

**TOWNSHIP OF HARDING
ORDINANCE NO. 05-12**

**ORDINANCE SUPPLEMENTING CHAPTER 388 “WATER,” OF THE CODE OF
THE TOWNSHIP OF HARDING TO ADD ARTICLE II “TAMPERING WITH
WATER FACILITIES AND RESOURCES” INCLUDING SUBSECTIONS §388-6 “CISTERNS
AND FIRE HYDRANTS” AND §388-7 “TAMPERING WITH SYSTEM; VIOLATIONS AND
PENALTIES”**

WHEREAS, the Township of Harding (“Township”) has reliable and valuable water cisterns available for emergency firefighting; and

WHEREAS, it has come to the attention of the Township that cisterns in particular are being depleted of their supply by nearby property owners for a variety of uses including, but not limited to, the filling of swimming pools and landscaping uses; and

WHEREAS, in addition to endangering the public safety by subverting a valuable emergency water source, the use of this water amounts to a tampering and constitutes criminal mischief; and

WHEREAS, the Township wishes to adopt an ordinance prohibiting the diversion of water in cisterns and fire hydrants to private use unrelated to fire safety by imposing a penalty, in order to protect public safety and welfare.

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF HARDING, IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY AS FOLLOWS:

SECTION 1: Chapter 388 “Water” is hereby supplemented to read as follows:

ARTICLE II “TAMPERING WITH WATER FACILITIES AND RESOURCES”

Section 388-6. Cisterns and Fire Hydrants.

- A. Water from fire cisterns, fire hydrants and other related water fire protection systems shall be used only in case of fires, except that water from fire cisterns and hydrants may be used in a reasonable amount and at such times and places as the Township may permit. The testing of cisterns, hydrants and fire-fighting apparatus by any fire company is permitted. No lines or pumps will be permitted to be connected with cisterns, hydrants or water lines so as to draw water directly from the cistern, main or service pipe, except for fire purposes, without specific permission from the Township.
- B. The opening, closing or use of any fire cistern or fire hydrant or plug, except in case of fire, without the written permission of the Township, shall be deemed as tampering with fire safety facilities and shall constitute criminal mischief.

Section 388-7. Tampering with system; violations and penalties

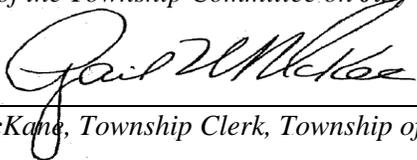
It shall be unlawful for any person(s) to wrongfully connect, disconnect, tap or interfere or tamper with any of the cisterns, hydrants, plugs, mains, pipes, conduits, connections, taps, or other fire safety facility for the purpose of wasting or using such water or to in any way tamper with fire protection facilities and divert water for non-fire safety related use, unless

such person or persons are duly authorized by or be in employ of the Township. Violation of this section is declared to be a criminal mischief. The penalty shall be assessed in accordance with N.J.S.A. 2C:17-3.

SECTION 2: This ordinance shall take effect after final passage and publication as prescribed by law.

I, Gail W. McKane, Township Clerk of the Township of Harding, do hereby certify this document to be a true copy of the original ordinance as adopted at the meeting of the Township Committee on July 9, 2012.

Date: July 10, 2012



Gail W. McKane, Township Clerk, Township of Harding