

CHAPTER XIX

WATER

19-1 DECLARATION OF WATER EMERGENCY.

19-1.1 Water Restrictions. In the case of prolonged scarcity of water from any cause; or upon direction by the State of New Jersey; or in the event any local water company servicing the Township advises it that it is instituting water usage restrictions, the Mayor shall have the right to declare a water emergency. Upon issuance of a declaration, the use of water may be restricted as follows:

a. The filling of swimming pools and washing of cars may be prohibited;

b. Lawn or garden sprinkling may be prohibited or performed and accomplished on alternate days throughout the Township. All properties with odd number addresses or box numbers shall water only on the odd days of the month. All properties with even number addresses or box numbers shall water on the even days of the month. No property owners shall be permitted to water on the 31st day of any month;

c. Restrictions on such other water uses as shall be deemed necessary.
(1976 Code § 56-31A; Ord. No. 88-29)

19-2 FIRE HYDRANTS.

19-2.1 Use of Hydrants by Authorized Persons Only. No person other than Township personnel, Fire Company personnel, Water Company personnel, unless authorized by the duly franchised water company for the area of the Township in which such fire hydrant is located, is permitted to operate or take water from any public or private fire hydrant for street sprinkling, flushing sewers, storm-water drains or for building construction or for any purposes other than fire protection purposes. (1976 Code § 43-1)

19-2.2 Unusual Use; Special Permission. Unusual use of fire hydrants may be permitted for other purposes when special permission is obtained from the water

company in writing. Permits to use hydrants will not be issued during cold weather, more particularly the period from December 1 to April 1, but not limited thereto. The water company will permit such special use pursuant to its own regulations. (1976 Code § 43-2)

19-2.3 Operation Regulations; Display of Permit. No wrenches of any sort, other than the one supplied with the permit, shall be used for opening or closing hydrants. The water company will supply the Township Public Works Department, the Township Police Department and the Township Fire Companies with the necessary wrenches to be retained permanently for their respective use. Anyone using a hydrant shall display his or her permit forthwith if requested. No attachment of any sort shall be left connected to a hydrant except when it is in actual use. No hydrant shall be left unattended while attachments are connected during the time it is in use. The hydrant must be shut, attachments removed, caps replaced and the hydrant left in readiness for instant use when unattended. (1976 Code § 43-3)

19-2.4 Violations and Penalties. Failure to adhere to any of the provisions of this section shall be deemed to constitute a violation of this section. Every person violating this section shall be subject upon conviction to the penalty stated in Chapter I, Section 1-5. (1976 Code § 43-4)

1-4 SEVERABILITY.

If any chapter, section, subsection or paragraph of this Revision shall be declared to be unconstitutional, invalid, or inoperative, in whole or in part, by a court of competent jurisdiction, such chapter, section, subsection or paragraph shall, to the extent that it is not unconstitutional, invalid or inoperative, remain in full force and effect, and no such determination shall be deemed to invalidate the remaining chapters, sections, subsections or paragraphs of this Revision. (1976 Code § 1-10)

1-5 GENERAL PENALTY.***1-5.1 Maximum Penalty.**

For violation of any provision of this Revision or other ordinance of the Township of Holmde) unless a specific penalty is otherwise provided in connection with the provision violated, the maximum penalty upon conviction of the violation shall be by one (1) or more of the following: imprisonment in the County Jail or in any place provided by the Township for the detention of prisoners, for any term not exceeding ninety (90) days; or by a fine not exceeding two thousand (\$2,000.00) dollars; or by a period of community service not exceeding ninety (90) days.

In the event that a fine greater than one thousand two hundred fifty (\$1,250.00) dollars is imposed upon an owner for violations of housing or zoning codes, the owner shall be provided with a thirty (30) day period in which the owner shall be afforded the opportunity to cure or abate the condition and shall also be afforded an opportunity for a hearing before a court of competent jurisdiction for an independent determination concerning the violation. Subsequent to the expiration of the thirty (30) day period, a fine greater than one thousand two hundred fifty (\$1,250.00) dollars may be imposed if a court has not determined otherwise, or, upon reinspection of the property, it is determined that the abatement has not been substantially completed. (1976 Code § 1-13.1; 1976 Code § 56-34; Ord. No. 2002-01 § I; Ord. No. 2006-07 § I)

1-5.2 Minimum Penalty.

The Township Committee may prescribe that for the violation of any particular provision of the Revision or of any particular ordinance at least a minimum penalty shall be imposed which shall consist of a fine which may be fixed at an amount not exceeding one hundred (\$100.00) dollars. The court before which any person is convicted of violating any ordinance or Revision provision shall have power to impose any fine, term of

*Editor's Note: Penalty provision in compliance with N.J.S.A. 40:49.5.

punishment, or period of community service not less than the minimum and not exceeding the maximum fixed in the Revision or such ordinance. (New)

1-5.3 Additional Fine for Repeat Offenders.

Any person who is convicted of violating this Revision or an ordinance within one (1) year of the date of a previous violation of the same provision of this Revision or of the same ordinance and who was fined for the previous violation, shall be sentenced by a court to an additional fine as a repeat offender. The additional fine imposed by the court upon a person for a repeated offense shall not be less than the minimum or exceed the maximum fine fixed for a violation of the ordinance or Revision provision, but shall be calculated separately from the fine imposed for the violation of the ordinance or Revision provision.