

## BYLAWS OF THE TOWN OF WINCHENDON

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### ARTICLE 20

#### **WATER USE RESTRICTION** (Amended June 12, 2000)

**SECTION 20.1: AUTHORITY** This bylaw is adopted by the Town of Winchendon under its police powers to protect public health and welfare and its powers under M.G.L. Chapter 40, Section 21. and implements the Town's authority to regulate water use pursuant to M.G.L. Chapter 41, Section 69B. This bylaw also implements the Town's authority under M.G.L. Chapter 40, Section 41A, conditioned upon a declaration of water supply emergency issued by the Department of Environmental Protection (DEP).

**SECTION 20.2: 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 DEP.

#### **SECTION 20.3: 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 DEP under M.G.L. Chapter 21G, Sections 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 Customers" 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 20.4: DECLARATION OF A STATE OF WATER SUPPLY CONSERVATION**

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

**SECTION 20.5: 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.

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- 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.
- 2) **Outdoor Watering Ban:** Outdoor watering is prohibited.
- 3) **Outdoor Water 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.

### **SECTION 20.6: 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 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 DEP.

### **SECTION 20.7: 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 or Selectmen, 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 20.8: 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 DEP, no person shall violate any provision, restriction, requirement, condition of any order approved or issued by the DEP intended to bring about an end to the State of Emergency.

**SECTION 20.9: PENALTIES** Any person violating this bylaw shall be liable to the Town in the amount of fifty dollars (\$50.00) for the first violation and one hundred dollars (\$100.00) for each subsequent violation which shall inure to the Town for such uses as the Board or Selectmen may direct. Fines shall be recovered by indictment, or a 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.

**SECTION 20.10: SEVERABILITY** The invalidity of any portion or provision of this bylaw shall not invalidate any other portion or provision thereof.