

XXIII. WATER USE RESTRICTION BY-LAW

WATER USE RESTRICTION BY-LAW [Adopted at the Annual Town Meeting April 29, 1978. Approved by the Attorney General July 25, 1978, and posted according to law October 24, 1978. Amended by deleting the original bylaw adopted on April 29, 1978, and inserting in its place the following Water Use Restriction Bylaw adopted under Article 26 at the third session of the 1999 Annual Town Meeting held on May 6, 1999, approved by the Attorney General on July 14, 1999, and posted according to law on July 21, 1999. Amended at the Special Town Meeting on April 28, 2003, approved by the Attorney General August 21, 2003 and posted according to law August 29, 2003. Amended by deleting and replacing Section 9 Penalties.]

SECTION 1. Authority

This Bylaw is adopted by the Town of West Newbury under its police powers to protect public health and welfare and its powers under M.G.L. c.40, ss21 et seq. and implements the Town's authority to regulate water use pursuant to M.G.L. c.41,s.69B. This bylaw also implements the Town's authority under M.G.L. c40, s.41A, conditioned upon a declaration of water supply emergency issued by the Department of Environmental Protection.

SECTION 2. Purpose

The purpose of this bylaw is to protect, preserve and maintain the public health, safety and welfare whenever there is in force a State of Water Supply Conservation or State of Water Supply Emergency by providing for enforcement of any duly imposed restrictions, requirements, provisions or conditions imposed by the Town of West Newbury or by the Department of Environmental Protection. This Bylaw applies to municipal water users only.

SECTION 3. Definitions

Person shall mean any individual, corporation trust, partnership or association, or other entity.

State of Water Supply Emergency shall mean a State of Water Supply Emergency declared by the Department of Environmental Protection under M.G.L. c.21G,s15-17.

State of Water Supply Conservation shall mean a State of Water Supply Conservation declared by the Town of West Newbury pursuant to section 4 of this bylaw.

Water Users or Water Consumers shall mean all public and private users of the Town's public water system, irrespective of any person's responsibility for billing purposes for water used at any particular facility.

SECTION 4. Declaration of a State of Water Supply Conservation

The Town of West Newbury, through its Board of Water Commissioners, may declare a State of Water Supply Conservation upon a determination by a majority vote of the Board that a shortage of water exists and conservation measures are appropriate to ensure an adequate supply of water to all water consumers. Public notice of a State of Water Conservation shall be given under section 6 of this bylaw before it may be enforced.

SECTION 5. Restricted Water Uses

A declaration of a State of Water Supply Conservation shall include one or more of the following restrictions, conditions, or requirements limiting the use of water as necessary to protect the water supply. The applicable restrictions, conditions or requirements shall be included in the public notice required under section 6.

a) Odd/Even Day Outdoor Watering. Outdoor watering by water users with odd numbered addresses is restricted to odd numbered days. Outdoor watering by water users with even numbered addresses is restricted to even numbered days.

b) Outdoor Watering Ban. Outdoor watering is prohibited.

c) Outdoor Watering Hours. Outdoor watering is permitted only during daily periods of low demand to be specified in the declaration of a State of Water Supply Conservation and public notice thereof.

d) Filling Swimming Pools. Filling of swimming pools is prohibited.

e) Automatic Sprinkler Use. The use of automatic sprinkler system is prohibited.

SECTION 6. Public Notification of a State of Water Supply Conservation: Notification of DEP.

Notification of any provision, restriction, requirement or condition imposed by the Town as part of a State of Water Supply Conservation shall be published in a newspaper of general circulation within the Town, or by such other means reasonably calculated to

reach and inform all users of water of the State of Water Supply Conservation. Any restriction imposed under section 5 shall not be effective until such notification is provided. Notification of the State of Water Supply Conservation shall also be simultaneously provided to the Massachusetts Department of Environmental Protection.

SECTION 7. Termination of a State of Water Supply Conservation: Notice.

A State of Water Supply Conservation may be terminated by a majority vote of the Board of Water Commissioners, upon a determination that the water supply shortage no longer exists. Public notification of the termination of a State of Water Supply Conservation shall be given in the same manner required by section 6.

SECTION 8. State of Water Supply Emergency: Compliance with DEP Orders

Upon notification to the public that a declaration of a State of Water Supply Emergency has been issued by the Department of Environmental Protection, no person shall violate any provision, restriction, requirement, condition of any order approved or issued by the Department intended to bring about an end to the State of Emergency.

SECTION 9. Penalties

Any person violating this bylaw shall be given a written warning for the first offense. For the second and subsequent violations within the same calendar year, said person shall be liable to the Water Department in the amount of \$100.00 which shall inure to the Town. Fines shall be recovered by indictment, or on complaint before the District Court, or by non-criminal disposition in accordance with section 21D of Chapter 40 of the general laws. Each day of violation shall constitute a separate offense. In addition to the above fines, for violations beyond the second offense, the Commissioners shall have the right to suspend water service. If water service is suspended then a Reactivation Fee of \$250.00 will be charged and must be paid to the Town Collector before water service is restored.

SECTION 10. Severability.

The invalidity of any portion or provision of this bylaw shall not invalidate any other portion or provision thereof.