

ARTICLE I
Water Conservation
[Adopted 11-15-1999 FYTM, Art. 20]

§ 112-1. Authority.

This article is adopted by the Town under its police powers to protect public health and welfare and its powers under MGL c. 40, § 21 et seq. and implements the Town's authority to regulate water use pursuant to MGL c. 41, § 69B. This article also implements the Town's authority under MGL c. 40, § 41A, conditioned upon a declaration of water supply emergency issued by the Department of Environmental Protection.

§ 112-2. Purpose.

The purpose of this article 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.

§ 112-3. Definitions.

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

PERSON — Any individual, corporation trust, partnership or association, or other entity.

STATE OF WATER SUPPLY EMERGENCY — A state of water supply emergency declared by the Department of Environmental Protection under MGL c. 21G, §§ 15 through 17.

STATE OF WATER SUPPLY CONSERVATION — A state of water supply conservation declared by the Town pursuant to § 112-4 of this article.

WATER USERS or WATER CONSUMERS — 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.

§ 112-4. Declaration of 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 § 112-6 of this article before it may be enforced.

§ 112-5. 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 § 112-6.
- (1) 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. Commercial, condominium and other multiple properties held under common ownership or management will be assigned an odd or even designation in writing by the Water Department.
 - (2) Outdoor watering ban. Outdoor watering is prohibited.
 - (3) 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.
 - (4) Filling swimming pools. Filling of swimming pools is prohibited.
 - (5) Automatic sprinkler use. The use of automatic sprinkler systems is prohibited.

§ 112-6. Public notification of 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 § 112-5 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.

§ 112-7. Termination of 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 § 112-6.

§ 112-8. 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.

§ 112-9. Enforcement; violations and penalties.

This article shall be enforced by the Superintendent of the Water Department, by any member of the Water Commissioners, or by any member of the Police Department. Any person who violates this article shall receive a written warning which shall include the current restrictions and penalties. Any person who violates this article after receiving a written warning shall be sanctioned by a fine of \$50 and by a fine of \$100 for subsequent violation. Each day of a violation shall constitute a separate offense. Fines shall be recovered by the Town Clerk's office.