

**TOWNSHIP OF HARDYSTON
ORDINANCE #2011-11**

**AN ORDINANCE OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX,
STATE OF NEW JERSEY AMENDING CERTAIN PORTIONS OF
CHAPTER 179, WATER, OF THE REVISED GENERAL ORDINANCES**

WHEREAS, the Township of Hardyston is concerned with protecting the interests of its residents; and

WHEREAS, as part of that protection, the Township adopts ordinances which provide for the health, safety and welfare of its residents; and

WHEREAS, it has come to the Township's attention that the drinking water being supplied to the residents of certain residences in seasonal lake communities and other residents in the community may not be up to standard with state and federal rules and regulations; and

WHEREAS, the Township desires to place procedures and a timeframe in place in order to allow the residents of those lake communities appropriate and reasonable time to ensure that the drinking water they are receiving is in fact compliant with all applicable state and federal regulations and standards.

NOW THEREFORE BE IT ORDAINED by the Municipal Council of the Township of Hardyston, County of Sussex, State of New Jersey, as follows:

SECTION 1. Chapter 179, Water, of the aforesaid Revised General Ordinances is hereby amended and supplemented with the addition of "Article II, Residential Drinking Water Compliance", to read as follows:

ARTICLE II RESIDENTIAL DRINKING WATER COMPLIANCE

§179-6 Applicability; Execution of Documentation

The requirements set forth in this Section shall only apply to those existing dwellings or residences who do not have a potable water supply and that may include, but not be limited to, seasonal residents of lake communities.

§179-7 Compliance Requirements

Except as provided for in §179-8, all owners of properties without potable wells must complete one of the following three modifications to their existing water supply within thirty six (36) months of the enactment of this Section:

- A. Have the property serviced through an approved public community (15 or greater connections) or non-public (less than 15 connections) water system.
- B. Installation of an individual well to supply adequate drinking water to the subject premises. The wells shall be drilled and installed in compliance with all local, state and/or federal regulations.

- C. Installation of a water treatment system utilizing appropriate technology which shall appropriately purify the surface water in accordance with NJDEP guidelines for safe drinking water which the resident(s) of said property shall be utilizing for drinking purposes. Said system shall be permitted, inspected and approved prior to its use by the Township Plumbing Inspector as the local review agency for the Township of Hardyston. Such systems shall not be permitted for new construction.

§ 179-8 Exceptions

The thirty six (36) month compliance period specified in §179-7 shall not apply where the subject property owner(s) attempts to expand the subject premises by way of alterations or additions which result in an increase of square footage. In the event a homeowner performs a reconstruction to his/her dwelling, the compliance requirements specified in §179-7 shall become the immediate obligation of the homeowner before any permits for said reconstruction(s) is issued by the Township. The acceleration of this requirement shall not pertain to renovations for safety purposes such as installation and/or replacement of door(s), window(s) and/or roofing.

“Reconstruction, Alteration and Addition” shall be as defined in the N.J. Uniform Construction Code, Subchapter 6, “The Rehabilitation Subcode”.

§ 179-9 Agency designation.

The Township of Hardyston Health Officer shall be the local enforcing agency within the Township of Hardyston and shall be the agency responsible for enforcing the requirements of this section. Presently the Health Officer for the Township of Hardyston has been designated as the Sussex County Health Officer.

Plumbing Inspection fees as it relates to water systems installed within the thirty six month (36) time period set forth in this Ordinance shall be waived.

§ 179-10 Violations and Penalties.

Any homeowner who violates any provision of this chapter shall, upon conviction thereof, be punished by a fine not exceeding \$2,000 or by imprisonment for a term not exceeding 90 days, or both, within the discretion of the Municipal Judge. A separate offense may be deemed committed in each day during or on which a violation occurs or continues.

SECTION 2. All ordinances of the Township of Hardyston which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 3. If any section, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid by any court or competent jurisdiction, such decision shall not affect the remaining portion of this ordinance.

SECTION 4. This Ordinance may be renumbered for purposes of codification.

SECTION 5. This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

NOTICE

PLEASE TAKE NOTICE that notice is hereby given that the above ordinance was introduced and passed at the regular meeting of the Hardyston Township Council held at the Municipal Building, 149 Wheatsworth Road, Hardyston, New Jersey, on July 5, 2011. The same came up for final adoption at a meeting of the Township Council of the Township of Hardyston held on July 19, 2011, and after all persons present were given the opportunity to be heard concerning the same, it was finally passed, adopted and will be in full force and effect in the Township according to law.

**BY ORDER OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF
HARDYSTON.**

**JANE BAKALARCZYK, RMC/CMC
TOWNSHIP CLERK**