

BOROUGH OF MIDLAND PARK

ORDINANCE #17-2023

AN ORDINANCE TO AMEND CHAPTER 13 OF THE CODE OF THE BOROUGH OF MIDLAND PARK ENTITLED "WATER AND SEWER".

BE IT ORDAINED by the Mayor and Council of the Borough of Midland Park, in the County of Bergen, and State of New Jersey as follows:

Section 1.

The following sections in Chapter 13 of the Code of the Borough of Midland Park, Water And Sewer, Article I, Water, are hereby amended to read as follows:

§ 13-2. EMERGENCY USE.

§ 13-2.1. Purpose.

The purpose of this Article is to limit, restrict and regulate the use of water by customers of the Department of Water Supply of the Village of Ridgewood, during periods of use and emergency, as hereinafter defined, in order to insure public health and safety.

§ 13-2.2. Definitions.

For the purpose of this Article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

CONVENTIONAL IRRIGATION SYSTEM OR DEVICE – Shall mean hose end irrigation systems and automatic irrigation devices.

DRIP/MICRO IRRIGATION – Shall mean an irrigation method that saves water and fertilizer by allowing water to drip slowly to the roots of many different plants, either onto the soil surface or directly onto the root zone, through a network of valves, pipes, tubing and emitters.

EMERGENCY – Shall mean any period of water shortage or imminent water shortage caused by drought; lack or failure of proper pumping equipment, storage, or other facilities; acts of God or public enemies; or excessive demand upon or use of water facilities or capacity.

HAND-HELD HOSE – Shall mean a hose designed to be operated while being held in the hand and equipped with a nozzle that automatically shuts off when released.

IRRIGATION – Shall mean the water or sprinkling (including automatic sprinkling) of lawns, shrubs and gardens.

NJDEP – Shall mean the New Jersey Department of Environmental Protection.

NJPDES – Shall mean the New Jersey Pollution Discharge Elimination System.

SMART CONTROLLER – Shall mean a weather-based irrigation controller or soil moisture-based irrigation controller meeting criteria specified and labeled as being compliant under the United States Environmental Protection Agency Water Sense Program meeting the guidelines prescribed by Ridgewood Water and approved by permit from Ridgewood Water.

WATER – Shall mean that water obtained, delivered, and/or supplied to any persons by the Department of Water Supply of the Village of Ridgewood. This definition shall not include water pumped from private wells for residential irrigation purposes provided, however, that the property owner maintaining the private well has provided their name and address to the Borough of Midland Park.

§ 13-2.3. Declaration of Emergency.

The Village Manager of the Village of Ridgewood is authorized to enforce the provisions of this article and, in his discretion, in consultation with the Director of Ridgewood Water to determine and declare the existence and extent of an emergency with respect to the water supply of the Village of Ridgewood. The determination of the Village Manager shall apply to the Borough of Midland Park and notification of the emergency shall be promulgated to the Borough of Midland Park. Interim emergency regulations may be adopted without notice by the Village Manager of the Village of Ridgewood and shall apply to the Borough of Midland Park.

§ 13-2.4. Public Notice.

Public notice of the declaration of an emergency and the determinations made by the Village Manager of the Village of Ridgewood shall be made in the most expeditious manner by publication in the legal newspaper for the Village of Ridgewood and by posting in the Borough Administrator’s and Clerk’s office and at such other public places as shall be designated by the Village Manager and the Borough Administrator or Borough Clerk. Notice shall also be disseminated through the press and public in general. The emergency shall remain in effect until declared at an end by the Village Manager of the Village of Ridgewood.

§ 13-2.5. Use Regulations.

The following irrigation schedule and water emergency regulations are hereby adopted to become effective as set forth herein:

- a. Irrigation schedule, effective year-round:
 - 1. All nongovernmental properties: Irrigation by a conventional irrigation system or device may only be done on Tuesday and Saturday for odd-numbered addresses and Wednesday and Sunday for even-numbered addresses.
 - 2. Governmental properties: Irrigation by a conventional irrigation system or device may only be done on Monday and Friday.
 - 3. Irrigation using a hand-held hose or drip/micro irrigation system shall be allowed any day.
- b. The emergency stages shall be as follows:

Stage of Emergency Regulation	Drought Emergency Condition	User Restrictions
III	Pending/Critical	Mandatory restriction of irrigation for all properties to the use of hand-held hose on Tuesdays and Saturdays for properties with odd-numbered addresses and Wednesdays and Sundays for properties with even-numbered addresses. No irrigation of any kind shall be allowed on Mondays, Thursdays, or Fridays.
IV	Critical	Irrigation is prohibited at any time. Exceptions for irrigation using a hand-held hose may be allowed under conditions prescribed by the Village Manager of the Village of Ridgewood.

c. Stage III and Stage IV emergency regulations shall become effective upon declaration of each stage by the Village Manager of the Village of Ridgewood. The cleaning of cars, houses or property, filling of swimming pools or other outdoor water usage shall be prohibited during Stage III and Stage IV.

d. Exceptions to the user restrictions shall be determined by the Village Manager of the Village of Ridgewood or a Village of Ridgewood employee designated by the Village manager. The request for an exception shall be submitted on forms prepared by Ridgewood Water and shall include any required documentation. Exceptions are subject to renewal annually and may be voided at any time due to an emergency. The exceptions may include the following:

1. Outdoor irrigation necessary for the establishment of newly sodded or seeded grass lawns or landscaping within the first 21 consecutive days of planting.
2. Irrigation of lawns or plantings with smart controllers, approved by permit from Ridgewood Water, and limited to the irrigation hours specified in Section E of this Chapter.
3. Outdoor water use from rain harvesting (rain barrels, etc.), gray water, or reclaimed water. Use of gray or reclaimed water must have an approved NJPDES permit issued through the NJDEP.

- 4. Outdoor irrigation necessary for one day only where treatment with an application of chemicals required immediate watering to preserve an existing landscape or to establish a new landscape.
 - 5. Other outdoor water usage.
- e. Irrigation shall not be conducted between 10:00 a.m. and 6:00 p.m. on any day. Irrigation using automatic systems, including Smart Controllers, may only be used between 3:00 a.m. and 7:00 a.m. on the permissible day.
- f. Any automatic irrigation systems installed subsequent to the enactment of this Ordinance shall be equipped with an operational automatic rain sensor device. Each rain sensor device shall be capable of and programmed to interrupt the automatic irrigation cycle when ¼ inch of rain has fallen.
- g. Enforcement.

The enforcement of the provisions of this article shall be the responsibility of such officer and/or employee designated by the Mayor and Council of the Borough of Midland Park.

Section 2. Severability.


If any section, sentence or any other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not effect, impair, or invalidate the remainder of this Ordinance but shall be confined in its effect to the section, sentence or other part of this Ordinance directly involved in the controversy which such judgment shall be rendered.

Section 3. Inconsistent Ordinances Repealed.

All ordinances or parts or ordinances which are inconsistent with the provisions of this ordinance are hereby repealed, but only to the extent of such inconsistencies.

Section 4. Effective Date.

This Ordinance shall take effect immediately upon final passage and publication as provided by law.



HARRY SHORTWAY, JR., Mayor



**WENDY MARTIN, RMC
Borough Clerk**

Member	Motion	Second	Aye	Nay	Abstain	Absent
Braunius		✓	✓			
DeBlasio						✓
Damiano						✓
Kruis			✓			
Peet	✓		✓			
DeLuca			✓			

Introduced: June 8, 2023

Adopted: June 22, 2023