



**BOROUGH OF FLORHAM PARK
COUNTY OF MORRIS, STATE OF NEW JERSEY
ORDINANCE #25-21**

AN ORDINANCE OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF FLORHAM PARK IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING CHAPTER 244 "WATER", SECTION 244-46 ENTITLED "WATER USE RESTRICTIONS", SECTION D "PERMANENT WATER USE RESTRICTIONS" OF THE CODE OF ORDINANCES OF THE BOROUGH OF FLORHAM PARK

WHEREAS, the water supplies within the Borough of Florham Park should be protected to afford the greatest beneficial use to Borough of Florham Park 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 Borough of Florham Park 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, welfare and safety of the Borough of Florham Park 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 Borough of Florham Park citizens; and

WHEREAS, pursuant to N.J.S.A. 40:48-2, the Borough of Florham Park 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.

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

Section 1. Section 244-46(D) "Permanent Water Use Restrictions" of The Code of Ordinances of the Borough of Florham Park in Morris County is hereby deleted in its entirety.

Section 2. Section 244-41 of the Code of the Ordinances, currently noted as "Reserved" shall be entitled "Permanent Water Restrictions," and shall read in its entirety as follows:



Restrictions on outdoor landscape water use apply to all users in Borough of Florham Park at all times regardless of source of supply (e.g. public water supplies, well or ground water, lakes, streams, or ponds) unless expressly exempt as set forth herein. Such water use shall conform to the following Outdoor Landscape Water Use Restrictions:

A. Lawn watering with a hose or hose-end sprinkler is permitted subject to the following restrictions.

1. Such watering may be done on properties with even number street addresses only on even numbered calendar days, and on properties with odd numbered street addresses only on odd numbered calendar days.
2. Watering may only be done a maximum of three (3) days per week.
3. Watering shall only be conducted between the hours of 6:00 a.m. and 9:00 a.m. and between 5:00 p.m. and 8:00 p.m.
4. The watering of any single area shall not exceed thirty minutes per day.
5. No hose or hose-end watering shall be permitted when it is raining.
6. The restrictions regarding the dates and times of watering are not applicable to the watering of flowers and shrubs, provided that the watering is done with a hand-held hose equipped with an automatic shut-off nozzle

B. Irrigating lawns and landscapes with automatic irrigation systems equipped with a conventional irrigation controller (this includes all systems that do not have a "SMART" controller as referenced in this ordinance)

1. Such watering may be done on properties with even number street addresses only on even numbered calendar days, and on properties with odd numbered street addresses only on odd numbered calendar days.
2. Watering may only be done a maximum of three (3) days per week.
3. Irrigation shall only be conducted between the hours of 12:00 midnight and 10:00 a.m.
4. 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.



C. Irrigation with systems equipped with a SMART controller

1. To qualify for this provision, the SMART controller must have met the minimum requirements of IA-SWAT protocol testing. Lists of climate-based and sensor-based controllers that have successfully completed the protocol testing can be found at <http://www.irrigation.org> under the "Resources" tab.
2. The property owner must register the SMART controller with the Borough of Florham Park Building Department. The Borough of Florham Park will issue a yard placard which the owner must display signifying that the property is irrigated with a SMART controller
3. The SMART controller must be programmed by an EPA WaterSense Partner who holds a New Jersey Landscape Irrigation Contractor Certificate pursuant to NJSA 45:5AA-3.
 - a. The SMART controller must be programmed to irrigate between the hours of 12:00 midnight and 10:00 am;
 - b. Proper sprinkler head data and accurate soil/plant/irrigation information must be entered;
 - c. The SMART controller programming data shall be posted at the controller;
 - d. The WaterSense Partner must make a minimum of two site visits after the initial programming to adjust and fine tune the irrigation schedule.

D. Irrigation systems programmed and monitored by an irrigation manager

1. The property owner must designate a qualified person who will be the irrigation manager and register that person with the Borough of Florham Park with defining qualifications.
 - a. The Borough of Florham Park will issue a yard placard which the owner must display signifying that the property is irrigated by an irrigation manager.
2. The irrigation manager must be an EPA WaterSense Partner or show evidence of successfully completing one of the approved courses listed below:
 - a. Rutgers University Continuing Education Course, *Irrigation Systems: Scheduling*



- b. Irrigation Association's online course, *Landscape Irrigation Scheduling*.
 - c. A comparable course offered by a recognized continuing education facility or professional association.
 - 3. A property specific irrigation program shall be developed by the irrigation manager based on plant variety, soil type, exposure, slope, precipitation rate, and irrigation efficiency.
 - 4. Weekly adjustments shall be made to the irrigation schedule based on current evapotranspiration (ET) rates or weather conditions.
 - 5. If it is found that an irrigation manager does not follow any of the terms prescribed in this ordinance, they may be disqualified from acting as a property's irrigation manager.
- E. All automatic irrigation systems:
- 1. Shall be equipped with an operational automatic rain sensor device, which disables the system when a predetermined amount of rainfall has occurred. Each rain sensor device shall be capable of and programmed to interrupt the automatic irrigation cycle when $\frac{1}{4}$ inch of rain has fallen.
 - 2. Any work performed on a system as a result of any inspection made by the homeowner or a professional must be in compliance with the Landscape Irrigation Contractor Certification Act of 1991 (NJSA 45:5AA-3).
 - 3. Flowers and shrubs irrigated with drip or micro irrigation may be watered as needed.
- F. All new irrigation systems must comply with the following:
- 1. The system must be installed by an EPA WaterSense Partner who holds a New Jersey Landscape Irrigation Contractor Certificate pursuant to NJSA 45:5AA-3.
 - 2. New Jersey Irrigation Best Management Design Practices are listed below:
 - a. designing a system that insures sufficient operating pressure at the sprinkler head;



- b. dividing irrigated areas into hydro-zones of turf and plants with similar water requirements;
 - c. creating zoning systems according to exposure;
 - d. considering the soil type so the sprinkler irrigation precipitation rate is compatible with the soil infiltration rate or dividing the zone runtimes into multiple short cycles;
 - e. providing separate control of sloped areas;
 - f. preventing sprinkler heads from overthrowing onto driveways, roads, and sidewalks;
 - g. providing for separate irrigation for parkway strips between curbs and sidewalks that minimizes overthrow onto walks, pavement, and other impervious surfaces;
 - h. using pressure regulating technology as necessary to ensure sprinkler heads operate within the manufacturer's recommended range. The pressure regulation may be:
 - i. a pressure regulation device at the point of connection;
 - ii. pressure regulation at each remote control valve;
 - iii. pressure regulation at the sprinkler head;
 - iv. a combination of the above.
 - i. irrigating all flowers and shrubs with drip and/or micro-irrigation;
 - j. including check valves in low sprinkler heads to prevent low-point drainage;
 - k. having a pressure regulating device and wye strainer on each drip/micro control valve.
3. System must have a SMART controller capable of estimating or measuring depletion of available plant soil moisture and operating the irrigation system only to replenish the water as needed while minimizing excess water use.
- a. The SMART controller must be an EPA WaterSense labeled SMART controller and listed on their website http://www.epa.gov/watersense/product_search.html and select irrigation controllers from the drop down menu.



- b. The SMART controller must be programmed by an EPA WaterSense Partner who holds a New Jersey Landscape Irrigation Contractor Certificate pursuant to NJSA 45:5AA-3.
 - i. Proper sprinkler head data and accurate soil/plant/irrigation information must be entered;
 - ii. The SMART controller programming data shall be posted at the controller;
 - iii. The WaterSense partner must make a minimum of two site visits after the initial programming to adjust and fine tune the irrigation schedule.
- G. Violations. Any person who violates this ordinance shall be subject to the penalty provisions set forth in accordance with Chapter 1, 1-16 of this Code. In addition to the specific requirements set forth in this Ordinance, it shall be a violation of this ordinance for any person to intentionally, knowingly or recklessly cause, permit or allow watering or irrigation on any property owned, leased or managed by that person on which any of the following takes place:
 - 1. Watering during any form of precipitation;
 - 2. Water leaking from any irrigation equipment;
 - 3. Water puddling on landscape or impervious surfaces;
 - 4. Water run-off from irrigated property;
- H. Enforcement. This ordinance may be enforced by the Police Department or by the Zoning Enforcement Officer. The first violation of this ordinance shall be result in a warning to the appropriate party. Any subsequent violation shall be subject to the penalties as provided herein.
- I. Exemptions. This ordinance shall not apply to the following activities:
 - 1. Outdoor water use from rain water harvesting, gray water, or reclaimed water are exempt from the provisions of the ordinance. Use of gray or reclaimed water must have an approved NJPDES permit issued through the NJDEP.



2. Outdoor water use for commercial farms producing harvestable crops, commercial nurseries, sod farms and golf courses are exempt from the provisions of the ordinance.
3. Outdoor irrigation necessary for one day only where treatment with an application of chemicals require immediate watering to preserve an existing landscape or to establish a new landscape.
4. Outdoor irrigation necessary for the establishment of newly sodded lawns or landscaping within the first 21 consecutive days of planting.
5. Visually supervised operation of an irrigation system by a person in compliance with the New Jersey Landscape Irrigation Contractor Certification Act of 1991 (NJSA 45:5AA-1) and at the minimum rate necessary in order to check system condition and effectiveness.
6. Passenger vehicle washing in all residential zones.
7. Athletic Fields and nurseries.

Section 4. All ordinances or parts of ordinances inconsistent herewith are hereby repealed as to such inconsistencies.

Section 5. If any article, section, subsection, paragraph, phrase, or sentence is for any reason held to be unconstitutional or invalid, said article, section, subsection, paragraph, phrase or sentence shall be deemed separable.

Section 6. This Ordinance shall take effect upon final publication as provided by law.

INTRODUCED: May 15, 2025

ADOPTED: June 12, 2025



Mark Taylor, Mayor



Attest:

Danielle M. Lewis
Danielle M. Lewis, RMC, Municipal Clerk

I HEREBY CERTIFY this to be a true and correct Ordinance of the Mayor and Borough Council of the Borough of Florham Park, introduced on May 15, 2025 and adopted on June 12, 2025.

Danielle M. Lewis
Danielle M. Lewis, RMC, Municipal Clerk