

ORDINANCE 19 - 2016

ORDINANCE OF THE TOWNSHIP OF LIVINGSTON AMENDING CHAPTER 316  
ARTICLE 20 ESTABLISHING THREE DAYS PER WEEK WATER RESTRICTIONS

WHEREAS, in order to maintain a static level of water within the Township's wells throughout the Spring and Summer months, it is deemed necessary to implement ~~odd/even~~ **three days per week** water restrictions on the watering of lawns; and

BE IT ORDAINED by the Township Council of the Township of Livingston, in the County of Essex, State of New Jersey as follows:

*New language is in bold and italicized and deleted language is struck through.*

The following shall be added.

~~Section 1. Chapter 18, Article 23 of the Revised General Ordinances of the Township of Livingston, 18-23 Water Use Restrictions—watering of lawns:~~

*Section I. Chapter 316, Article 20 “Water Use Restrictions” is amended as follows:*

- ~~1. Watering of lawns (including athletic fields) is allowed every other day only, on an "odd-even" basis. Odd-even watering means that watering may occur on odd numbered days on the side of the street with odd numbered addresses, and on even numbered days on the side of the street with even numbered addresses. For locations without street addresses, watering may occur on odd-numbered days on streets with names starting in "A through M" and watering may occur on even numbered days with streets with names starting in "N through Z".~~

1. **Water Use Restrictions**

*Restrictions on outdoor lawn water use apply to all users in the Township of Livingston at all times regardless of source of supply (e.g. public water supplies, well or groundwater, lakes, streams, or ponds) unless expressly exempt in 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. *Watering of lawns is allowed three days per week only. Even-number addresses may water on Tuesday, Thursday and Saturday. Odd-number addresses may water on Wednesday, Friday and Sunday. Locations without an address may water on Tuesday, Thursday and Sunday. If you have special circumstances, you may apply for an exemption from watering regulations by contacting the Police Department.*

*During those three days of the week on which each home or property is allowed to water lawns, watering of lawns is permitted between the hours of 6 p.m and 9 a.m.*

3. *The watering of any single area shall not exceed 30 minutes per day on either of the three days properties are permitted to water lawns.*
- B. Irrigating lawns 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 C1):*
1. *Watering of lawns is allowed three days per week only. Even-number addresses may water on Tuesday, Thursday and Saturday. Odd-number addresses may water on Wednesday, Friday and Sunday. Locations without an address may water on Tuesday, Thursday and Saturday. If you have special circumstances, you may apply for an exemption from watering regulations by contacting the Police Department.*
  2. *During those three days of the week on which each home or property is allowed to water lawns, watering of lawns is permitted between the hours of 12 midnight and 9 a.m. only.*
  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 50 minutes per zone.*
- C. Irrigation with systems equipped with a “smart” controller that is WaterSense Certified:*
1. *To qualify for this provision, the controller must have met the minimum requirements of the Irrigation Association’s “SWAT” (Smart Water Application Technologies) protocol testing and/or be WaterSense Certified by the United States Environmental Protection Agency (U.S. EPA).*
  2. *The property owner must register the controller with the municipality by filing a registration form available through the Clerk's Office.*
    - a. *The Township will issue a yard placard which the owner must display signifying that the property is irrigated with a “smart” controller that is WaterSense Certified.*
  3. *The controller must be programmed by a licensed New Jersey Landscape Irrigation Contractor pursuant to ‘*
  4. *The controller must be programmed to irrigate between the hours of 12 midnight and 9a.m.;*

5. *Residents that either already have a “smart” controller that is WaterSense Certified, or that transition to it, are exempt from the three-day-per-week restriction.*

D. *All newly-installed automatic irrigation systems in the Township shall be installed with a “smart” controller that is Water Sense Certified.*

E. *All automatic irrigation systems 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 1/4 inch of rain has fallen.*

2. *Prohibited Water Uses*

*The following uses of water are prohibited in the Township:*

A. *Watering of any hard surfaces such as sidewalks, walkways, driveways or parking areas unless flushing is needed to protect health and safety;*

B. *Outdoor watering during periods of rain;*

C. *Using water to clean, fill or maintain decorative fountains unless the water is part of a recirculating system.*

~~2. Exceptions to the Odd-Even watering restrictions are:~~

3. **Exemptions**

*The following uses of water are to be exempt from the three-day-per-week restriction, as well as all other restrictions, defined above in Section I.1 (“Water Use Restrictions”) and Section I.2 (“Prohibited Water Uses”):*

*A. Outdoor water use from rainwater harvesting via rain barrels, grey water, or reclaimed water;*

*B. Watering of athletic fields and golf courses;*

~~C. Watering of trees, shrubs, vegetable and flower gardens is permitted.~~

*C. Irrigation of residential and commercial nurseries, trees, and gardens;*

D. Watering lawns by a commercial enterprise engaged in the installation or repair of lawn irrigation system is allowed on any day, if necessary, to test a customer's newly installed and newly repaired sprinkler system, provided that:

- a. During the duration of the permitted watering, a sign shall be prominently displayed on the front lawn of the property. The sign shall be at least two-feet wide by two-feet high with lettering large enough to be clearly visible from the nearest street or road. The sign shall read:

AUTHORIZED LIMITED TESTING OF SPRINKLER SYSTEM  
COMPANY NAME  
STATE’S CERTIFICATION NUMBER  
ADDRESS  
TELEPHONE NUMBER

E. Daily watering of lawns following treatment with fertilizer, pesticide or herbicide is allowed for two days starting on the date fertilizer, pesticide or herbicide is applied. Documentation of the date that treatment was applied shall be produced upon request of appropriate authorities.

~~F. Daily watering of newly sod lawns or a newly seeded grass lawn is allowed for the first 45 days after planting starting on a date of planting or sod laying. Documentation of the date of seeding or sod laying shall be provided upon the request of the appropriate authorities.~~

*F. Outdoor irrigation necessary for the establishment of newly sodded or seeded grass lawns or landscaping within the first 14 consecutive days of planting.*

~~G. Water shall be applied with any of following:~~

*H. Water applied with any of following:*

- a. Watering can;

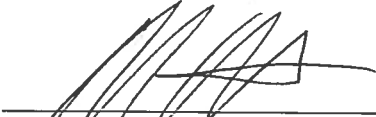
- b. Handheld hose that is equipped with nozzle that automatically shuts off when released;
- c. ~~Alternative irrigation technology that minimizes water use and is used with timer to ensure watering for no more than 2 hours per area watered. Examples of acceptable~~ Alternative irrigation technologies that are low-pressure water delivery systems and that are directly on or in the ground, such as perforated soaker hoses, emitters or drip tube devices;
- d. Tree ring or tree bag (a commercially available device placed on the ground around a tree or plant, which gradually releases the water into the soil);
- ~~e. Plants, trees, shrubs may be watered immediately after planting or replanting;~~
- e. *Use of recreational or play sprinklers utilized by children.*

**Section II. Penalties.** Any person or entity that shall violate any of the provisions of this Article or any other order promulgated hereunder shall, after a summons is issued, be required to appear in Municipal Court and be subject to a fine up to ~~\$1,000~~ **\$2,000**. Each violation of any of the provisions of this Article shall be deemed to be a separate and distinct offense. A separate offense shall be deemed committed on each day during on or which a violation occurs or is continuous.

***Section III. Enforcement. The water use restrictions delineated in this document shall be enforced by the Police Department. Whenever the Police Department shall find a violation of the water use restrictions delineated above, the violator shall be subject to the penalties as provided in Section 2. The 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 Police Department is hereby empowered to write summons for the violation of the water use restrictions imposed pursuant to this section.***

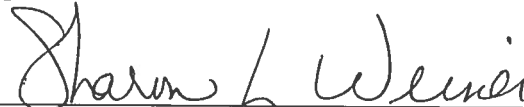
**Section IV.** Except as hereby amended, the ~~Revised General Ordinances~~ **Code** of the Township of Livingston shall remain in full force and effect.

**Section V.** This Ordinance shall take effect 20 days from final passage and being published in accordance with the law.

  
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ALFRED M. ANTHONY, Mayor

  
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GLENN R. TURTLETAUB, Township Clerk

Approved as to form:

  
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SHARON L. WEINER, Township Attorney  
Adopted: May 23, 2016