



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

ORDINANCE 0-17-17

AN ORDINANCE AMENDING CHAPTER 9-11 OF THE BOROUGH CODE CONCERNING LAWN SPRINKLER SYSTEMS

WHEREAS, Borough Code Chapter 9, Section 11 prohibits the use of lawn sprinkler systems; and

WHEREAS, the governing body of the Borough of Highlands has determined that it is in the best interest of the residents to allow for the use of lawn sprinkler systems with certain regulations and restrictions in order to engage in water conservation.

NOW, THEREFORE, BE IT ORDAINED by the governing body of the Borough of Highlands as follows:

SECTION I.

The following Sections of Chapter 9, Section 11 entitled "Lawn Sprinkler Systems Prohibited" of the Borough Code shall be amended to provide as follows: (All additions are shown in **bold italics with underlines**. The deletions are shown as ~~strikeovers in bold italics~~. Sections of Chapter 9, Section 11 that will remain unchanged are shown in normal type.)

9-11 LAWN SPRINKLER SYSTEMS ~~PROHIBITED.~~

~~— a. No lawn sprinkler or irrigation system shall hereafter be connected to the Borough of Highlands Municipal Water System.~~

~~— b. The prohibitions of this section shall not extend to lawn sprinkler or irrigation systems existing and connected to the Borough of Highlands Municipal Water System as of the date of the adoption of this section, provided that the owner of the lands upon which such system is located shall file with the plumbing inspector of the Borough of Highlands within six months after the adoption of this section, a certification stating the location and nature of such existing irrigation system and the date upon which it was connected to the Borough of Highlands Municipal Water System.~~

~~— c. The prohibitions of this section shall not extend to interior water sprinkler systems designed for fire protection or other emergency standby service.~~

~~d. The borough clerk shall forward to the Highlands Plumbing Subcode Official a certified copy of this section upon its adoption.~~

~~e. Any person violating the provisions of this section shall be subject to a fine by the Borough of Highlands Municipal Court in an amount not to exceed five hundred (\$500.00) dollars for the first offense and two thousand (\$2,000.00) dollars for any subsequent conviction.~~

9-11.1 – Lawn Sprinkler System Applications and Installation

- a. All applications for new lawn sprinkler systems shall be made to the Construction Official.
- b. Application fees shall be waived for applications seeking to upgrade a lawn sprinkler system which does not utilize “smart” technology controllers to one utilizing “smart” technology controllers which meet the United States EPA criteria for a WaterSense certification.
- c. All contractors installing and/or maintaining irrigation systems shall hold a valid Landscape Irrigation Contractor’s license issued by the New Jersey Department of Environmental Protection in order to construct, maintain, improve or alter a landscape irrigation system pursuant to N.J.S.A. 48:5AA-3.

9-11.2 – Lawn Sprinkler System Design

- a. All newly installed or retrofitted lawn sprinkler control systems shall utilize “smart” technology controllers which meet the United States EPA criteria for a WaterSense certification.
- b. Each new lawn sprinkler system shall utilize a rain sensor and/or at least one other weather or soil moisture sensor.
- c. Lawn sprinkler systems shall be designed and positioned to prevent overspray onto sidewalks, streets, adjacent properties or any natural body of water and shall follow industry design standards.
- d. All lawn sprinkler systems must be equipped with a backflow prevention device.

9-11.3 – Water Use Restrictions

- a. Upon adoption of a resolution declaring a Water Emergency as set forth in section 9-10, all residents shall abide by the terms of the resolution. At all other times, all residents shall abide by the water use restrictions set forth herein.

- b. Lawn sprinkler systems may be utilized no more than two days per week. Properties with an even-numbered address shall limit use to even days of the month; properties with an odd-numbered address shall limit use to odd days of the month.
- c. Lawn sprinkler systems shall be set to water lawns and planting beds between the hours of 12:00 midnight and 9:00 a.m.
- d. “Smart” lawn sprinkler systems which meet the United States EPA criteria for a WaterSense certification are exempt from the restrictions set forth in sections 9-11.3(b) and (c).
- e. No watering of lawns, by lawn sprinkler system or otherwise, shall be permitted when it is raining.
- f. Watering of any single area shall not exceed thirty minutes per day.

9-11.4 – Violations and Penalty

- a. The water use restrictions imposed pursuant to this section shall be enforced by the Code Enforcement Officer who shall give the violator a written warning, refer the violator to this section, and explain the penalties for a second and third offense as provided by this section. The Code Enforcement Officer shall keep such records as may be reasonable and necessary for the purpose of determining the persons and businesses who have been warned upon a first offense. The Code Enforcement Officer is hereby empowered to write summonses for the violation of the water use restrictions imposed pursuant to this section.
- b. After a first offense in accordance with this section, any person or business who thereafter violates this section shall be fined in accordance with this subsection. For a second offense, the fine imposed shall be five hundred (\$500.00) dollars. For a third and subsequent offense, the fine imposed shall be one thousand (\$1,000.00) dollars.
- c. Each day such violation is committed or permitted to continue shall constitute a separate offense and be punishable as such.

SECTION II. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance, which shall otherwise remain in full force and effect.

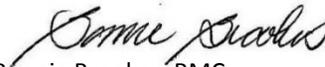
SECTION III. REPEALER. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION IV. EFFECTIVE DATE. This Ordinance shall take effect after final passage as provided by law.

Introduction: Ordinance O-17-16 September 6th 2017

| | INTROUCED | SECONDED | AYE | NAY | ABSTAIN | ABSENT |
|------------|-----------|----------|-----|-----|---------|--------|
| BROULLON | | X | X | | | |
| CARD | | | | | | X |
| D'ARRIGO | | | X | | | |
| KANE-WELLS | | | X | | | |
| O'NEIL | X | | X | | | |

I, Bonnie Brookes, Deputy Municipal Clerk of the Borough of Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body, at its Council Meeting, held September 6th 2017. WITNESS my hand this 6th day of September 2017.


 Bonnie Brookes, RMC
 Deputy Municipal Clerk

Publication: Asbury Park Press, September 12th 2017

Adoption: Ordinance O-17-16 September 20th 2017

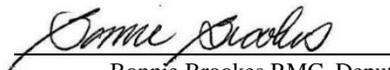
| | INTROUCED | SECONDED | AYE | NAY | ABSTAIN | ABSENT |
|------------|-----------|----------|-----|-----|---------|--------|
| BROULLON | | X | X | | | |
| CARD | | | | | | X |
| D'ARRIGO | | | X | | | |
| KANE-WELLS | X | | X | | | |
| O'NEIL | | | X | | | |

I, Bonnie Brookes, Deputy Municipal Clerk of the Borough of Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body, at its Council Meeting, held September 20, 2017. WITNESS my hand this 20th day of September 2017.


 Bonnie Brookes, RMC
 Deputy Municipal Clerk

Publication: Two River Times, September 28th 2017

Approve: 
 Richard W. O'Neil, Mayor

Attest: 
 Bonnie Brookes RMC, Deputy Clerk