

**BOROUGH OF SUSSEX  
COUNTY OF SUSSEX  
ORDINANCE NO. 2022-11**

**AN ORDINANCE OF THE BOROUGH OF SUSSEX, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AMENDING SUBSECTIONS 13-2.3, ENTITLED “GENERAL REGULATIONS” AND 13-2.6, ENTITLED “VIOLATIONS”, OF SECTION 13-2, ENTITLED “WATER SYSTEM REGULATIONS”, OF CHAPTER 13, ENTITLED “WATER AND SEWER”.**

**BE IT ORDAINED** by the Borough Council of the Borough of Sussex, in the County of Sussex and State of New Jersey, as follows:

**SECTION I.** Paragraph (i) of Subsection 13-2.3, entitled “General Regulations”, of Section 13-2, entitled “Water System Regulations”, of Chapter 13, entitled “Water and Sewer” of the Code of the Borough of Sussex, Sussex County, New Jersey, be and is hereby amended to read as follows:

- i. All persons are prohibited from opening or in any way interfering with any fire plug, hydrant, or standpipe for any purpose whatever except under the direction of the superintendent or his agent. The chief of the fire department, his/her assistant officers and members of the department may use the hydrants and plugs for the purpose of extinguishing fire or cleaning their engines and hoses, or department materials, or making trials of the hose or department, but all such uses shall be under the direction and supervision of the superintendent or his/her agent in non-emergency situations and under the direction and supervision of the chief or his/her assistants in emergency situations, and in no event shall an inexperienced or incompetent person be permitted to manipulate or control in any way any hydrant, fire plug, or standpipe or other fixture.

**SECTION II.** Subsection 13-2.6, entitled “Violations”, of Section 13-2, entitled “Water System Regulations”, of Chapter 13, entitled “Water and Sewer” of the Code of the Borough of Sussex, Sussex County, New Jersey, be and is hereby amended to read as follows:

§ 13-2.6 Penalties.

- a. Any person or business who violates the water system regulations set forth in section 13-2 shall be fined or sentenced in accordance with this section. For each offense, the offender shall be fined a minimum of \$100 and up to \$2,000, sentenced to imprisonment in jail for a period not to exceed 90 days and/or sentenced to a period of community service not to exceed 90 days. Any continuing violation shall be treated as a separate offense for each day that it continues. In addition, the offender shall be ordered to pay restitution to the Borough to the extent authorized by law, subject to determination of the amount thereof by the Court.
- b. In addition to the penalties set forth in paragraph (a) of subsection 13-2.6: Every person convicted of violating paragraph (i) of subsection 13-2.3 within 12 months of the date of a previous violation of same and who was fined for the previous violation shall be fined an additional minimum of \$100 and up to \$2,000 for each such offense. This additional penalty shall be calculated separately from the fine imposed for the underlying violation of paragraph (i) of subsection 13-2.3. The inclusion of this specific penalty provision does not constitute a waiver of any additional fines which may be imposed with regard to repeat violations of other provisions of subsection 13-2 authorized by *N.J.S.A. 40:49-5*.

**SECTION III.** If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

**SECTION IV.** In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough, the provisions hereof shall be determined to govern. All other ordinances of the Borough are hereby ratified and confirmed, except where inconsistent with the terms hereof.

**SECTION V.** This Ordinance shall take effect immediately upon final passage and publication according to law.

Attest:

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Antoinette Smith, Borough Clerk

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Edward Meyer, Mayor

**NOTICE**

NOTICE IS HEREBY GIVEN that the attached Ordinance 2022-11 was introduced at a regular meeting of the Mayor and Council of the Borough of Sussex, Sussex County, New Jersey, held on August 16, 2022 and passed on first reading, and that such Ordinance will be further considered for final passage and adoption at the regular meeting of the Mayor and Council to be held on September 6, 2022 at Borough Hall, 2 Main Street, in the Borough of Sussex at 7:00 p.m. or via the internet, connectivity information available at [www.sussexboro.com](http://www.sussexboro.com) and that at such time and place all persons interested be given an opportunity to be heard concerning said Ordinance.

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Antoinette Smith, RMC

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