

**ORDINANCE OF THE TOWNSHIP OF LAKEWOOD, COUNTY OF OCEAN
STATE OF NEW JERSEY, AMENDING THE CODE OF THE TOWNSHIP OF
LAKEWOOD, BY ADDING A SECTION ENTITLED 16-6, ENTITLED
OUTDOOR LANDSCAPE WATER CONSERVATION GUIDELINES.**

WHEREAS, the water supplies within the TOWNSHIP OF LAKEWOOD should be protected to afford the greatest beneficial use to TOWNSHIP OF LAKEWOOD 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 TOWNSHIP OF LAKEWOOD 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 TOWNSHIP OF LAKEWOOD 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 TOWNSHIP OF LAKEWOOD citizens;

WHEREAS, pursuant to N.J.S.A. 40:48-2, the TOWNSHIP OF LAKEWOOD 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 TOWNSHIP OF LAKEWOOD Committee of the TOWNSHIP OF LAKEWOOD in COUNTY OF OCEAN COUNTY OF OCEAN as follows:

Section 16-6. The Code of the TOWNSHIP OF LAKEWOOD in COUNTY OF OCEAN (year) shall be amended by the addition of Section 16-6, entitled, "Outdoor Landscape Water Conservation Ordinance", to read as follows:

I. Applicability

The water conservation and water use restrictions provided in the following Sections shall become effective only upon the declaration of a water emergency by the Mayor of the Township of Lakewood.

II. Water Use Restrictions

Restrictions on outdoor landscape water use apply to all users in TOWNSHIP OF LAKEWOOD 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 *V. Exemptions*. Such water use shall conform to the following Outdoor Landscape Water Use Restrictions:

- A. Lawn watering with a hose or hose-end sprinkler
1. May only be done on odd-even days corresponding to the street address number of the property;
 2. Watering shall only be conducted between the hours of 6:00 a.m. and 9:00 a.m. or between 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.

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 I.C)

1. May only be done on odd-even days corresponding to the street address number of the property;
2. Irrigation shall only be conducted between the hours of 12:00 midnight and 9:00 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 30 minutes per zone.

C. Irrigation with systems equipped with a SMART controller

1. To qualify for this provision, the SMART controller must have met the minimum requirements of 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/Tested_Products.aspx
2. The property owner must register the SMART controller with the TOWNSHIP OF LAKEWOOD
 - a. The TOWNSHIP OF LAKEWOOD will issue a yard placard which the owner must display signifying that the property is irrigated with a SMART controller
3. The SMART controller must be programmed by an EPA WaterSense 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 12:00 midnight and 9:00 am;

- 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 WaterSense 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 and monitored 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 TOWNSHIP OF LAKEWOOD with defining qualifications.
 - a. The TOWNSHIP OF LAKEWOOD will issue a yard placard which the owner must display signifying that the property is irrigated by an irrigation manager.
- 2. The irrigation manager must be an EPA WaterSense Partner or show evidence of successfully completing one of the approved courses listed below:
 - a. Rutgers University Continuing Education Course, *Irrigation Systems: Scheduling*
 - b. Irrigation Association's online course, *Landscape Irrigation Scheduling*.
 - c. A comparable course offered by a recognized continuing education facility or professional association.
- 3. A property specific irrigation program shall be developed by the irrigation manager based on plant variety, soil type, exposure, slope, precipitation rate, and irrigation efficiency.
- 4. Weekly adjustments shall be made to the irrigation schedule based on current evapotranspiration (ET) rates or weather conditions.
- 5. If it is found that an irrigation manager does not follow any of the terms prescribed in this ordinance, they may be disqualified from acting as a properties irrigation manager.

E. All automatic irrigation systems:

- 1. Shall be equipped with an operational automatic rain sensor device, which disables the system when a predetermined amount of rainfall has occurred. Each rain sensor device shall be capable of and programmed to interrupt the automatic irrigation cycle when ¼ inch of rain has fallen.
- 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 the 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.

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

1. The system must be installed by an EPA WaterSense Partner who holds a New Jersey Landscape Irrigation Contractor Certificate pursuant to NJSA 45:5AA-3.
2. New Jersey Irrigation Best Management Design Practices listed below:
 - a. designing a system that insures sufficient operating pressure at the sprinkler head;
 - b. dividing irrigated areas into hydro-zones of turf and plants with similar water requirements;
 - c. creating zoning systems according to exposure;
 - d. considering the soil type so the sprinkler irrigation precipitation rate is compatible with the soil infiltration rate or dividing the zone runtimes into multiple short cycles;
 - e. providing separate control of sloped areas;
 - f. preventing sprinkler heads from overthrowing onto driveways, roads, and sidewalks;
 - g. providing for separate irrigation for parkway strips between curbs and sidewalks that minimizes overthrow onto walks, pavement, and other impervious surfaces;
 - h. using pressure regulating technology as necessary to ensure 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. irrigating all flowers and shrubs with drip and/or micro-irrigation;
 - j. including check valves in low sprinkler heads to prevent low-point drainage;
 - k. having a pressure regulating device and wye strainer on each drip/micro control valve.
3. System must have a SMART controller capable of estimating or measuring depletion of available plant soil moisture and operating

the irrigation system only to replenish the water as needed while minimizing excess water use.

- a. The SMART controller must be an EPA WaterSense labeled SMART controller and listed on their website http://www.epa.gov/watersense/product_search.html and select irrigation controllers from the drop-down menu.
- b. The SMART controller must be programmed by an EPA WaterSense Partner who holds a New Jersey Landscape Irrigation 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 WaterSense partner must make a minimum of two site visits after the initial programming to adjust and fine tune the irrigation schedule.

H. Upon the Declaration of Water Emergency by the TOWNSHIP OF LAKEWOOD Township Committee additional restrictions may be imposed and shall supersede the restrictions in this ordinance.

I. State of New Jersey requirements shall supersede those identified in this Section when more stringent than those identified in this ordinance.

III. Violations

A. Violations include knowingly or recklessly watering or irrigating or permitting irrigation of lawn or landscape on owned, leased, or managed property that results in the following:

1. Watering during any form of precipitation;
2. Water leaking from any irrigation equipment;
3. Water puddling on landscape or impervious surfaces;
4. Water run-off from irrigated property;
5. Irrigating on days not permitted in this ordinance;
6. Irrigating at hours not permitted in this ordinance.

B. Violators of these guidelines and requirements are subject to fines and penalties described in *IV. Penalties*.

C. All water users in TOWNSHIP OF LAKEWOOD are responsible for preventing the above violations.

IV. Enforcement of Water Conservation Guidelines

The water use restrictions and automatic rain sensor requirement imposed pursuant to this section shall be enforced by the local authorized official. Whenever a local authorized official shall find a violation of the water use restrictions, regardless of the source of the water (public supply or private source), such authorized official shall issue a written warning and explain the penalties for a second and third offense, as provided in subsection IV. The local authorized official 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 local authorized official is hereby empowered to write summons for the violation of the water use restrictions imposed pursuant to this section.

V. Penalties

After a warning for a first offense in accordance with subsection III above, any person or business that thereafter violates the water use restrictions imposed pursuant to this section shall be subject to the penalty provisions stated in the Municipal Code.

VI. Exemptions

Restrictions in Section 16-6 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. 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.
- D. Outdoor irrigation necessary for the establishment of newly sodded lawns or landscaping within the first 21 consecutive days of planting.
- E. Visually supervised operation of an irrigation system by a person in compliance with the New Jersey Landscape Irrigation Contractor Certification Act of 1991 (NJSA 45:5AA-1) and at the minimum rate necessary in order to check system condition and effectiveness.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed on first reading at a regular meeting of the Township Committee of the Township of Lakewood, in the County of Ocean, State of New Jersey, held on **June 22, 2017**, and will be considered for second reading and final passage at the regular meeting of said Governing Body to be held on the **10th day of August 2017**, at 7:30 p.m., or as soon thereafter as this matter can be reached, at the meeting room of the Municipal Building located at 231 Third Street Lakewood, New Jersey, at which time all persons interested shall be given an opportunity to be heard concerning this ordinance.

Kathryn Hutchinson, RMC
Township Clerk