

**TOWNSHIP OF HARDYSTON
ORDINANCE #2011-06**

**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 always looking to protect 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 those residents; and

WHEREAS, it has come to the Township's attention that the drinking water being supplied to the residents of both the Lake Gerard and Beaver Lake communities 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, Lake Gerard and Beaver Lake Communities, to read as follows:

ARTICLE II LAKE GERARD & BEAVER LAKE COMMUNITIES

§179-6 Applicability; Execution of Documentation

- A. The requirements set forth in this Section shall only apply to those residents of either the Lake Gerard or Beaver Lake Communities.
- B. Upon the effective date of this Article, every homeowner located within the Beaver Lake and Lake Gerard communities shall be required to sign and execute a document evidencing their personal knowledge that the subject property is receiving an unreliable potable water source.

§179-7 Compliance Requirements

Except as provided for in §179-8, all owners of properties within the Lake Gerard and Beaver Lake Communities must complete one of the following three modifications to their existing water supply within twenty-four (24) months of the enactment of this Section:

- A. Installation of a system which shall provide a water source that meets bacteria standards in accordance with NJDEP guidelines. Said system shall be inspected and approved prior to its use by the Sussex County

Health Department who acts as the local enforcing agency for the Township of Hardyston.

- B. Installation of an appropriate well to supply adequate drinking water to the subject premises. The wells shall be drilled and installed by the homeowner in compliance with all local, state and/or federal regulations.
- C. Have the property serviced through an approved public or private water system.

§ 179-8 Exceptions

The twenty-four (24) 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 renovations. In the event a homeowner attempts to renovate his/her property, the compliance requirements specified in §179-7 shall become the immediate obligation of to complete before any permits for said renovation(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.

§ 179-9 Agency designation.

The Sussex County Health Department shall be the local enforcing agency within the Township of Hardyston and shall be the agency responsible for enforcing the requirements of this section.

§ 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 shall 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

The ordinance published herewith was introduced and passed upon first reading at a meeting of the governing body of the Township of Hardyston, in the County of Sussex, New Jersey, held on May 3, 2011. It will be further considered for final passage after public hearing thereon, at a meeting of said governing body to be held in the Municipal Building, 149 Wheatsworth Road, Hardyston, New Jersey on May 17, 2011 at 7:00 p.m., or as soon thereafter as said matter can be reached, at which time and place all persons who may be interested therein will be given an opportunity to be heard concerning the same.

Jane Bakalarczyk, RMC/CMC
Municipal Clerk