

## CHAPTER 10 WATER

### 10.1. WATER RESTRICTION

#### Section 1      Authority

This Bylaw is adopted by the Town under its powers to protect public health and welfare and its powers under M.G.L. c. 40 Sec. 21 et seq. and implements the Town's authority to regulate water use pursuant to M.G.L. c. 41 Sec. 69B. This Bylaw also implements the Town's authority under M.G.L. c. 40 Sec. 41A, conditioned upon a declaration of water supply emergency issued by the Commonwealth of Massachusetts 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 or by the Department of Environmental Protection.

#### 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 Secs. 15-17.

State of Water Supply Conservation shall mean a State of Water Supply Conservation declared by the Town 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, 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.

Section 8   Outdoor Watering Ban Outdoor watering is prohibited.

Section 8   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.

Section 8      Filling Swimming Pools Filling of swimming pools is not allowed during periods of restricted water use. This applies to new or empty swimming pools which require quantities of water in excess of 500 gallons.

Section 8      Automatic Sprinkler Use The use of automatic sprinkler systems is subject to outdoor water restrictions or ban as described above.

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 liable to the Town in the amounts of \$50 for the first violation and \$100 for each subsequent violation which shall inure to the Town. Fines shall be recovered on complaint before the District Court. Each day of violation shall constitute a separate offense. Penalties as defined herein may be collected as an excess water charge and placed on water bills for collection.

Section 10    Severability

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

## CHAPTER 10.2 WATER SUPPLY

### 10.2.1 Authority:

This By-Law is adopted by the Town under its home rule powers, its police powers to protect health and welfare and its specific authorization under Massachusetts General Law, Chapter 40, Section 21 and 21D.

### 10.2.2 Purpose:

The purpose of this By-Law is to protect, preserve and maintain the public health, safety and welfare whenever there is in force a state of water supply emergency by providing for enforcement of any duly imposed restrictions, requirements, provisions or conditions imposed by the Town or by the Department of Environmental Protection (DEP) and included in the Town's plan approved by the Department of Environmental Protection to abate the emergency.

### 10.2.3 Definitions:

For the purpose of this By-Law:

Enforcement authority shall mean the Department of Public Works Water Division authorized representatives.

State of water supply emergency shall mean a state of water supply emergency declared by the Department of Environmental Protection pursuant to Massachusetts General Law, Chapter 21G, Section 15 and Chapter 111, Section 160 or by the Governor.

### 10.2.4 Compliance with Water Supply Emergency:

The following shall apply to all users of water supplies supplied by the Town.

Following notification by the Town, of the existence of a state of water supply emergency, no person shall violate any provision, condition, requirement or restriction included in a plan approved by the Department of Environmental Protection which has as its purpose the abatement of a water supply emergency.

Notification of any provision, restriction, requirement or condition with which users of water supplied by the Town are required to comply to abate a situation of water supply emergency shall be sufficient for purpose of this By-Law if it is published in a newspaper of general circulation within the Town, or by such other notice as is reasonably calculated to reach and inform all users of the Town water supply

10.2.5 Penalty:

Any person or entity who violates this By-Law, shall be liable to the Town in the amount of \$50.00 for the first violation and \$100.00 for each subsequent violation which shall inure to the Town for such uses as the Board of Selectmen may direct. Fines shall be recovered by indictment or on complaint before the District Court or by noncriminal disposition in accordance with Section 21D of Chapter 40 of the General Laws. Each separate instance of noncompliance following the issuance of any warning or citation pursuant to this section shall constitute a separate violation.

10.2.6 Right of Entry:

Agents of the enforcement authority may enter any property but not structures on such property for the purpose of inspecting or investigating any violation of this By-Law or enforcing against the same.

10.2.7 Severability

The invalidity of any portion of this By-Law shall not invalidate any other portion, provision or section hereof.