

**BOROUGH OF MOUNTAIN LAKES
MORRIS COUNTY, NEW JERSEY**

ORDINANCE 15-07

**ORDINANCE AMENDING CHAPTER 237 OF THE REVISED GENERAL
ORDINANCES OF THE BOROUGH OF MOUNTAIN LAKES TO PROVIDE
FOR MANDATORY WATER CONNECTION AND AMENDING THE
WATER CONSERVATION RESTRICTIONS.**

BE IT ORDAINED by the Borough Council of the Borough of Mountain Lakes, in the County of Morris and State of New Jersey, as follows:

Section 1. Chapter 237 of the Revised General Ordinances of the Borough of Mountain Lakes, Section 237-5, entitled "Water Connections", shall be amended by the following additional subsection C. which shall read in its entirety as follows:

C. Mandatory Connection to Water System.

The owners of all houses, buildings or properties used for human occupancy, employment, recreation or other purpose, situated within the Borough and abutting on any street, alley or right-of-way in which there is now located, or may in the future be located, a public water supply, are hereby required at their expense to connect directly with the public water supply in accordance with the provisions of this chapter, within 120 days after the date of official notice to do so.

Section 2. Chapter 237 of the Revised General Ordinances of the Borough of Mountain Lakes, Section 237-10, entitled "Water Conservation," and shall read in its entirety as follows:

§ 237-10. Water Conservation.

A. Water restrictions. During the months of June, July, August, and September of each year all Borough residents, tenants and businesses are required to observe the following water use restrictions: outdoor use for lawn, tree and shrub watering shall be restricted to alternate days, with usage allowed on even-numbered days for those residents or businesses whose dwelling, building or box number is even and on odd-numbered days for those residents or businesses whose dwelling, building or box number is odd. Such water use shall be done only from 12:01 a.m. to 8:00

a.m. and from 8:00 p.m. to 12:00 midnight on the allowed days. There should be no such outdoor water usage on July 31 or August 31. The following types of businesses or organizations shall be exempt from water use restrictions to the extent necessary to operate their businesses: nurseries, garden centers and car washes. The Borough Manager may, however, impose water restrictions upon such businesses or organizations by promulgation of a declaration specifying such restrictions.

B. Declaration of water emergency. In addition to the restrictions set forth in Subsection A., whenever the Borough Manager is satisfied and finds that a water emergency exists in the Borough of Mountain Lakes, the Borough Manager may promulgate and publish a declaration that a water emergency exists in the Borough. Such declaration may impose the complete ban and prohibition of outside water usage, including the watering of lawns and plants, the filling of pools and the washing of motor vehicles; and/or any other water use restrictions specified by the Borough Manager in the declaration which are reasonable under the circumstances considering the nature and extent of the water emergency.

C. Regulations during water emergency. In addition to any water use restrictions set forth in a declaration promulgated by the Borough Manager declaring a water emergency, every owner, lessee, tenant and occupant of any building or premises connected with and using water from any water supply which services the residents of the Borough and every person using the water supply shall comply with the following regulations during a declared water emergency:

i. Maintenance of water service pipes, fixtures and connections in good order and repair, whereby there shall be no waste of water.

ii. Completion of all necessary repairs to prevent the waste of water.

iii. Immediate notification to the owner or the agent of the owner of any defective waste service pipes, fixtures or connections, whereby water is being wasted.

iv. Immediate notification to the Borough Clerk or Police Department and water company representative of any waste occurring by reason of defective water service pipes, fixtures or connections.

v. Otherwise comply with all provisions in this section and the water use restrictions and other regulations promulgated under any declaration of emergency promulgated by the Borough Manager.

D. Duration of water use restrictions.

i. The declaration as required by Subsection B. shall provide a period of time during which the water use restrictions imposed shall be

applicable and which shall be no longer than reasonably necessary to abate the water emergency under the circumstances considering the nature and extent of the water emergency.

ii. At the expiration of the time period specified, the water use restrictions shall lapse and be inapplicable and unenforceable.

iii. If the Manager shall be satisfied that the water emergency has been abated prior to the expiration of the time period specified by declaration, the Borough Manager shall declare the water emergency ended and the water use restrictions inapplicable.

iv. If, at the expiration of the time period specified, the Manager shall be satisfied that the water emergency continues to exist, the Borough Manager may, in accordance with the requirements of this article, continue the water use restrictions.

E. Enforcement of water use restrictions. The water use restrictions imposed pursuant to this article shall be enforced during a water emergency by such local official authorized by the Borough Manager, including the Borough Police Department. Whenever a local authorized official or Borough Police Department shall find a violation of the water use restrictions, such authorized official or Borough police officer shall give the violator a written warning and explain the penalties for a second and third offense as provided for in Subsection F. The local authorized official or Borough Police Department 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 or the officers of the Borough Police Department are hereby empowered to write summonses for the violation of water use restrictions imposed pursuant to this article.

F. Violations and penalties. After a first offense of this Section, any person or business who thereafter violates the water use restrictions imposed pursuant to this article shall be fined or imprisoned in accordance with this section. For a second offense, the penalty imposed shall be \$500 or imprisonment for 10 days, or both. For a third and subsequent offense, the penalty imposed shall be \$1,000 or imprisonment for 30 days, or both.

G. Additional water conservation provisions.

i. The Borough will also enact a fee scale that will rise with the amount of water that each customer consumes effective the second quarter 2007 billing.

ii. The Borough will continue not to charge for sewer on all water that is used thru a sprinkler meter, although the cost per cubic feet for water metered thru a sprinkler meter will be higher than domestic water.

Section 3. If any section or provision of this Ordinance shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Section 4. All Ordinances or parts of Ordinances, which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 5. This Ordinance shall take effect immediately after final passage and publication in the manner provided by law.

Introduced: August 27, 2007

Adopted: September 10, 2007

Council Member	By:	2 nd	Yes	No	Abstain	Absent	By	2 nd	Yes	No	Abstain	Absent
Gormally			X					X	X			
Emr			X						X			
Shaw			X						X			
Davis		X	X						X			
Wilson	X		X						X			
Urankar			X				X		X			
Jackson			X						X			

Christina Whitaker
Borough Clerk

George Jackson, Mayor