**2993-26**

**AN ORDINANCE AMENDING CHAPTER 5, ARTICLE II, SECTION 26, OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE TO IMPLEMENT REQUIREMENTS AND PENALTIES FOR LANDSCAPE IRRIGATION CONTRACTORS**

**WHEREAS**, The Mayor and Council of the Township of West Orange (the "Township"), have an interest in the efficient operation and effective administration of government services; and

**WHEREAS**, pursuant to N.J.S.A. 40:48-1, the governing body of a municipality may make, amend, repeal, and enforce such other ordinances, regulations, rules and by-laws not contrary to the laws of this State or Federal Government, as it may deem necessary and proper for the good of government, order and protection of person and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants, and as may be necessary to carry into effect the powers and duties conferred and imposed by this subtitle, or by any law; and

**WHEREAS**, there has been a significant increase in the number of unlicensed landscape irrigation contractors operating in the State of New Jersey, positing safety and liability risks to those who contract with said individuals; and

**WHEREAS**, N.J.S.A. 45:5AA-1 et seq. mandates that all individuals advertising, entering into, or engaging in the business of landscape irrigation contracting must obtain a business permit from the Board of Landscape Irrigation Contractors; and

**WHEREAS**, N.J.S.A. 45:5AA-1 et seq. mandates that any individual, officer, partner or employee who is or will be actively engaged in the business for which a business permit is sought for landscape irrigation contracting has obtained a landscape irrigation contractor certificate from the Board of Landscape Irrigation Contractors; and

**WHEREAS**, N.J.S.A. 45:5AA-9 now permits municipalities to institute action against any person who violates N.J.S.A. 45:5AA-1 et seq., and seek penalties in accordance with the same; and

**WHEREAS**, in order for the Township to impose fines, which it may collect under N.J.S.A. 45:5AA-9, the same must be codified in the Municipal Code; and

**WHEREAS**, the Township desires to amend Chapter 5, Article II, Section 26, of the Revised General Ordinances of the Township of West Orange, to create a section entitled "LANDSCAPE IRRIGATION CONTRACRTORS."

**NOW THEREFORE, BE IT ORDAINED**, by the Township Council of the Township of West Orange, in the County of Essex, State of New Jersey, as follows:

**SECTION 1. RECITALS.** The foregoing whereas clauses are incorporated herein by reference and made a part hereof.

**SECTION 2.** Section 26, of Article II, Chapter 5 of the Revised General Ordinances of the Township of West Orange is hereby supplemented and amended as follows:

**§ 5-26 LANDSCAPE IRRIGATION CONTRACRTORS**

**§ 5-26.1 Purpose.**

To ensure that Landscape Irrigation Contractors, operating within the Township, maintain the certifications required by state law, applicable codes, regulations in order to preserve the safety and well-being of the Township and its inhabitants.

**§ 5-26.2 Definitions**

As used in this Section, the following terms shall have the following meanings:

**LANDSCAPE IRRIGATION CONTRACTING**

The construction, repair, maintenance, improvement, and alteration of any portion of a landscape irrigation system, which is a system designed, constructed, and installed for controlled dispersion of water.

**LANDSCAPE IRRIGATION CONTRACTOR**

A natural person, association, corporation, LLC, partnership, or other legal entity engaged in the business of, or who is proficient in Landscape Irrigation Contracting, and maintains a certificate issued by the Landscape Irrigation Contractors Examining Board for the same, pursuant to the provisions of N.J.S.A. 45:5AA-1 et seq.

**LANDSCAPE IRRIGATION SYSTEM**

Any assemblage of components, materials or special equipment which is designed, constructed and installed for controlled dispersion of water from any safe and suitable source, including properly treated wastewater, for the purpose of irrigating landscape vegetation or the control of dust and erosion on landscaped areas, including integral pumping systems or integral control systems for manual, semiautomatic or automatic control of the operation of these systems.

**§ 5-26.3 State Certificate Required**

No person shall engage in the business of or otherwise perform Landscape Irrigation Contracting within the Township, unless certified to do so by the Landscape Irrigation Contractors Examining Board in accordance with the provisions of N.J.S.A. 45:5AA-1 et seq.

**§ 5-26.4 Violations and Penalties**

A Landscape Irrigation Contractor who performs the services referenced herein without a license shall be subject to institution of an action by the Board of Landscape Irrigation Contractors or the Township's Local Enforcement Agency, and assessed an administrative penalty as follows:

1. First Offense: Penalty no greater than $5,000
2. Second Offense: Penalty no greater than $10,000
3. All Subsequent Offenses: Penalty no greater than $15,000

If the violation is of a continuing nature, each day during which it continues shall constitute an additional, separate, and distinct offense.

Should a penalty be assessed pursuant to this Section as a result of an action instituted by the Board of Landscape Irrigation Contractors, 100% of the penalty derived will be made available to the Board of Landscape Irrigation Contractors.

Should a penalty be assessed pursuant to this Section as a result of an action instituted by the Township, 30% of the penalty derived will be made available to the Board of Landscape Irrigation Contractors, and 70% of the penalty derived will be made available to the Township.

**SECTION 3**. Severability. Each section, subsection, sentence, clause and phrase of this subsection is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this subsection to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this subsection.

**SECTION 4**. Repealer. All other ordinances or parts of ordinances inconsistent with this subsection are hereby repealed.

**SECTION 5**. Effective date. This subsection shall be in full force and effect from and after its adoption and any publication as required by law.

**NOTICE**

**NOTICE IS HEREBY GIVEN**, that the above Ordinance was introduced and passed on first reading at the regular meeting of the Township Council of the Township of West Orange, County of Essex, State of New Jersey held in the Municipal Building on the 13th day of October, 2026, and the same came up for final passage at the regular meeting of the Township Council held on the 27th day of October, 2026, at which time, after persons interested were given the opportunity to be heard concerning said Ordinance, the same was passed and will be in full force and effect in the Township of West Orange after approval by the Mayor or in accordance with law.

**SUSAN McCARTNEY, MAYOR**

**SUSAN SCARPA, COUNCIL PRESIDENT**

**KAREN J. CARNEVALE, R.M.C.**
**MUNICIPAL CLERK**

**INTRODUCED: October 13, 2026**

**ADOPTED: October 27, 2026**