



AGENDA
NEWTON TOWN COUNCIL
AUGUST 26, 2013
7:00 P.M.

I. PLEDGE OF ALLEGIANCE

II. ROLL CALL

III. OPEN PUBLIC MEETINGS ACT STATEMENT

IV. APPROVAL OF MINUTES

- AUGUST 12, 2013 REGULAR MEETING
- AUGUST 12, 2013 SPECIAL MEETING

V. OPEN TO THE PUBLIC

AT THIS POINT IN THE MEETING, THE TOWN COUNCIL WELCOMES COMMENTS FROM ANY MEMBER OF THE PUBLIC ON ANY TOPIC. TO HELP FACILITATE AN ORDERLY MEETING AND TO PERMIT THE OPPORTUNITY FOR ANYONE WHO WISHES TO BE HEARD, SPEAKERS ARE ASKED TO LIMIT THEIR COMMENTS TO 5 MINUTES. IF READING FROM A PREPARED STATEMENT, PLEASE PROVIDE A COPY AND EMAIL A COPY TO THE CLERK'S OFFICE AFTER MAKING YOUR COMMENTS SO IT MAY BE PROPERLY REFLECTED IN THE MINUTES.

VI. COUNCIL & MANAGER REPORTS

VII. ORDINANCES

a. 2ND READING & PUBLIC HEARING

ORDINANCE 2013-22

AN ORDINANCE AMENDING SECTION 320-23 "PARKING AND DRIVEWAY STANDARDS" OF THE NEWTON TOWN CODE TO PROHIBIT CERTAIN FRONT YARD PARKING AND PARKING OF CERTAIN VEHICLES ON RESIDENTIAL PROPERTY AND AMENDING SECTION 320-3 TO ADD DEFINITIONS FOR AGE RESTRICTED HOUSING AND COMMERCIAL VEHICLES AND AMENDING SECTION 320-27 REGARDING GRANDFATHER CLAUSE

- i. OPEN HEARING TO PUBLIC
- ii. CLOSE HEARING TO PUBLIC
- iii. ACT ON ORDINANCE

ORDINANCE 2013-23

AN ORDINANCE OF THE TOWN OF NEWTON AUTHORIZING THE LEASE BETWEEN THE TOWN OF NEWTON AND NEWTON FIRE MUSEUM, INC., IN ACCORDANCE WITH THE NEW JERSEY LOCAL LANDS AND BUILDING LAW N.J.S.A. 40A;12-14 ET SEQ.

- i. OPEN HEARING TO PUBLIC
- ii. CLOSE HEARING TO PUBLIC
- iii. ACT ON ORDINANCE

VIII. OLD BUSINESS

- a. FIRE MUSEUM

IX. CONSENT AGENDA

ALL ITEMS LISTED WITH AN ASTERISK (*) ARE CONSIDERED TO BE ROUTINE AND NON-CONTROVERSIAL BY THE TOWN COUNCIL AND WILL BE APPROVED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS UNLESS A COUNCIL MEMBER SO REQUESTS, IN WHICH CASE THE ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED IN ITS NORMAL SEQUENCE ON THE AGENDA.

- a. RESOLUTION #145-2013* TO CANCEL CURRENT APPROPRIATION BALANCES – UNEXPENDED EMERGENCY APPROPRIATION – POOL REPAIRS
- b. RESOLUTION #146-2013* AUTHORIZE REFUND OF REDEMPTION MONIES TO OUTSIDE LIEN HOLDER FOR BLOCK 14.02, LOT 28
- c. RESOLUTION #147-2013* AUTHORIZE PREMIUM PAYMENT TO BE TURNED OVER TO THE TREASURER
- d. RESOLUTION #148-2013* CONCUR WITH THE TOWN MANAGER'S APPOINTMENT OF SCHOOL CROSSING GUARDS
- e. RESOLUTION #149-2013* APPOINTMENT OF MEGHAN GILL AS AN ALTERNATE MEMBER OF THE NEWTON PLANNING BOARD
- f. RESOLUTION #150-2013* APPROVE BILLS AND VOUCHERS FOR PAYMENT
- g. APPLICATIONS*
A MEMBERSHIP APPLICATION FROM OMAR S. LEAK, 16 WOODSIDE AVENUE, NEWTON, INTO THE NEWTON FIRE DEPARTMENT

A MEMBERSHIP APPLICATION FROM HAYLIE COOMBS, 78 WEST END AVENUE, NEWTON, INTO THE NEWTON FIRE DEPARTMENT AS A JUNIOR FIREFIGHTER

X. INTERMISSION

XI. DISCUSSION

- a. WATER CONSERVATION ORDINANCE – DRAFT
- b. DRAINAGE STUDY – HAROLD E. PELLOW
- c. INOPERABLE VEHICLE ORDINANCE - DRAFT

XII. OPEN TO THE PUBLIC

XIII. COUNCIL & MANAGER COMMENTS

XIV. ADJOURNMENT

TOWN OF NEWTON

ORDINANCE 2013-22

AN ORDINANCE AMENDING SECTION 320-23 “PARKING AND DRIVEWAY STANDARDS” OF THE NEWTON TOWN CODE TO PROHIBIT CERTAIN FRONT YARD PARKING AND PARKING OF CERTAIN VEHICLES ON RESIDENTIAL PROPERTY AND AMENDING SECTION 320-3 TO ADD DEFINITIONS FOR AGE RESTRICTED HOUSING AND COMMERCIAL VEHICLES AND AMENDING SECTION 320-27 REGARDING GRANDFATHER CLAUSE

WHEREAS, the Mayor and Town Council of the Town of Newton find that outdoor parking of commercial vehicles exceeding 15,000 pounds in gross vehicle weight rating (GVWR), including trailers and any items connected to and/or towed by the vehicle, on residential property negatively impacts residential neighborhoods; and

WHEREAS, there is sufficient commercial property and locations throughout the Town for property owners to park commercial vehicles with a GVWR of 15,000 pounds or more, including trailers and any items connected to and/or towed by the vehicle; and

WHEREAS, the Town Council of the Town of Newton finds that more specificity in the Form-Based Code with respect to the prohibition of parking on areas other than driveways in the front yard of single family detached and duplex dwellings, and a grandfathering clause for existing driveways are needed for enforcement of the Ordinance; and

WHEREAS, the Town Council of the Town of Newton finds that more specificity in the Form-Based Code with respect to definitions for “commercial vehicle” and “age-restricted residential” is needed for interpretation of the Ordinance; and

NOW, THEREFORE BE IT ORDAINED, by the Mayor and Town Council of the Town of Newton, County of Sussex, and State of New Jersey as follows:

SECTION I: Section 320-3 “Definitions” shall be revised by the additions of the definitions of “commercial vehicle” and “age restricted residential” as follows:

AGE RESTRICTED RESIDENTIAL – means a residential development that complies with the “housing for older persons” exception from the federal “Fair Housing Amendments Act of 1988,” 42 U.S.C.A..3601 et seq., as may be amended, and 24 C.F.R. 100.301 et seq., as may be amended.

COMMERCIAL VEHICLE – means any motor driven vehicle, including cars, trucks, buses, sedan delivery vehicles, station wagons, minivans, sport utility vehicles, or any other commercially used vehicles with advertising matter or subject to such licensing designation under N.J.S.A. 39:1-1 et seq.

SECTION 2: Section 320-23.E, "**Residential driveways**", shall be and is hereby revised to read as follows:

E. Residential driveways.

(1) Driveways on residential lots shall be no closer than three feet to any side or rear property line, except that, on lots that are 50 feet or less in width, the Zoning Officer may permit driveways to be located no closer than one foot to a side or rear property line. In those instances where a common driveway is proposed by adjoining property owners, then no driveway offset from the common property line is required.

(2) Front yard parking. Off-street parking on areas other than driveways is prohibited in the front yards of single family detached and duplex residential dwellings.

SECTION 3: A new subsection F of section 320-23, "**Parking and driveway standards**" shall be and is hereby adopted as follows:

F. The parking, or maintenance of any commercial vehicles exceeding gross vehicle weight rating (GVWR) of 15,000 pounds, including trailers and any items connected to and/or towed by the vehicle, located on any residential properties is prohibited. Garaging of all commercial vehicles exceeding 15,000 pounds in GVWR, including trailers and any items connected to and/or towed by the vehicle, is permitted on residential properties provided the structure was lawfully constructed and is an enclosed solid structure with a full closed door.

SECTION 4: Section 320-27 Pre-existing Non-Conforming Lots, Uses and Structures shall be amended to read as follows:

The following provisions shall apply to all lawfully existing nonconforming uses, structures, driveways or lots as well as all uses, structures or lots that become nonconforming by reason of any subsequent amendment to this chapter.

- A. Existing uses, expansion of nonconforming uses. Any nonconforming use existing at the time, or created as a result, of the passage of this chapter may be continued upon the lot or in the structure so occupied. No nonconforming use may be extended or expanded over a larger area than it occupies at the time of enactment of this chapter.
- B. Existing structures, enlargement or nonconforming structures. Any nonconforming structure existing at the time, or created as a result, of the passage of this chapter may be occupied, restored or repaired in the event of partial destruction thereof. Any such structure, which is substantially destroyed as deemed by the Construction Official, shall not be reconstructed or used except in conformance with this chapter. No nonconforming structure may be enlarged or expanded to cover a larger area than it occupied at the time of the adoption of this chapter without an appeal for variance relief.
- C. Any nonconforming driveway existing at the time, or created as a result, of the passage of Ordinance 2013-22 (August 26, 2013) may be restored, replaced or repaired, provided such driveway has not been abandoned (pursuant to subsection F below). No nonconforming driveway may be enlarged or expanded to cover a larger area than it occupied at the time of the adoption of Ordinance 2013-22 (August 26, 2013) without an appeal for variance relief.

D. Existing lots, nonconforming area, width and setback.

(1) Any lot nonconforming in area or width which was under one ownership or under contract of sale as of May 1969 when the owner thereof owns no adjoining land may be used as a lot for any purpose permitted in the zone, provided that the lot complies with all other regulations for the zone.

(2) Where a lot is situated between two lots, each of which is developed with a main building which projects beyond the established front building line and has been so maintained since May 1969, the minimum front yard depth required for such lot may be the average of the front yard of the existing buildings. Where a lot is situated between one lot developed as described above and a vacant lot, the minimum front depth required for such lot may be the average of the front yard of the existing buildings and the established front setback.

E. Conversion to permitted use. After a nonconforming building or use has been converted to a permitted use, it shall not be changed back again to a nonconforming use.

F. Abandonment. If a nonconforming use has been abandoned, such use shall not be reinstated. Cessation of a nonconforming use for a continuous period of one year may be taken as prima facie evidence of an intent to abandon such use.

SECTION 5: SEVERABILITY AND REPEALER

Should any part or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part held invalid.

SECTION 6: NOTICE

The Town Clerk is directed to give notice at least ten days prior to the hearing on the adoption of this Ordinance to the County Planning Board and to all others entitled pursuant to the provisions of N.J.S.A. 40:55D-15. Upon the adoption of this Ordinance, after public hearing, the Township Clerk is further directed to publish notice of the passage and to file a copy of this Ordinance, as finally adopted, with the Sussex County Planning Board, as required by N.J.S.A. 40:55D-16.

SECTION 7: EFFECTIVE DATE

This Ordinance shall take effect immediately upon adoption and publication in accordance with law. **TAKE NOTICE** that the above Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton conducted on Monday, July 22, 2013. It will be considered for adoption, after final reading and public hearing thereon, at a regular meeting of the Newton Governing Body to be conducted at 7:00pm on Monday, August 26, 2013 in the Council Chambers at the Newton Municipal Building, 39 Trinity Street, Newton, New Jersey, and shall take effect according to law.

Teresa Ann Oswin
Deputy Municipal Clerk



Memorandum

To: Town Council

Cc:

FROM: Kathy Citterbart, Planning Board Secretary

DATE: August 22, 2013

**RE: Ordinance 2013-22
An Ordinance Amending Section 320-23 "Parking and Driveway Standards"
of the Newton Town Code to Prohibit Certain Front Yard Parking and
Parking of Certain Vehicles on Residential Property and Amending Section
320-3 to add Definitions for Age Restricted Housing and Commercial
Vehicles and Amending Section 320-27 Regarding Grandfather Clause**

At the regular meeting of the Newton Planning Board held on August 21, 2013, a motion was made and approved by the Planning Board that the Town Council's Ordinance 2013-22, An Ordinance Amending Section 320-23 "Parking and Driveway Standards" of the Newton Town Code to Prohibit Certain Front Yard parking and Parking of Certain Vehicles on Residential Property and Amending Section 320-3 to Add Definitions for Age Restricted Housing and Commercial Vehicles and Amending Section 320-27 Regarding Grandfather Clause is not inconsistent with the Town of Newton's Master Plan and Zoning Ordinance.

**TOWN OF NEWTON
ORDINANCE 2013-23**

**AN ORDINANCE OF THE TOWN OF NEWTON
AUTHORIZING THE LEASE BETWEEN
THE TOWN OF NEWTON AND
NEWTON FIRE MUSEUM, INC.
IN ACCORDANCE WITH THE
NEW JERSEY LOCAL LANDS AND BUILDING LAW
N.J.S.A. 40A:12-14 et seq.**

WHEREAS, the Newton Fire Museum desires to lease a building owned by the Town of Newton located at 150 Spring Street for a fire museum and the Town of Newton agrees to lease the building to the Newton Fire Museum; and

WHEREAS, the New Jersey Local Lands and Building law authorizes a lease for nominal consideration to a non-profit organization for historical programs or activities pursuant to N.J.S.A. 40A:12-15(g);

NOW THEREFORE BE IT ORDAINED by the Mayor and Town Council of the Town of Newton, County of Sussex, and State of New Jersey as follows:

Section 1: The Lease Agreement between the Town of Newton and the Newton Fire Museum, Inc. is hereby approved.

Section 2: There shall be no monetary rent for the Lease. The Term of the Lease shall be for twenty-five (25) years.

Section 3: Newton Fire Museum, Inc. shall provide a report annually in accordance with N.J.S.A. 40A:12-14(c). The report shall advise the Town Manager the use to which the property was put during the year, the activities of Newton Fire Museum, Inc. taken in furtherance of its public purpose and the value or costs of the activities in furtherance of its activities. Also, Newton Fire Museum, Inc. shall provide proof of its continued tax exempt status as a non-profit organization.

Section 4: The Mayor and Town Clerk are authorized to sign the Lease on the behalf of the Town of Newton.

Section 5: Severability. If any provision of this Ordinance or the application of this Ordinance to any person or circumstances is held invalid, the remainder of this Ordinance shall not be affected and shall remain in full force and effect.

Section 6. Repealer. All ordinances or parts of ordinances or resolutions that are inconsistent or in opposition to the provisions of this Ordinance are hereby repealed in their entirety.

Section 7. Effective Date. This Ordinance will take effect after publication and passage according to law, however, it shall be void and of no effect in the event that Newton Fire Museum, Inc. fails or refuses to sign the Lease.

TAKE NOTICE that the above Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton conducted on Monday, August 12, 2013. It was adopted, after final reading and public hearing thereon, at a regular meeting of the Newton Governing Body conducted at 7:00pm on Monday, August 26, 2013 in the Council Chambers at the Newton Municipal Building, 39 Trinity Street, Newton, New Jersey, and shall take effect according to law.

Teresa Ann Oswin
Deputy Municipal Clerk



TOWN OF NEWTON
RESOLUTION #145-2013

August 26, 2013

**“To Cancel Current Appropriation Balances –
Unexpended Emergency Appropriation – Pool
Repairs”**

WHEREAS, the Town of Newton received approval from the Division of Local Government Services on June 19, 2013 of an Emergency Application – NJSA 40A:4-46 in the amount of \$43,000.00 for Pool Repairs, as requested per Resolution #88-2013, which was adopted by the Newton Governing Body on the regular meeting held May 29, 2013; and

WHEREAS, the Town of Newton appropriated capital funds per (fully funded) Bond Ordinance #2013-18 for Replastering of the Town Pool and any related work in an amount sufficient to include the \$43,000 previously appropriated by the emergency, and the charges for the repairs to the pool have been transferred to the capital bond ordinance; and

WHEREAS, per NJSA 40A:4-60 any unexpended balances of appropriations may, by resolution of the Governing Body, be canceled prior to the end of the fiscal year to operations (which then gets closed to fund balance);

NOW, THEREFORE BE IT RESOLVED, by a majority of the full membership of the Town Council of the Town of Newton, that the full amount of the \$43,000 emergency is hereby an unexpended balance in the Current Fund and is canceled to Current Operations.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, August 26, 2013.

Teresa Ann Oswin
Deputy Municipal Clerk



TOWN OF NEWTON
RESOLUTION #146-2013

August 26, 2013

**“Authorize Refund of Redemption Monies to
Outside Lien Holder for Block 14.02, Lot 8”**

WHEREAS, at the Municipal Tax Sale held on October 19, 2011 a lien was sold on Block 14.02, Lot 28 (formerly known as Block 610, Lot 10), also known as 80 Madison Street, for 2010 delinquent real estate taxes; and

WHEREAS, this lien, known as Tax Sale Certificate #1356, was sold to Lawrence & Helen Earl Family, LLC for 0% redemption fee with a premium of \$2,900.00; and

WHEREAS, Ridgeview Title and Settlements, LLC., the title company for said property has effected redemption of Certificate #1356 in the amount of \$23,327.12;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Newton that this Governing Body acknowledges that Lawrence & Helen Earl Family, LLC., is entitled to the redemption in the amount of \$23,327.12 along with the premium of \$2,900.00; and

BE IT FURTHER RESOLVED, that the Tax Collector is hereby authorized to issue a check in the amount of \$23,327.12 for the redemption of Certificate #1356 as well as a check in the amount of \$2,900.00 for the return of the premium payable to Lawrence & Helen Earl Family, LLC, Box 42, Stillwater, NJ 07875.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, August 26, 2013.

Teresa Ann Oswin
Deputy Municipal Clerk



TOWN OF NEWTON
RESOLUTION #147-2013

August 26, 2013

**“Authorize Premium Payment to be Turned Over
to the Treasurer”**

WHEREAS, Tax Sale Certificate #1240 was issued at the Newton Tax Sale held on October 4, 2007 with a zero percent redemption and a premium of \$5,100.00 on Block 14.01 Lot 17 (formerly Block 611, Lot 1), also known as 131 Main Street; and

WHEREAS, N.J.S.A. 54:5-33 states that if a redemption is not made within five years from the date of the Tax Sale, the premium payment shall be turned over to the Treasurer of the Municipality; and

WHEREAS, Tax Sale Certificate #1240 was five years from the date of Tax Sale on October 4, 2012, therefore the premium in the amount of \$5,100.00 is to be turned over to the Town of Newton Treasurer;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that this Governing Body acknowledges that the premium for Tax Sale Certificate #1240 in the amount of \$5,100.00 be turned over to the Treasurer of the Town of Newton; and

BE IT FURTHER RESOLVED, that the Tax Collector be authorized to issue a check in the amount of \$5,100.00 for said premium to the Town of Newton.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, August 26, 2013.

Teresa Ann Oswin
Deputy Municipal Clerk



TOWN OF NEWTON

RESOLUTION #148-2013

August 26, 2013

"Concur with the Town Manager's Appointment of School Crossing Guards"

WHEREAS, New Jersey Statute 40A:9-154.1 states "*The governing body, or the chief executive, or the chief administrative officer, as appropriate to the form of government of any municipality, may appoint adult school crossing guards for terms not exceeding one year...*";

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that this Governing Body concurs with the Town Manager's appointment of the following individuals as School Crossing Guards for the 2013-2014 school year:

Deborah A. Alger

Lisa Banta

Diane Bell

Carol E. Blanchard

June Bowne

Phillip Coleman

Louise Cort

Carolyn Dippel

Betty Francis

Christine Howard

Peter J. Kays

Gleanord I. Kinney

Thomas Lawler

Debra McCarthy

Karen Mokrzycki

Martha Morris

Raymond L. Natoli

Dawn L. Rude

Janet Simpson

Wallace Smith

Steven A. Stoll

Donna VanNieuwland

Nancy Zdanek

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, August 26, 2013.

Teresa Ann Oswin
Deputy Municipal Clerk



TOWN OF NEWTON

RESOLUTION #149-2013

August 26, 2013

"Appointment of Meghan Gill as an Alternate Member of the Newton Planning Board"

WHEREAS, there is currently a vacancy on the Town of Newton Planning Board for Alternate Position #1; and

WHEREAS, Meghan Gill has expressed an interest in serving on the Planning Board as an Alternate Member;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that Meghan Gill is hereby appointed to an unexpired two-year term as Alternate Member #1 of the Newton Planning Board, effective immediately with said term continuing to December 31, 2014.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, August 26, 2013.

Teresa Ann Oswin
Deputy Municipal Clerk



TOWN OF NEWTON

RESOLUTION #150-2013

August 26, 2013 "Approve Bills and Vouchers for Payment"

BE IT RESOLVED by the Town Council of the Town of Newton that payment is hereby approved for all vouchers that have been properly authenticated and presented for payment, representing expenditures for which appropriations were duly made in the 2012 and 2013 Budgets adopted by this local Governing Body, including any emergency appropriations, and where unexpended balances exist in said appropriation accounts for the payment of such vouchers.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, August 26, 2013.

Teresa Ann Oswin
Deputy Municipal Clerk

AGENDA ITEMS

For August 26, 2013 Council Meeting

Minutes: - August 12, 2013- Regular
August 12, 2013 Special (Interview)

A membership application from Omar S. Leak, 16 Woodside Avenue, Newton, into the Newton Fire Department.

A membership application from Haylie Coombs, 78 West End Avenue, Newton, into the Newton Fire Department as a Junior Firefighter.

TOWN OF NEWTON
ORDINANCE 2013-___

**AN ORDINANCE AMENDING CHAPTER 289 "TOWING" TO ADD A
NEW SECTION 289-12 ENTITLED "REMOVAL OF VEHICLES
CONSTITUTING A PUBLIC SAFETY RISK"**

WHEREAS, the Mayor and Town Council of the Town of Newton have a desire to provide for the removal of vehicles deemed by the Newton Police Department to constitute a public safety risk within the Town of Newton; and

WHEREAS, the placing, abandoning, leaving, keeping or storing outdoors of any motor vehicle that poses a public safety risk, including those that are inoperable or not currently registered, is contrary to the public welfare;

NOW THEREFORE, BE IT ORDAINED by the Mayor and Town Council of the Town of Newton, County of Sussex, and State of New Jersey as follows:

SECTION 1. Chapter 289 shall be revised by the addition of a new Section 289-12 entitled "Removal of vehicles constituting a public safety risk" as follows:

§289-12. Removal of vehicles constituting a public safety risk.

Vehicles deemed by the Newton Police Department to constitute a risk to public safety, which may include vehicles which are inoperable or not currently registered, shall be ordered towed by any sworn member of the Newton Police Department, after reasonable written notice is provided to the owner on record with the Department of Motor Vehicles, with reasonable costs to be paid by the vehicle's owner.

SECTION 2. Severability. If any provision of this Ordinance or the application of this Ordinance to any person or circumstance is held invalid, the remainder of this Ordinance shall not be affected and shall remain in full force and effect.

SECTION 3. Repealer. All ordinances or parts of ordinances or resolutions that are inconsistent or in opposition to the provisions of this Ordinance are hereby repealed in their entirety.

SECTION 4. Effective Date. This Ordinance shall take effect immediately upon adoption and publication in accordance with law.

NOTICE

TAKE NOTICE that the above Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton conducted on Monday, _____, 2013. It will be considered for adoption, after final reading and public hearing thereon, at a regular meeting of the Newton Governing Body to be conducted at 7:00pm on Monday, _____, 2013 in the Council Chambers at the Newton Municipal Building, 39 Trinity Street, Newton, New Jersey, and shall take effect according to law.

Lorraine A. Read, RMC
Municipal Clerk

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08/22/13

Town of Newton
ORDINANCE NO. 2013-_____

AN ORDINANCE AMENDING THE CODE OF THE TOWN OF NEWTON, CHAPTER 228, "SEWER AND WATER", ARTICLE VI, "WATER RESTRICTIONS; WATER BANS", ESTABLISHING A NEW SECTION RELATED TO OUTDOOR LANDSCAPE WATER CONSERVATION.

WHEREAS, the water supplies within the Town of Newton should be protected to afford the greatest beneficial use to Town of Newton 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 Town of Newton 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, safety and welfare of the Town of Newton 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 Town of Newton citizens; and

WHEREAS, pursuant to N.J.S.A. 40:48-2, the Town of Newton 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;

NOW, THEREFORE BE IT ORDAINED, by the Town Council of the Town of Newton, Sussex County, New Jersey, that the Town of Newton Code is amended as follows:

Section 1 Section 228-1, entitled "Definitions", is hereby revised by the addition of the following:

AUTOMATIC IRRIGATION SYSTEM – Any assemblage of components, materials or special equipment which is designed, constructed and installed for controlled dispersion of water from any safe and suitable source, for the purpose of irrigating landscape vegetation or the control of dust and erosion on landscape areas, including drip irrigation systems, integral pumping systems or integral control systems

for manual, semi-automatic or automatic control of the operation of these systems.

Section 2 Section 228-22 is hereby replaced in its entirety with a new Section 228-22, entitled, "Outdoor Landscape Water Conservation", as follows:

§228-22. Outdoor Landscape Water Conservation.

I. Water Use Restrictions

Restrictions on outdoor landscape water use apply to all users in the Town of Newton at all times, regardless of source of supply (e.g. public water supplies, well or ground water, lakes, streams, or ponds) unless expressly exempt pursuant to subsection II, Exemptions, below.

All 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 water three days per week. Properties with even number addresses may only water on Mondays, Wednesdays, and Fridays, properties with odd number addresses may only water on Tuesday, Thursdays, and Saturdays;
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; and
5. No hose or hose-end watering shall be permitted when it is raining.

B. Irrigating lawns and landscapes with automatic irrigation systems (as defined in section 228-1, above):

1. May only irrigate three days per week. Properties with even number addresses may only irrigate on Mondays, Wednesdays, and Fridays, properties with odd number addresses may only irrigate on Tuesdays, Thursdays, and Saturdays;

2. Irrigation shall only be conducted between the hours of 12:00 midnight and 10:00 a.m.; and
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;

II. Exemptions

Restrictions set forth in subsection I, above, shall not apply to the following:

- A. Outdoor water use from rain water harvesting, gray water, or reclaimed water. 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.
- C. Outdoor irrigation necessary for one day only where treatment with an application of chemicals requires 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 (N.J.S.A. 45:5AA-1) and at the minimum rate necessary in order to check system condition and effectiveness.

Section 3 Section 228-22, entitled, "Prohibited water use", is hereby renumbered, in its entirety, as Section 228-23, "Prohibited water use".

Section 4 Section 228-23, entitled, "Enforcement", is hereby renumbered, in its entirety, as Section 228-24, "Enforcement".

Section 5 Severability. If any provision of this Ordinance or the application of this Ordinance to any person or circumstances is held invalid, the remainder of this Ordinance shall not be affected and shall remain in full force and effect.

Section 6 Repealer. All ordinances or parts of ordinances or resolutions that are inconsistent or in opposition to the provisions of this Ordinance are hereby repealed in their entirety.

Section 7 Effective Date. This Ordinance will take effect after publication and passage according to law.

TAKE NOTICE that the above Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton conducted on Monday, _____, 2013. It will be considered for adoption, after final reading and public hearing thereon, at a regular meeting of the Newton Governing Body to be conducted at 7:00pm on Monday, _____, 2013 in the Council Chambers at the Newton Municipal Building, 39 Trinity Street, Newton, New Jersey, and shall take effect according to law.

Lorraine A. Read, RMC
Municipal Clerk

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08/22/13

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