minutes per day.
5. Flowers and shrubs may be watered as needed with a hand held hose equipped with an automatic shut-off nozzle;
6. No hose or hose end watering shall be permitted when it is raining.

B. Irrigating lawns and landscapes with automatic irrigation systems equipped with a conventional irrigation controller (this includes all systems that do not have a "smart" controller as defined in section III.C)

1. May only be done three days per week. Properties with even number addresses may only water on Monday, Wednesday and Friday, properties with odd number addresses may only water on Tuesday, Thursday and Saturday;
2. Watering shall only be conducted between the hours of 6:00AM and 9:00AM or between 5:00PM and 8:00PM; and
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 30 minutes per zone.

C. Irrigating with systems equipped with a SMART Controller

1. To qualify for this provision as a SMART Controller, the SMART Controller must have successfully completed IA-SWAT protocol testing. Lists of climate-based and sensor based controllers that have successfully completed the protocol testing can be found at <http://www.irrigation.org/SWAT/swat.aspx?id=298>.
2. The property owner must register the SMART Controller with the municipality.
 - a. The municipality will issue a yard placard which the homeowner must display signifying that the property is irrigated with a SMART Controller.
3. The SMART Controller must be programmed by an EPA Water Sense Partner who holds a New Jersey Landscape Irrigation Contractor Certificate pursuant to NJSA 45:5AA-3.
 - a. The SMART Controller must be programmed to irrigate between the hours of 12:00AM (midnight) and 9:00AM.
 - b. Proper sprinkler head data and accurate soil/plant/irrigation information must be entered.
 - c. The SMART Controller programming data shall be posted at the controller.
 - d. The Water Sense Partner must make a minimum of two site visits after the initial programming to adjust and fine tune the irrigation schedule.

D. Irrigation systems programmed by an irrigation manager

1. The property owner must designate a qualified person who will be the irrigation manager and register that person with the municipality with defining qualifications.
2. The irrigation manager must be an EPA Water Sense Partner or show evidence of successfully completing a class on irrigation scheduling.

3. A property specific irrigation program shall be developed by the irrigation manager based on plant variety, soil type, precipitation rate, and irrigation efficiency.
4. Weekly adjustments shall be made to the irrigation schedule based on current evapotranspiration (ET) rates or weather conditions.

SECTION IV. EQUIPMENT COMPLIANCE

A. All automatic irrigation systems

1. Per NJ PL 2000, c. 107 (see NJSA 52:27D-123.13), operational automatic rain sensor devices are required for all sprinkler/irrigation systems to ensure that watering does not occur during periods of rain. In addition, all sprinkler / irrigation systems must be equipped with an operational automatic rain sensor device.
2. Any work performed on a system as a result of any inspection made by the homeowner or a professional must be in compliance with Landscape Irrigation Contractor Certification Act of 1991 (NJSA 45:5AA-3).
3. Flowers and shrubs irrigated with drip or micro irrigation may be watered as needed.
4. Must have a functional rain sensor that interrupts the automatic irrigation cycle when ¼-inch of rain has fallen.

B. All new irrigation systems must comply with the following:

1. The system must be installed by an EPA Water Sense Partner who holds a New Jersey Landscape Irrigation Contractor Certificate pursuant to NJSA 45:5AA-3.
2. The system must comply with New Jersey Irrigation Best Management Practices including:
 - a. Be designed to insure sufficient operating pressure at the sprinkler head
 - b. Divide irrigation areas into hydro-zones of turf and plants with similar water requirements
 - c. Zone the system according to exposure
 - d. Consider the soil type so the sprinkler precipitation rate is compatible with the soil infiltration rate or the irrigation schedule is to be modified to multiple, short cycles to prevent runoff
 - e. Provide separate control of sloped areas
 - f. Prevent sprinkler heads from overthrowing onto driveways, roads, and sidewalks
 - g. Provide for separate irrigation for parkway strips between curbs and sidewalks that minimizes overthrow onto concrete walks and pavement
 - h. Include pressure regulating technology as necessary to insure sprinkler heads operate within the manufacturer's recommended range. The pressure regulation may be:
 - i. A pressure regulation device at the point of connection
 - ii. Pressure regulation at each remote control valve
 - iii. Pressure regulation at the sprinkler head
 - iv. A combination of the above
 - i. Irrigate all flowers and shrubs with a drip and/or micro-irrigation
 - j. Include check valves in low sprinkler heads to prevent low-point drainage
 - k. Have a pressure regulating device and wye strainer on each drip/micro control valve
3. The system must have a SMART Controller capable of providing the optimum schedule for the turf and landscape.
 - a. The SMART Controller must have undergone SWAT testing and be listed on the Irrigation Association website www.swatirrigation.org (*This section will be replaced by a Water Sense labeling requirement once the EPA releases the labeling of SMART Controllers anticipated in 2010*).

- b. The SMART Controller must be programmed by an EPA Water Sense Partner who holds a New Jersey Landscape Contractor Certificate pursuant to NJSA 45:5AA-3.
 - i. Proper sprinkler head data and accurate soil/plant/irrigation information must be entered.
 - ii. The SMART Controller programming data shall be posted at the controller.
 - iii. The Water Sense Partner must make a minimum of two site visits after the initial programming to adjust and fine tune the irrigation schedule.
- C. Vehicles may be washed any day with a hand-held hose equipped with an automatic shut-off nozzle.
- D. Restrictions identified in Section IX shall supersede those identified in this Section when the Town of Hammonton declares a Declaration of Water Emergency.
- E. State of New Jersey requirements shall supersede those identified in this Section when more stringent than the Town of Hammonton Water Conservation Guidelines.

SECTION V. **NEW CONSTRUCTION COMPLIANCE**

- A. All new construction shall be equipped with water conservation fixtures. All new shower heads to be installed shall have a maximum flow rate of two (2.0) gallons per minute and all new toilets shall have a maximum flow rate of one and six-tenths (1.6) gallons per flush.
- B. All new construction shall be encouraged to use xeriscape landscaping to eliminate the need for over-irrigation.
- C. All new construction shall be encouraged to use gray water collectors and rain water collectors to limit the amount of potable water used for irrigation. The use of gray water and rain water for irrigation purposes shall be unlimited and shall not be subject to the restrictions of this ordinance. Property owners are responsible for obtaining any permits required for the reuse of gray water.

SECTION VI. **EXISTING CONSTRUCTION COMPLIANCE**

- A. Prior to the issuance of a C.O. for any building addition, expansion, and/or change in use, the Owner of said structure shall install water conservation fixtures throughout the structure. These fixtures include installing new shower heads which shall have a maximum flow rate of two (2.0) gallons per minute and installing new toilets which shall have a maximum flow rate of one and six-tenths (1.6) gallons per flush (also faucets and aerators).
- B. Exceptions to this section shall be made for historically significant structures of which the installation of historical fixtures is in keeping with the historical nature of the structure. Exceptions to this section shall also be made for the installation of fixtures in facilities which provide for a public education benefit whose benefit is solely towards Water Conservation Education.

SECTION VII. **EXEMPTIONS**

The restrictions in this ordinance do not apply to the following:

- A. Outdoor water use from rain water harvesting, gray water, or reclaimed water is exempt from the provisions of this ordinance.

- B. Outdoor water use for harvestable crops or commercial nurseries, sod farms, and golf courses are exempt from the provisions of this ordinance.
- C. 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 (a permit shall be obtained).
- D. Outdoor irrigation necessary for the establishment of newly sodded lawns or landscaping within the first 21 consecutive days of planting (a permit shall be obtained from the Construction Code Office).
- E. Visually supervised operation of watering systems by a State of New Jersey Licensed Irrigation Contractor for short periods of time to check system condition and effectiveness.

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

The Mayor and Council of the Town of Hammonton, by and through the Town of Hammonton Municipal Utility Department, may declare a State of Water Supply Conservation upon a recommendation by the Superintendent and by a majority vote of the Water Subcommittee of the Public Works and Transportation Committee, or its successor, that conservation measures are necessary and appropriate to ensure an adequate supply of water to all water customers of the Town of Hammonton.

In case of an emergency in which, in the opinion of the Municipal Utility Department's superintendent, the available supply of water becomes dangerously low, the Town of Hammonton Municipal Utility Department through the Water Subcommittee of the Public Works and Transportation Committee, or its successor, is hereby authorized to recommend to the full Mayor and Council to declare by Resolution the existence of a Water Emergency.

The resolution (hereinafter referred to as the "Declaration") by the Town of Hammonton 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 IX. WATER CONSERVATION STAGES

It is unlawful for any customer of the Town of Hammonton to make, cause, use or permit the use of water from the Town of Hammonton 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 shall be placed into effect pursuant to action taken by the Town of Hammonton, or its designees, in accordance with these provisions.

Uses of water in violation of the standards set forth herein shall include, but shall not be 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, streets or storm sewer systems due to excessive irrigation and/or uncorrected leaks.
- B. A customer will not fail to repair a water leak upon notice by the Superintendent or his authorized designee to repair said leak.

The following stages shall take effect upon issuance of a Declaration as herein provided.

SECTION IX.i STAGE I: WATER ALERT MANDATORY COMPLIANCE

Upon implementation by the Town of Hammonton and publication of notice in one or more of the Town's official

newspapers, the following Stage 1 water conservation measures shall apply:

- A. Lawn watering and landscape irrigation, including construction irrigation, is permitted only during designated hours on designated days, regardless of the particular month. Watering is permitted at any time if:
 - 1. A hand-held hose equipped with a positive shut-off nozzle is used, or
 - 2. A hand-held container is used, or
 - 3. A drip irrigation system is used.
- B. The washing of automobiles, trucks, trailers, boats, airplanes and other types of mobile equipment, is prohibited at any time. 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 those 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.
- C. The overfilling of swimming pools and spas is prohibited. The filling or refilling of ponds and artificial lakes is prohibited.
- D. Use of water from fire hydrants shall be limited to firefighting, related activities or other activities necessary to maintain the health, safety and welfare of the citizens of Hammonton.
- E. All restaurants are prohibited from serving water to their customers except when specifically requested by the customers.
- F. 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.
- G. Ornamental fountains and garden ponds may operate if they re-circulate water. Ornamental fountains and garden ponds that do not recycle water are prohibited.
- H. 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 A of Section III.
- I. 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.

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STAGE II: WATER EMERGENCY

- A. Lawn watering and landscape irrigation performed with a hand-held hose equipped with a positive shut-off nozzle is not permitted. Watering is permitted only during designated hours on designated days, regardless of the months of the year, if a hand-held container or drip irrigation system is used.
- B. Commercial nurseries shall reduce water by an amount to be determined by the Town of Hammonton Municipal Utility Department Superintendent. Water use is permitted only for commercially grown food crops, sod at commercial farms and golf courses, and nursery stock at nurseries and retail outlets.
- C. The washing of automobiles, trucks, trailers, boats, airplanes, and other types of mobile equipment is prohibited. Washing is permitted at any time on the immediate premises of a commercial car wash provided the facility uses reclaimed water. The use of water by all types of commercial car washes not

using partially reclaimed or recycled water shall be prohibited. 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.

- D. The overfilling of swimming pools and spas is prohibited. The filling or refilling of ponds and artificial lakes is prohibited.
- E. Watering golf courses, parks, school grounds and recreation fields is permitted only during designated hours on designated days, except for golf course greens which may be irrigated to remain viable.
- F. Use of water from fire hydrants shall be limited to firefighting or other activities immediately necessary to maintaining the health, safety, and welfare of the citizens of Hammonton. The use of hydrants by municipal road departments, contractors, and all others shall be prohibited.
- G. All restaurants are prohibited from serving water to their customers except when specifically requested by the customers.
- H. Water shall not be used to wash down sidewalks, driveways, parking areas, tennis courts, patios, or other paved areas, except to alleviate immediate fire and/or sanitation hazards.
- I. The operation of any ornamental fountain or similar structure is prohibited except for short periods of time to prevent damage and to support fish and aquatic life.
- J. The use of water for all outdoor recreational purposes is prohibited.
- K. The washing of the outsides of dwellings, buildings, or other structures, except for windows, is prohibited.

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STAGE III: SEVERE WATER EMERGENCY

- A. 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 only trees and shrubs is permitted only by a hand-held container or drip irrigation system. Gray water may be used in accordance with the appropriate regulatory agency guidelines and regulations to irrigate fruit trees, ground covers, and ornamental trees and shrubs. Gray water is defined as household wastewater other than toilet waste.
- B. Commercial nurseries shall reduce water by an amount to be determined by the Town of Hammonton Municipal Utility Department Superintendent. Water use is permitted only for commercially grown food crops, sod at commercial farms and golf courses, and nursery stock at nurseries and retail outlets. Gray water may be used in accordance with the appropriate regulatory agencies to irrigate fruit trees, ground covers, and ornamental trees and shrubs.
- C. The washing of automobiles, trucks, trailers, boats, airplanes, and other types of mobile equipment is prohibited. Washing is permitted at any time on the immediate premises of a commercial car wash provided the facility uses reclaimed water. The use of water by all types of commercial car washes not using partially reclaimed or recycled water shall be prohibited. 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.

- D. The overfilling of swimming pools and spas is prohibited. The filling or refilling of ponds and artificial lakes is prohibited.
- E. Watering golf courses, parks, school grounds and recreation fields is permitted only during designated hours on designated days, except for golf course greens.
- F. Use of water from fire hydrants shall be limited to firefighting or other activities immediately necessary to maintaining the health, safety, and welfare of the citizens of Hammonton. The use of hydrants by municipal road departments, contractors, and all others shall be prohibited.
- G. All restaurants are prohibited from serving water to their customers except when specifically requested by the customers.
- H. Water shall not be used to wash down sidewalks, driveways, parking areas, tennis courts, patios, or other paved areas, except to alleviate immediate fire and/or sanitation hazards.
- I. The operation of any ornamental fountain or similar structure is prohibited except for short periods of time to prevent damage and to support fish and aquatic life.
- J. The use of water for all outdoor recreational purposes is prohibited.
- K. The washing of the outsides of dwellings, buildings, or other structures, except for windows, is prohibited.
- L. The use of water for commercial, manufacturing, or processing purposes shall be reduced in volume by an amount determined by the Town of Hammonton Municipal Utility Department.
- M. All sales of non-reclaimed water outside of the Town's limits shall be discontinued, with the exception of sales previously approved by the Town of Hammonton.
- N. No new construction meters will be issued. Construction water shall not be used for earthwork or road construction purposes. Construction projects necessary to maintaining the health, safety, and welfare of the public are exempt from these regulations.
- O. Except as to property for which a building permit has been previously issued, no new building permit(s) shall be provided, except in the following circumstances:
 - 1. For projects necessary to protect the public's health, safety, and welfare;
 - 2. When using reclaimed water;
 - 3. When the recipient of the building permit can demonstrate that no net increase in water use will occur.
 - 4. In the case of an emergency declaration as is described herein, the terms of the curtailment may be modified by amendment from time to time based on any changes in emergent conditions.

SECTION X. **NOTICE OF DECLARATION**

Immediately following the passage of any of the Water Supply Conservation Declarations hereinbefore described, a copy of the declaration shall be published in one or more of the Town's official newspapers and posted in the

municipal building, police headquarters, construction office and the office of the Town of Hammonton Municipal Utility Department.

SECTION XI. 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 Town Clerk and the publication thereof in one or more of official Town newspapers.

SECTION XII. 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 Council of the Town of Hammonton.

SECTION XIII. INSPECTIONS

All premises receiving service from the Town of Hammonton water and sewer system as well as those with private wells shall be subject to an exterior inspection of the unoccupied portion of the premise by the Town of Hammonton's employees or any other person duly authorized and appointed by the Town 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 XIV. USE TO BE A VIOLATION

It shall be a violation of this Chapter for any person to use water from the Town of Hammonton's water system at any time in a manner prohibited by any declaration issued pursuant to this Chapter.

SECTION XV. 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 Town of Hammonton 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 Town of Hammonton is hereby authorized to enter upon the premises to abate the violation and discontinue water service. Thereafter, the Town or the Municipal Utility Department, as the case may be, shall assess the costs of such abatement against the owner, operator and/or occupant of the premises.

SECTION XVI. VIOLATION AND PENALTIES

Any person found guilty of violating any portion of this Ordinance shall be subject to a fine according to the following schedule:

First Offense:	Written Warning;
Second Offense:	One Hundred dollars (\$100.00) fine;
Third Offense:	Two Hundred dollars (\$200.00) to Four Hundred dollars (\$400.00) fine; and
Fourth or Multiple Offense:	a fine not to exceed Seven Hundred & Fifty dollars (\$750.00) and up to Thirty (30) days Community Service.

Any person found guilty of violating Section 9 shall be subject to a fine of Seven Hundred & Fifty dollars (\$750.00) for each twenty-four (24) hour period or part thereof for which it can be proven that the violation occurred.

Any violation occurring within twenty-four (24) hours of any Declaration issued pursuant to this Ordinance shall result in a warning and shall not be considered an offense.

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

Amended Ordinance Introduced: October 24, 2011

Amended Ordinance Adopted: November 28, 2011

April Boyer Maimone, Municipal Clerk

Stephen DiDonato, Mayor