

BOROUGH OF AVALON  
CAPE MAY COUNTY  
NEW JERSEY

ORDINANCE No. 876-2024

AN ORDINANCE AMENDING AND SUPPLEMENTING CHATER 14 (WATER AND SEWER) OF THE AVALON BOROUGH CODE PERTAINING TO IRRIGATION AND WATER EMERGENCIES.

**WHEREAS**, the conservation of water is critically important to the public health, safety, and welfare, and the Borough has determined, through reports submitted by Utility Services Affiliates, Inc., a subsidiary of Middlesex Water Co., Inc., the third-party manager and operator of the Borough’s water and sewer systems, that certain restrictions should be imposed on the irrigation of lawns, plants, and vegetation within the Borough and including the days and times when such irrigation may take place so as not to endanger the public health and safety;

**NOW, THEREFORE, BE IT ORDAINED** by the Borough Council, the Governing Body of the Borough of Avalon, in the County of Cape May, and State of New Jersey as follows:

**SECTION 1.** Chapter 14 (Water & Sewer) of the Code of the Borough of Avalon is amended and supplemented, in part, and as amended shall hereafter read as follows:

§ 14-15 **WATER EMERGENCIES.**

§ 14-15.1 **Declaration of Water Emergency.**

[2000 Code § 14:1-28]

**Changes in Ordinance appear in bold and underline as “amendment”**

**Add the following provisions at the start of Section 14-15.1:**

**The provisions of §§ 14-15.1, 14-15.2, 14-15.3, shall apply only in the event of the Declaration of a Water Emergency in accordance with the provisions of this Chapter.**

**The provisions of § 14-15.4 shall apply generally and universally even in the absence of the Declaration of a Water Emergency. The intention of this section is to conserve water and maintain adequate and safe levels in the Borough water tanks and to avoid or prevent, to the greatest extent possible, the occurrence of circumstances that would require the Declaration of a Water Emergency.**

Whenever the Borough Council shall be satisfied and finds that a water . . .  
*[balance of section remains unchanged]*

§ 14-15.2 **Water Use Restrictions.** [No change]

§ 14-15.3 **Duration of Water Restrictions.** [No change]

[2000 Code § 14:1-29.2]

§ 14-15.4 **Water Irrigation Restrictions.**

[Ord. No. 654-2012 § 3]

**Add the following at the beginning of this section:**

**These provisions of this Section are intended to apply generally to all irrigation in the Borough as defined herein and shall apply at all times even in the absence of a Declaration of Water Emergency.**

*Amend this section to read as follows:*

**a.** All existing irrigation systems, watering of lawns and planting beds, shall be restricted to the following schedule:

- 1) All properties on which the last digit of the house number is an odd number may irrigate on odd-numbered calendar days beginning no earlier than April 1 of each year and ending no later than November 15 of each year.
- 2) All properties on which the last digit of the house number is an even number, or a "0", may irrigate on even-numbered calendar days beginning no earlier than April 2 of each year and ending no later than November 16 of each year.
- 3) All irrigation shall take place between the hours of Midnight and 9:00 am daily.
- 4) Irrigation is restricted to a maximum of 30 minutes per day.
- 5) Flower boxes may be watered everyday April through November.
- 6) Newly installed lawns and / or landscape beds may be irrigated as needed for the first 21 days following installation. After 21 days, the irrigation schedule set forth in this section shall apply.

*The following section is intended to be deleted:*

**b.** ~~All systems shall be set to water lawns and planting beds between the hours of 12:00 midnight and 9:00 a.m. It is recommended that overhead rotator or spray irrigation be limited to thirty (30) minutes per irrigation zone per day per the schedule indicated in paragraph a. above.~~

§ 14-15.5 **Enforcement of Restrictions.**

[2000 Code § 14:1-30.1]

The water use restrictions imposed pursuant to this section shall be enforced ~~during a water emergency~~ by:

**AMEND FOLLOWING SECTION AS INDICATED:**

**a.** ~~The Director of Public Works and Public Utilities, the herein designated local authorized official.~~  
**Code Enforcement Official and Code Enforcement Officers of the Borough.**

**DELETE FOLLOWING SECTION:**

**b.** ~~In the absence or disability of the Director of the Department of Public Works and Public Utilities, then by the Assistant Director.~~

**c.** Any law enforcement officer of the Borough of Avalon.

§ 14-15.6      **Written Warning.**

[2000 Code § 14:1-30.4]

**AMEND AS INDICATED:**

Whenever 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 this section. 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 the other enforcement officials designated herein are hereby empowered to write summonses for the violation of the water use restrictions imposed pursuant to this section.

§ 14-15.7      **Violations and Penalties.**

[2000 Code § 14:1-31; New]

**AMEND AS INDICATED:**

Any person or business who 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 section 14-15.6.
  
- 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 **not to exceed 30 days**.
  
- c.**      Third and Subsequent Offense(s). A fine in the minimum amount of one hundred (\$100.00) dollars and in the maximum amount of one thousand two hundred fifty (\$1,250.00) 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 **not to exceed 30 days**.

§ 14-15.8      **Continuing Activities After Notice or Issuance of Summons.**

**[No change]**

[2000 Code § 14:1-32]

§ 14-15.9      **Disclosure of Emergency Circumstances to Borough Council.**

**[No change]**

**SECTION 2. REPEALER.** All Ordinances or parts of Ordinances, including those specified in Section 3 hereof, which are in conflict or inconsistent herewith are hereby repealed to the extent of such inconsistency or conflict only.

**SECTION 3. SEVERABILITY.** If any section, paragraph, subdivision, subsection, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, subsection, clause, or provision declared invalid and the remainder of this Ordinance shall remain in full force and effect and shall be enforceable.

**SECTION 4. EFFECTIVE DATE.** This Ordinance shall take effect immediately upon final adoption and publication as required by law.

**NOTICE OF PENDING ORDINANCE**

The Ordinance published herewith was introduced and passed on first reading of the Municipal Council of the Borough of Avalon on March 13, 2024. It will be further considered for second reading, public hearing and final adoption at a meeting of said Council to be held on the 10th day of April, 2024 in the Meeting Room of the Municipal Building, Avalon, New Jersey at 4:00 pm and during the week prior to and up to and including the date of such meeting, copies of said Ordinance will be made available at the Clerk's Office in said Municipal Building to the members of the general public who shall request the same.

C. DANIELLE NOLLETT  
Borough Clerk