



AGENDA
NEWTON TOWN COUNCIL
SEPTEMBER 11, 2013
7:00 P.M.

- I. PLEDGE OF ALLEGIANCE**
- II. ROLL CALL**
- III. OPEN PUBLIC MEETINGS ACT STATEMENT**
- IV. APPROVAL OF MINUTES**
- V. OPEN TO THE PUBLIC**

- AUGUST 26, 2013 REGULAR MEETING

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. INTRODUCTION

ORDINANCE 2013-24

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

- VIII. OLD BUSINESS**

- a. FIRE MUSEUM
- b. WATER CONSERVATION ORDINANCE

- 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 #151-2013* APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE TRINITY STREET PROJECT
- b. RESOLUTION #152-2013* AFFIRM THE ISSUANCE OF A \$1,810,050 BOND ANTICIPATION NOTE
- c. RESOLUTION #153-2013* AUTHORIZE CREDITS DUE WATER AND SEWER UTILITY ACCOUNTS
- d. RESOLUTION #154-2013* APPROVE BILLS AND VOUCHERS FOR PAYMENT

e. RESOLUTION #155-2013*

AUTHORIZE THE EXECUTION OF AN AGREEMENT WITH COMMUNITY RESOURCE PARTNERS, L.L.C. FOR MARKETING CONSULTING SERVICES FOR THE TOWN OF NEWTON

f. APPLICATIONS*

AN APPLICATION FOR AN ON-PREMISE RAFFLE (TRICKY TRAY AND 50-50) FROM THE CATHOLIC ACADEMY OF SUSSEX COUNTY, INC. TO BE HELD ON FRIDAY, SEPTEMBER 27, 2013 FROM 6 P.M. TO 10 P.M. AT ST. JOSEPH'S REGIONAL SCHOOL, 20 JEFFERSON STREET, NEWTON

AN APPLICATION FOR AN OFF-PREMISE RAFFLE (50-50) FROM CATHOLIC ACADEMY OF SUSSEX COUNTY, INC., TO BE HELD ON THURSDAY, MAY 15, 2014 AT 6:00 P.M. AT ST. JOSEPH REGIONAL SCHOOL, 20 JEFFERSON STREET, NEWTON

X. INTERMISSION

XI. DISCUSSION

a. PARKING FEES

XII. OPEN TO THE PUBLIC

XIII. COUNCIL & MANAGER COMMENTS

XIV. EXECUTIVE SESSION

a. RESOLUTION #156-2013

A RESOLUTION PROVIDING FOR A MEETING NOT OPEN TO THE PUBLIC IN ACCORDANCE WITH THE PROVISIONS OF THE NEW JERSEY OPEN PUBLIC MEETINGS ACT, N.J.S.A. 10:4-12

1. CONTRACT NEGOTIATIONS

XV. ADJOURNMENT

TOWN OF NEWTON

ORDINANCE 2013-24

**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 Wednesday, September 11, 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, September 23, 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



TOWN OF NEWTON

RESOLUTION #151-2013

September 11, 2013 **“Approval to Submit a Grant Application and Execute a Grant Contract with the New Jersey Department of Transportation for the Trinity Street Project”**

WHEREAS, the Town of Newton is filing a grant application in the amount of \$170,904.68 through the NJDOT Municipal Aid Program for the milling and paving of Trinity Street;

NOW, THEREFORE BE IT RESOLVED, that the Newton Town Council of the Town of Newton, County of Sussex, State of New Jersey formally approves the grant application for the above stated project; and

BE IT FURTHER RESOLVED, that the Mayor and Municipal Clerk are hereby authorized to submit an electronic grant application identified as MA-2014-Newton Town-00182 to the New Jersey Department of Transportation on behalf of the Town of Newton; and

BE IT FURTHER RESOLVED, that the Town Manager and/or Mayor and Municipal Clerk are hereby authorized to sign the grant agreement on behalf of the Town of Newton and that their signatures constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement.

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 Wednesday, September 11, 2013.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #152-2013

September 11, 2013 "Affirm the Issuance of a \$1,810,050 Bond Anticipation Note"

WHEREAS, when Bond Ordinances are adopted by the Town Council of the Town of Newton, the Chief Financial Officer is authorized to issue Bond Anticipation Notes to provide temporary financing for the Town; and

WHEREAS, the Town of Newton needed to finance the debt authorized by Ordinances #2012-13 and #2013-11 adopted April 9, 2012 and April 22, 2013 respectively; and

WHEREAS, six quotations were received on Tuesday, August 20, 2013 as follows:

<u>Institutions</u>	<u>Net Interest</u>
Passaic Valley Water Commission	1.36%
Lakeland Bank	1.05%
Sussex Bank	1.0 %
Oppenheimer & Co., Inc.	.9801%
Jefferies LLC	.998%
TD Bank, NA	.85%

WHEREAS, the Chief Financial Officer with advice and counsel from Andrea Kahn, Esq., of McManimon, Scotland and Baumann, LLC, Newton Bond Counsel, has awarded the sale to TD Bank, NA for a Bond Anticipation Note totaling \$1,810,050.00 at a interest rate of .85%, and a yield of .85%; and

WHEREAS, the appropriate Town Officials have executed said Note in the amount of \$1,810,050.00 dated August 29, 2013 and maturing August 29, 2014 ; and

WHEREAS, to comply with N.J.S.A. 40A:2-28 of the Local Bond Law, which requires that the Chief Financial Officer report certain information in writing to the Mayor and Council at the next Town Council meeting, herewith attached is the Certificate of Determination and Award;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that we hereby affirm the issuance of a \$1,810,050 Bond Anticipation Note issued August 29, 2013 and maturing August 29, 2014 bearing an interest rate of .85% by the Chief Financial Officer and the execution of said note by the appropriate Town Officials.

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 Wednesday, September 11, 2013.

Lorraine A. Read, RMC
Municipal Clerk

CERTIFICATE OF DETERMINATION AND AWARD

I, Dawn L. Babcock, Chief Financial Officer of the Town of Newton, in the County of Sussex, New Jersey (hereinafter referred to as the "Town"), HEREBY CERTIFY as follows:

1. I hereby determine to issue the Bond Anticipation Note (the "Note") hereinafter described by virtue of the authority conferred upon me by the bond ordinances of the Town referred to in the attached chart by reference to number, date of adoption and amount of bonds or notes authorized, such notes to be issued in the amounts indicated in the chart.

<u>TOTAL</u> <u>PRINCIPAL</u> <u>AMOUNT:</u>		<u>NUMBERS</u>		<u>DENOMINATIONS</u>
	\$1,810,050	2013-1		\$1,810,050
<u>DATE:</u>	8/29/2013			
<u>MATURITY:</u>	8/29/2014			
<u>INTEREST</u> <u>RATE PER</u> <u>ANNUM:</u>	0.85%			
<u>PLACE OF</u> <u>PAYMENT:</u>	Office of the Chief Financial Officer of the Town of Newton, in the County of Sussex, New Jersey			

2. Pursuant to the authority so conferred upon me, I have awarded and sold the Note to TD Bank, N.A. at the price of \$1,810,050.00, plus an amount equal to the interest on the Note accrued to the date of payment of the purchase price.

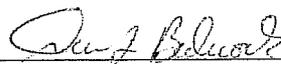
3. No bonds of the Town have heretofore been issued pursuant to the bond ordinances referred to in Section 1 hereof.

4. The date of the first note or other obligation issued in anticipation of the issuance of the bonds that the Note is issued in anticipation of, whether or not now outstanding, for each ordinance, is as stated in the attached chart.

5. No grants have been received, no paydowns have been made and no cancellations have been enacted that would reduce the debt authorization below the amount of notes outstanding under the bond ordinances described in the attached chart.

6. No notes or other obligations in anticipation of the issuance of bonds have heretofore been issued pursuant to the bond ordinances referred to in the attached chart and now remain outstanding and unpaid.

IN WITNESS WHEREOF, I have hereunto set my hand as of August 29, 2013.



Dawn L. Babcock

CERTIFICATE OF DETERMINATION AND AWARD

I, Dawn L. Babcock, Chief Financial Officer of the Town of Newton, in the County of Sussex, New Jersey (hereinafter referred to as the "Town"), HEREBY CERTIFY as follows:

1. I hereby determine to issue the Bond Anticipation Note (the "Note") hereinafter described by virtue of the authority conferred upon me by the bond ordinances of the Town referred to in the attached chart by reference to number, date of adoption and amount of bonds or notes authorized, such notes to be issued in the amounts indicated in the chart.

<u>TOTAL</u> <u>PRINCIPAL</u> <u>AMOUNT:</u>		<u>NUMBERS</u>	<u>DENOMINATIONS</u>
	\$1,810,050	2013-1	\$1,810,050
<u>DATE:</u>	8/29/2013		
<u>MATURITY:</u>	8/29/2014		
<u>INTEREST</u> <u>RATE PER</u> <u>ANNUM:</u>	0.85%		
<u>PLACE OF</u> <u>PAYMENT:</u>	Office of the Chief Financial Officer of the Town of Newton, in the County of Sussex, New Jersey		

2. Pursuant to the authority so conferred upon me, I have awarded and sold the Note to TD Bank, N.A. at the price of \$1,810,050.00, plus an amount equal to the interest on the Note accrued to the date of payment of the purchase price.

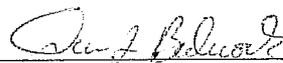
3. No bonds of the Town have heretofore been issued pursuant to the bond ordinances referred to in Section 1 hereof.

4. The date of the first note or other obligation issued in anticipation of the issuance of the bonds that the Note is issued in anticipation of, whether or not now outstanding, for each ordinance, is as stated in the attached chart.

5. No grants have been received, no paydowns have been made and no cancellations have been enacted that would reduce the debt authorization below the amount of notes outstanding under the bond ordinances described in the attached chart.

6. No notes or other obligations in anticipation of the issuance of bonds have heretofore been issued pursuant to the bond ordinances referred to in the attached chart and now remain outstanding and unpaid.

IN WITNESS WHEREOF, I have hereunto set my hand as of August 29, 2013.



Dawn L. Babcock

\$1,810,050 Bond Anticipation Note
of the
Town of Newton, in the
County of Sussex, New Jersey

Dated: August 29, 2013 Maturity: August 29, 2014

Bond Ordinance Number	Description of Improvement, Date of Adoption and Period of Usefulness of Bond Ordinance	Original Bond Authorization	History of Notes to be Refunded/Date of First Issue	Unspent Proceeds	New Money	Construction	Acquisition	Amount Reimbursed to General Fund/Date of First Expenditure	Amount to be Issued
2012-13	Various capital improvements, finally adopted 4/9/12 (16.96 years)	\$950,000	\$950,000 Bond Anticipation Note dated 8/29/2012 and maturing 8/29/2013, with the date of first issue being 8/29/2012 as to the entire \$950,000 originally issued.	\$61,699	\$0	n/a	n/a	n/a	\$950,000
2013-11	Various capital improvements, finally adopted 4/22/13 (11.023 years)	\$860,050	n/a	n/a	\$860,050	\$282,750	\$458,550	\$0	\$860,050
Totals:				\$61,699	\$860,050	\$282,750*	\$458,550*	\$0	\$1,810,050

*The remaining \$118,750 of the \$860,050 being issued under this ordinance are neither construction nor acquisition.



**TOWN OF NEWTON
RESOLUTION #153-2013**

**September 11, 2013 "Authorize Credits Due Water and Sewer Utility
Accounts"**

WHEREAS, the Water and Sewer Collector has determined that the following Water and Sewer Utility Accounts are due credits for the reasons stated;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the Water and Sewer Collector is hereby authorized to credit the following accounts for amounts billed incorrectly due to the reason(s) stated:

CREDIT FOR A METER THAT WAS READ INCORRECTLY:

<u>Account</u>	<u>Address</u>	<u>Amount</u>
25679	27 Linwood Ave	\$164.90

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 Wednesday, September 11, 2013

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #154-2013

September 11, 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 Wednesday, September 11, 2013.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #155-2013

September 11, 2013 **“Authorize the Execution of an Agreement with Community Resource Partners, L.L.C. for Marketing Consulting Services for the Town of Newton”**

WHEREAS, the Town Manager of the Town of Newton requested proposals on August 30, 2013 for the services of a qualified Marketing Consultant for the Town of Newton and received three (3) responses by the September 5, 2013 deadline; and

WHEREAS, Community Resource Partners, L.L.C. submitted a proposal dated August 31, 2013 outlining the services to be provided for \$30,000, with \$25,000 payable by the Town of Newton, and \$5,000 payable by the Newton School District, the total of which is less than the threshold established by the Local Public Contracts Law; and

WHEREAS, after review of all proposals, the Town Manager recommends to the Governing Body that Community Resource Partners, L.L.C. is the most responsible and responsive company for the project; and

WHEREAS, the term for such services shall be September 16, 2013 – July 16, 2014; and

WHEREAS, the Chief Financial Officer of the Town of Newton has certified that funds are available to support this contractual services agreement in the 2013 municipal budget and anticipated to be available in the 2014 municipal budget if recommended by the Town Manager and approved by the Governing Body;

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Newton hereby concurs with the Town Manager's recommendation and authorizes the Mayor and Clerk to execute an agreement with Community Resource Partners, L.L.C., for Marketing Consulting Services as outlined in the August 31, 2013 proposal; and

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to Community Resource Partners, L.L.C and that a notice of this agreement be published in the newspaper of record for the Town in accordance with the Local Public Contracts Law.

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 Wednesday, September 11, 2013.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #156-2013

September 11, 2013 **“A Resolution Providing for a Meeting Not Open to the Public in Accordance with the Provisions of the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-12”**

WHEREAS, the Town Council of the Town of Newton is subject to certain requirements of the Open Public Meetings Act, N.J.S.A. 10:4-6, et seq.; and

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-12, provides that an Executive Session, not open to the public, may be held for certain specific purposes when authorized by Resolution; and

WHEREAS, it is necessary for the Town Council of the Town of Newton to discuss in a session not open to the public certain matters relating to the item authorized by N.J.S.A. 10:4-12b and designated below:

(1) Contract Negotiations

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Newton, assembled in public session on September 11, 2013, that an Executive Session closed to the public shall be held on September 11, 2013, at _____ PM in the Town of Newton Municipal Building, 39 Trinity Street, Newton, NJ, for the discussion of matters relating to the specific items designated above.

It is anticipated that the deliberations conducted in closed session may be disclosed to the public upon the determination of the Town Council that the public interest will no longer be served by such confidentiality.

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 public meeting of said Governing Body conducted on Wednesday, September 11, 2013.

Lorraine A. Read, RMC
Municipal Clerk

AGENDA ITEMS

For September 11, 2013 Council Meeting

Minutes: - August 26, 2013- Regular Meeting

AN APPLICATION FOR AN ON-PREMISE RAFFLE (TRICKY TRAY AND 50-50) FROM THE CATHOLIC ACADEMY OF SUSSEX COUNTY, INC. TO BE HELD ON FRIDAY, SEPTEMBER 27, 2013 FROM 6 P.M. TO 10 P.M. AT ST. JOSEPH'S REGIONAL SCHOOL, 20 JEFFERSON STREET, NEWTON.

AN APPLICATION FOR AN OFF-PREMISE RAFFLE (50-50) FROM CATHOLIC ACADEMY OF SUSSEX COUNTY, INC., TO BE HELD ON THURSDAY, MAY 15, 2014 AT 6:00 P.M. AT ST. JOSEPH REGIONAL SCHOOL, 20 JEFFERSON STREET, NEWTON.

TOWN OF NEWTON

ORDINANCE # 2013-

AN ORDINANCE TO AMEND CHAPTER 100-15, OF THE CODE OF THE TOWN OF NEWTON, REGARDING PARKING LOTS

WHEREAS, the current Town Ordinance that governs public parking lots, Section 100-15, is in need of amendment

NOW, THEREFORE BE IT ORDAINED, by the Town Council of the Town of Newton, that Section 100-15 of the Town of Newton Code, is amended as follows:

Section 1. Section 100-15.B of the Town of Newton Code shall be amended to read as follows:

B. Parking lot meter fees (§307-35):

- (1) Lot No. 1 Adams Street Plaza
- (a) Each one hour: \$0.25.
 - (b) Ten-hour maximum.
- (2) Lot No. 6 Main Street Plaza
- (a) Each one hour: \$0.25.
 - (b) Ten-hour maximum.
- (3) Lot No. 4 Central Plaza, Lot No. 5 Eastern Plaza, Lot No. 3 Western Plaza
- (a) Each one and one-half hour: \$0.25.
 - (b) Ten-hour maximum.

Section 2. Section 100-15.C of the Town of Newton Code shall be amended to read as follows:

C. Parking passes may be purchased at the Municipal Building for the above metered lots at the following rates:

- (1) Lot No. 1 Adams Street Plaza, Lot No. 5 Eastern Plaza, Lot No. 4 Central Plaza, and Lot No. 3 Western Plaza:

.....

Section 3. 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 4. 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 5. 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 special meeting of the Town Council of the Town of Newton held on Monday, _____, 2013. The Ordinance will be considered for adoption following final reading and public hearing thereon, at a regular meeting of the Newton Town Council to be conducted at 7:00pm in the Council Chambers at the Newton Municipal Building, 39 Trinity Street, Newton, New Jersey on Monday, _____, 2013 and shall take effect according to law.

Lorraine A. Read, RMC
Municipal Clerk

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. From May 1 to September 30 all outdoor watering shall be conducted between the hours of 5:00 p.m. to 7:00 a.m.;
2. The watering of any single area shall not exceed sixty minutes per day;
3. 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. From May 1 to September 30 all outdoor watering shall be conducted between the hours of 5:00 p.m. to 7:00 a.m.; and
2. 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.
- F. Watering of flowers and shrubs with a hand-held hose equipped with an automatic shut-off nozzle.
- G. Watering with hand-held containers.

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