

TOWN OF CONCORD MASSACHUSETTS

WATER USE RESTRICTION BYLAW

Section 1. Authority

This Bylaw is adopted by the Town of Concord under its police powers to protect public health and welfare and its powers under Massachusetts General Laws, Chapter 40, §21 et seq and implements the Town's authority to regulate water use pursuant to Massachusetts General Laws, Chapter 41, §69B. This bylaw also implements the Town's authority under Massachusetts General Laws, Chapter 40, §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 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 Massachusetts General Laws, Chapter 21G, §§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 Public Works Commissioners, may declare a State of Water Supply Conservation upon a determination by a majority vote of the Commission 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 Supply Conservation shall be given under Section 6 of the 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 an outdoor sprinkler system which turns on and off automatically 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 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 Public Works 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 of 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 Water Supply Emergency.

Section 9. Penalties

Any person violating the Bylaw 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. Fines shall be recovered by indictment, or on complaint before the District Court, or by non-criminal disposition in accordance with §21D of Chapter 40 of the Massachusetts General Laws. Each day of violation shall constitute a separate offense.

Section 10. Severability

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

Section 11. In-Ground Irrigation System Restrictions

- a) All automatic lawn watering systems connected to the public water supply must be equipped with a timing device that can be set to make the system conform with the Town's time of use outdoor watering restrictions.
- b) All automatic lawn watering systems must be equipped with some type of moisture sensing device that will prevent the system from starting automatically when not needed.
- c) All automatic lawn watering systems must be installed with an approved backflow prevention device. Said device will be inspected initially and periodically thereafter by the Town.
- d) Any person or entity who now has, or who intends to install an automatic lawn watering system in the future, must notify the Water and Sewer Division of the existence of said system, or of their intention to install a new system prior to the actual installation. All systems, those currently in existence as well as any installed in the future, must comply with all Rules and Regulations of the Division.
- e) Any system not in conformance with the above rules may be disconnected from the public water supply system.

Article 28, Town Meeting, April 1995
Article 47, Town Meeting, April 2002