

Scituate General Bylaw

Section 30660 Water Conservation

Section 1: Authority

This Bylaw is adopted by the Town of Scituate [hereinafter referred to as Town] under its police powers pursuant to the Home Rule Amendment of the Massachusetts Constitution, Article LXXXIX, to protect public health and welfare and pursuant to its powers under M.G.L. c. 40, §§ 21 et seq. and implements the Town's authority to regulate water use pursuant to M.G.L. c. 41, §69B. This bylaw also implements the Town authority under M.G.L. c. 40, § 41A, conditioned upon a declaration of water supply emergency issued by the Department of Environmental Protection under G.L. c. 21G, §§ 15-17. This bylaw is also intended to implement other water conservation requirements of M.G.L. c. 21G, the "Massachusetts Water Management Act" and its regulations promulgated at 310 CMR 36.00.

Section 2: Purpose

The purpose of this bylaw is to protect, preserve and maintain the public health, safety, welfare and the environment whenever there is in force a "State of Water Supply Conservation" or a "State of Water Supply Emergency" by ensuring an adequate supply of water for drinking and fire protection and to protect the quality and quantity of water in local aquatic habitats such as ponds, rivers and wetlands. This purpose will be accomplished by providing for the imposition and enforcement of any duly implemented restrictions, requirements, provisions or conditions on water use imposed by the Town in accordance with this bylaw and/or by the Department of Environmental Protection under its state law authorities.

Section 3: Applicability

All Town persons who are customers of the public water supply system shall be subject to this bylaw. This bylaw shall be in effect year round.

Section 4: Definitions

Agriculture shall mean farming in all its branches as defined at M.G.L. c. 128, § 1A.¹

Automatic irrigation system, including sprinklers, shall mean any system for watering vegetation other than a handheld hose or a bucket.

Nonessential outdoor water use shall mean those uses that are not required:

1. for health or safety reasons;
2. for the production of food and fiber;
3. for the maintenance of livestock; or

¹ This statutory definition includes cultivation of the soil, dairying and the production, cultivation, growing and harvesting of agricultural, aquacultural, floricultural or horticultural commodities as well as forest harvesting, raising livestock inclusive of bees and fur-bearing animals and forestry, lumbering, preparation for market, delivery to storage or market or to carriers to market incidental to an agricultural operation.

4. to meet the core functions of a business.

Nonessential outdoor water uses that are subject to mandatory restrictions include but are not limited to:

- irrigation of lawns via sprinklers or automatic irrigation systems;
- washing of vehicles, boats, or other vehicles, except in a commercial car wash or as necessary for operator safety or to prevent damage and/or maintain performance of agricultural or construction vehicles or equipment; and
- washing of exterior building surfaces, parking lots, driveways or sidewalks, except as necessary to apply paint, preservatives, stucco, pavement or cement.

Exceptions to nonessential outdoor water uses are:

- irrigation with harvested and stored stormwater runoff.

The following outdoor water uses are subject to review and may be approved by the Town, through the Water Department or its designee:

- irrigation of public parks and recreation fields during the hours of 9 AM to 5 PM;
- irrigation to establish replanted or resodded lawn or plantings during the months of May and September;
- irrigation of newly planted lawns (seeded or sodded) in the current calendar year for homes or businesses newly constructed in the previous twelve months; and
- filling of privately owned outdoor pools.

Person shall mean any individual, corporation, trust, partnership, association, agency or authority, or other entity and any officer, employee, group or agent of such persons.

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, §§ 15-17.

State of Water Supply Conservation shall mean a State of Water Supply Conservation declared by the Town pursuant to Section 5 of this bylaw.

Water Customers shall mean all persons using the public water supply irrespective of that person's responsibility for payment for use of the water.

Water Users shall mean all persons using the public water supply or using privately-owned wells within the Town boundaries.

Section 5: Declaration of a State of Water Supply Conservation

The Select Board sitting as the Water Commissioners (the "Board") or its designee is authorized to:

- a) declare a State of Water Supply Conservation upon a determination that conservation measures are appropriate to ensure an adequate supply of water for drinking and fire protection, to protect the quality and quantity of water in local aquatic habitats such as ponds, rivers and wetlands; and
- b) declare a State of Water Supply Conservation as necessary to ensure compliance with the Water Management Act.

Upon notification to the public that a State of Water Supply Conservation has been declared, no water customer shall violate any provision, restriction, requirement or condition of the declaration. The Board or its designee may declare a State of Water Supply Conservation at any time that conditions warrant. Public notice of a State of Water Conservation shall be given under Section 8 of this bylaw before it may be enforced. The applicable restrictions, conditions or requirements shall be included in the public notice.

Section 6. Restricted Water Uses

A declaration of a State of Water Supply Conservation shall limit nonessential outdoor water use by water customers as necessary to control the volume of water pumped each day, except as exempted or permitted in Section 4. This State of Water Supply Conservation goes into effect every year between May 1 and September 30, and comprises four tiers of water restrictions. The Board or its designee will determine which tier that all water customers must adhere to beginning on May 1. And as the months progress until September 30, the Town will inform the public when and if a new tier of restrictions is required. Following are the four water restriction tiers:

Tier 1

Between May 1 and September 30 all outdoor watering must occur *before* 9 AM and *after* 5 PM.

Between May 1 and September 30, automatic irrigation systems may be used one day per week, as designated by the Water Department according to precinct.

- Properties in Precinct 1 may irrigate lawns on Monday
- Properties in precinct 2 may irrigate lawns on Tuesday
- Properties in Precinct 3 may irrigate lawns on Wednesday
- Properties in Precinct 4 may irrigate lawns on Thursday
- Properties in Precinct 5 and 6 may irrigate on Friday

Tier 2

No use of automatic irrigation. Only handheld hoses are allowed before 9 AM and after 5 PM

Tier 3

No use of automatic irrigation. Only watering cans or buckets are allowed before 9 AM and after 5 PM

Tier 4

NO OUTDOOR WATER USE. Total ban on all nonessential water use.

When a Tier 4 total outdoor water ban is in place, all of the following activities are prohibited:

- Irrigating a lawn via an automatic irrigation system
- Adding water to any type of swimming pool, in-ground or above ground
- Washing any vehicle, boat, or other vehicle except as necessary for operator safety
- Washing exterior building surfaces, parking lots, driveways, sidewalks, etc. except as necessary to apply surface treatments such as paint, preservatives, stucco, pavement, or cement.

At the discretion of the Board or its designee, the following uses may be allowed, even when mandatory restrictions are in place. All persons must seek permission from the Board or its designee for any of the following:

- Irrigating to establish a new lawn or plantings, but ONLY during the months of May and September.
- Irrigating of public parks and recreational fields between 9 AM and 5 PM.
- Irrigating of gardens, flowers, and ornamental plants with a handheld hose or drip irrigation system before 9 AM and after 5 PM,
- Irrigating a lawn by means of a handheld hose before 9 AM and after 5 PM

Section 7: Penalties

The Board or its designee shall enforce this bylaw.

Any person who violating an order under this by-law shall be liable to the Town in the amounts listed below:

- Warning for the first violation
- \$100.00 for the second violation
- \$200.00 for the third violation
- \$300.00 for each subsequent offense.

Each day of violation shall constitute a separate offense. Fines shall be recovered by the Town. This bylaw may be enforced by non-criminal disposition. If a State of Water Supply Emergency has been declared the Board or its designee may, in accordance with G.L. c. 40, § 41A, shut off the water at the meter or the curb stop.

Section 8: Public Notification of a State of Water Supply Conservation

Notification of any provision, restriction, or condition imposed by the Town as part of a State of Water Supply Conservation shall be made as soon as possible, but no later than one week following the declaration of a State of Water Supply Conservation by publication in a

newspaper of general circulation within the Town. Notification shall be made within 48 hours of the declaration by signage on major roadways or intersections. Notification may also include email, websites, public service announcements on local media, reverse 911 calls or other such means reasonably calculated to reach and inform all water users.

Section 9: Termination of a State of Water Supply Conservation

A State of Water Supply Conservation may be terminated by a vote of the Board or its designee upon a determination that the conditions requiring the State of Water Supply Conservation no longer exist, or in accordance with the Water Management Act permit conditions. Public notification of the termination of a State of Water Supply Conservation shall be given in the same manner as is required in Section 8 for notice of its imposition.

Section 10: Inground Irrigation Systems

No new underground irrigation systems installed after the effective date of this bylaw can be connected to the Town's water distribution system and in any manner using municipal water. All irrigation systems installed in accordance with this provision shall be supplied by an on-site source, such as a well, at the sole expense of the property owner. In addition, the property owner shall prominently display a sign, indicating that a well is located on the premises. Violations of this bylaw shall result in a fine of \$100.00 per day.

Commercial agriculture is exempt from this restriction. Municipal sports fields may be exempt based on approval by the Board or its designee.

All inground irrigation systems shall be registered with the Town's Water Department in such form and manner as it shall determine. A fee may be charged for this registration. Registration fees shall be set by the Water Department. The Water Department may require inspection of the irrigation system.

Section 11: Severability

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