

**AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER III “POLICE REGULATIONS” CREATING SECTION 3-7 ENTITLED
“OUTDOOR LANDSCAPE WATER CONSERVATION REGULATIONS” OF THE
REVISED GENERAL ORDINANCES OF THE BOROUGH OF MONMOUTH BEACH**

WHEREAS, the water supplies within the Borough of Monmouth Beach should be protected to afford the greatest beneficial use to its 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 Borough of Monmouth Beach 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 Borough of Monmouth Beach 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 Monmouth Beach citizens;

WHEREAS, pursuant to N.J.S.A. 40:48-2, the Borough of Monmouth Beach 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;

WHEREAS The Borough of Monmouth beach encourages that all irrigation systems meet the latest technological advances in irrigation control and suggests that all property owners avail themselves of this new technology. In that context there are general guidelines which should be considered by property owners as follows:

The Borough encourages the use of Irrigation with systems equipped with a SMART controller and offers the following guidelines for those systems:

1. 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/SWAT/Industry/ia-tested.asp>
2. The SMART controller should be programmed by an EPA WaterSense Partner who holds a New Jersey Landscape Irrigation Contractor Certificate pursuant to NJSA 45:5AA-3.
 - a. Proper sprinkler head data and accurate soil/plant/irrigation information should be entered;

- b. The SMART controller programming data should be posted at the controller;
 - c. The WaterSense Partner should make a minimum of two site visits after the initial programming to adjust and fine tune the irrigation schedule.
- A. Irrigation systems programmed and monitored by an irrigation manager
 - 1. The property owner should designate a qualified person who will be the 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 should be developed by the irrigation manager based on plant variety, soil type, exposure, slope, precipitation rate, and irrigation efficiency.
 - 4. Weekly adjustments should be made to the irrigation schedule based on current evapotranspiration (ET) rates or weather conditions.
- B. All automatic irrigation systems:
 - 1. Should 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 should 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.
- C. All new irrigation systems should comply with the following:
 - 1. The system should 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 are listed below. More information on these practices can be found in the Outdoor Landscape Water Conservation Model Ordinance Best Practices Guide:
 - 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 should 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 have undergone SWAT testing and be listed on the Irrigation Association website www.swatirrigation.org.
- b. The SMART controller should 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.

WHEREAS, The Borough of Monmouth Beach supports the sustainability efforts of the State of New Jersey but has not adopted as legislation certain requirements which would either

limit homeowner's rights or place unenforceable burdens on both property owners and enforcement personnel

SECTION 1: BE IT ORDAINED by the Mayor and Commissioners of the Borough of Monmouth Beach that Chapter III POLICE REGULATIONS Section 3-7 entitled "Outdoor Landscape Water Conservation" shall be deleted in its entirety and shall be replaced by the following new section:

3-7.1 Water Use Restrictions

Restrictions on outdoor landscape water use apply to all users in the Borough of Monmouth Beach at all times regardless of source of supply (e.g. public water supplies, well or ground water, lakes, streams, or ponds) unless expressly exempt by this ordinance. 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 two days per week
 - 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. Automatic Systems
 - Irrigating lawns and landscapes with automatic irrigation systems: equipped with an irrigation controller:
 - 1. May only be done two days per week
 - 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 50 minutes per zone.

C. Additional Restricted Activities

It shall also be a violation of this ordinance to knowingly or recklessly water or irrigate or permit 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 at hours not permitted in this ordinance.

3-7.2. Enforcement of Water Conservation Guidelines

The water use restrictions imposed pursuant to this section shall be enforced by any Police Officer or Code Enforcement Officer.

3-7.3 Violations and Penalties

The Chief of Police, any police officer of the Borough of Monmouth Beach or the Borough Construction Official may make a complaint in the Municipal Court of the Borough of Monmouth Beach for any violations of this chapter or any section, paragraph or provision thereof. Upon conviction in such case, for each and every violation, the person committing, taking part in or assisting in such violation or violations shall, upon conviction thereof, be liable for the penalty prescribed by these ordinances or as permitted by State Law.

3-7.4 Exemptions

The Following activities shall not be subject to the requirements of this section:

- 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.

SECTION 3. All ordinances or parts thereof inconsistent with the provisions of this ordinance are hereby repealed as to such inconsistency.

SECTION 4. If any section, paragraph, subdivision, clause or provision of this ordinance is adjudged to be invalid, such adjudication shall apply only to section paragraph, subdivision, clause or provision so adjudged and the remainder of this ordinance shall be deemed valid and effective.

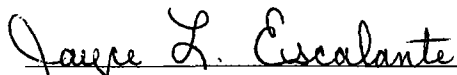
SECTION 5. This ordinance shall take effect upon its passage and publication according to law.

Introduced : August 9, 2011
Adopted : September 13, 2011

Certification

I hereby certify this to be a true copy of an Ordinance that was adopted by the Board of Commissioners of the Borough of Monmouth Beach at a meeting held on September 13, 2011.

ATTEST:



Joyce L. Escalante, RMC
Municipal Clerk