

CITY OF CAPE MAY CODE

Article II Water Emergency and Water Conservation

17-21 WATER USE RESTRICTIONS DURING WATER EMERGENCY

17-21.1 Declaration of Water Emergency. Whenever the City Council shall be satisfied and finds that a water emergency exists in the municipality, it may adopt a resolution declaring that a water emergency exists in the City. Such resolution shall be adopted by the City Council at any regular, special, adjourned or emergency public meeting of the Governing Body. Such resolution shall identify that portion or portions of the municipality affected by the water emergency, which may include the entire municipality, and shall specify which of the water use regulations contained in subsection 17-21.2 below is being imposed as well as any exemptions as may be authorized. Such resolution shall be effective immediately upon publication according to law and shall continue in effect for ninety (90) days, unless extended or repealed as set forth in subsection 17-21.3 below. For the purpose of this section, a water emergency shall exist for any of the following reasons:

- a. Any public utility providing water service or any municipal utility providing water service to all or a portion of the City has adopted water use restrictions, has notified the municipality, the New Jersey Board of Public Utilities, and the New Jersey Department of Environmental Protection, as well as any other State, County or local agency entitled to notice of such restrictions, and such restrictions are not overruled or declared invalid by any State, County or local agency having the jurisdiction and power to do so; or
- b. The City Council is otherwise satisfied that a water emergency exists in the municipality. (Ord. No. 837-1989 § 1)

17-21.2 Water Use Restrictions. Upon adoption by the City Council of a resolution declaring that a water emergency exists in the City in accordance with subsection 17-21.1 above, all citizens shall be urged to observe voluntary indoor conservation measures and, any of the following water use restrictions shall be imposed and shall be applicable to all residents and tenants except where a bona fide health emergency exists and to exempt businesses, as specified herein, during the water emergency.

- a. The complete ban and prohibition of outside water usage, including the watering of lawns and plants, the filling of pools and the washing of cars; or
 - b. Outside water usage on alternate days allowing outside water usage by persons or businesses having even house or box numbers on even days, and those having odd house or box numbers on odd days, with outside water usage being completely banned and prohibited on the 31st day of any month during the water emergency;
- or
- c. Any other water use restrictions specified by the Governing Body in the resolution required by subsection 17-21.1 above which is reasonable Under the circumstances considering the nature and extent of the water emergency.

Any water restriction imposed pursuant to this paragraph shall be limited in application to that portion of the City, which may include the entire City, identified as being affected by the water emergency in the resolution of the City Council adopted in accordance with 17-21.1. above. (Ord. No. 837-1989 § 2)

17-21.3 Duration of Water Use Restrictions. The resolution of the City Council required by subsection 17-21.1 above shall, in addition to complying with subsection 17-21.1, 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. At the expiration of the time period specified in the resolution, the water use restriction shall lapse and be inapplicable and unenforceable. If the City Council shall be satisfied that the water emergency has been abated prior to the expiration of the time period specified in the resolution, it shall adopt a resolution declaring the water emergency ended and the water use restrictions inapplicable. If, at the expiration of the time period specified in the resolution, the City Council shall be satisfied that the water emergency continues to exist, it may adapt a resolution in accordance with the requirements of this section continuing the water use restrictions. (Ord. No. 837-1989 § 3)

7-21.4 Enforcement of Water Use Restrictions. The water use restrictions imposed pursuant to this section shall be enforced during a water emergency by:

- a. The Superintendent of the Water and Sewer Utility, the herein-designated local authorized official.
- b. In the absence or disability of the Superintendent of the Water and Sewer Utility, then by the Assistant Superintendent in charge of the Water and Sewer Utility.
- c. Any law enforcement officer of the City of Cape May.

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When the local authorized official or other enforcement official designated herein shall find a violation of the water use restrictions, such enforcement official shall give the violator a written warning and explain the penalties for a second and third offense as provided by subsection 17-2 1.5 below.’ 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. Any enforcement official issuing a warning shall forthwith transmit a record of such warning to the local authorized official so that an appropriate record can be maintained as required by this section. The local authorized official and other enforcement officials designated herein are hereby empowered to write summonses for the violation of the water use restrictions imposed pursuant to this section (Ord. No. 837-1989 § 4)

7-21.5 Penalties. After a first offense, in accordance with subsection 17-2 1.4 above, any person or business which thereafter violates the water use restrictions imposed pursuant to this section shall, upon conviction, be subject to the following:

- a. First Offense. Written warning in accordance with subsection 17-2 1.4 above.
- b. Second Offense. A fine in the minimum amount of one hundred (\$100.00) dollars and in the maximum amount of five hundred (\$500.00) dollars or imprisonment for a term not to exceed ten (10) days or both. In addition, an appropriate term of community service may be imposed by the Court.
- c. Third and Subsequent Offense. A fine in the minimum amount of one hundred (\$100.00) dollars and in the maximum amount of one thousand (\$1,000.00) dollars or imprisonment for a term of thirty (30) days or both. In addition, an appropriate term of community service may be imposed by the Court.(Ord. No. 837-1989 § 5)

17-21.6 Continuing Activities After Notice or Issuance of Summons. Nothing contained in this section shall be construed as prohibiting or precluding the issuance of multiple complaints for a violation of this section, notwithstanding the fact that such multiple complaints may issue on the same date, where the action or conduct of the perpetrator undertaken in violation of this section is of a continuing or ongoing or

repetitive nature such as where the violator refused to cease the activity which is carried out in violation of this section. Under such circumstances, the local authorized official may, in his discretion, issue or cause to be issued a complaint for each hour that the offending activity continues in existence in violation of this section provided however that where multiple complaints are to issue, at least one (1) hour shall intervene between the issuance of multiple complaints. (Ord. No. 837-1989 § 6)

17-21.7 Duty of City Officials to Disclose Existence of Emergency Conditions to City Council. It shall be the duty of the Mayor, Superintendent of the Water and Sewer Utility to immediately notify City Council, and the members thereof, of the existence of any facts or circumstances which give rise or are likely to give rise to the existence of a water emergency such that a declaration of water emergency should be called pursuant to this section and restrictions on water usage imposed. The Mayor, Superintendent of the Water and Sewer Utility shall communicate such information, or other official designated herein to the City Council and the individual members thereof by the most expedient means available and by notifying the City Clerk. (Ord. No. 837-1989 ~ 7)

17-22 REQUIRED WATER CONSERVATION.

17.22.1 Applicability. The following restrictions apply to all persons and properties using water supplied by the City of Cape May Water Utility unless emergency water use restrictions are implemented pursuant to Section 17-21. These restrictions shall not apply to water from private wells, rain storage tanks, or similar water sources that are not served by the City of Cape May Water Utility. (Ord. No. 946-92 § 17-14)

17-22.2 Outdoor Watering of Lawns, Plants and Gardens.

- a. Watering of lawns, plants and gardens is prohibited between the hours of 10:00 a.m. and 6:00 p.m.
- b. Between May 15 and September 15, inclusive, outdoor watering of lawns, plants and gardens shall be permitted before 10:00 a.m. and after 6:00 p.m. west of Madison Avenue on odd numbered days (i.e., 1, 3, 5 etc.) and shall be permitted before 10:00 a.m. and after 6:00 p.m. east of Madison Avenue on even numbered days (i.e., 2, 4, 6 etc.).
- c. No outdoor watering shall be permitted between May 15 and September 15, inclusive, on Saturdays, Sundays, or Federal holidays, at any time. (Ord. No. 946-92 § 17-14.1; Ord. No. 1025-94)

17-22.3 Outdoor Washing by Hose.

- a. Washing of sidewalks and driveways by hose is prohibited, except in emergencies or circumstances specifically approved in advance by the Superintendent.
- b. Automatic shut-off nozzles shall be used on hoses used for outdoor washing (vehicles, boats, windows, etc.)
- c. car washing shall be permitted between May 15 and September 15, inclusive, on Saturdays, Sundays or Federal holidays. - (Ord. No. 946-92 § 17-14.2; Ord. No. 1025-94)

17-22.4 Rain Sensors on Automatic Irrigation or Sprinkler Systems. The Superintendent is authorized to determine the adequacy of rain sensor devices or switches that will override the automatic irrigation or sprinkler cycle of the system when adequate rainfall has occurred and issue permits for their installation and use.

- a. No irrigation or sprinkler system shall be permitted or installed unless it has an effective rain sensor device or switch.
- b. All irrigation or sprinkler systems installed prior to the effective date of this section shall be modified not later than April 1, 1993 to include an effective rain sensor device or switch. Until such rain sensor device or switch is installed, owners of properties with irrigation or sprinkler systems shall arrange to manually override such systems when adequate rainfall has occurred. (Ord. No. 946-92 § 17-14.3)

17-22.5 Drinking Water Only on Request. All restaurants and other food-service establishments shall serve water to customers only when specifically requested to do so. (Ord. No. 946-92 § 17-14.4)

17-22.6 Enforcement. It shall be the duty of the Superintendent of the Water and Sewer Utility to supervise and insure uniform City-wide compliance with all required water conservation measures.

- a. All employees of the Utility and all other City enforcement and inspection personnel shall assist by reporting, inspecting and helping to abate violations as authorized and requested by the Superintendent. Concerned citizens observing violations are encouraged to report same.
- b. Persons observed violating any required water conservation measure shall be notified verbally immediately and shall be provided a copy of the requirements. Owners of properties on which violations are observed shall be served in person or by certified mail with a notice of violation. The notice shall specify the violation observed, require immediate compliance with required water conservation measures, and shall also include an opportunity for the owner to reply in writing to the notice.
- c. The Superintendent shall monitor compliance by systematic inspections. Failure to comply by any person or property owner who has received a violation notice shall result in the issuance of a summons to appear in Municipal Court.
- d. A record and file of all notices, replies and reports of inspections shall be maintained by the Superintendent. A summary report of compliance shall be submitted by the Superintendent as required by City Council or the Mayor. (Ord. No. 946-92 § 17-14.10)

17-22.7 Penalties. Failure to comply with required water conservation measures set forth in this chapter shall be punishable by a fine of not less than fifty (\$50.00) dollars for the first offense, one hundred (\$100.00) dollars for the second offense, and five hundred (\$500.00) dollars for the third and each additional offense. Each and every day that a violation exists shall constitute a separate violation. (Ord. No. 946-92 § 17-14.11)