

Chapter 195

WATER

[HISTORY: Adopted by the Town Meeting of the Town of Lee as indicated in article histories. Amendments noted where applicable.]

ARTICLE I

Use Restrictions

[Adopted 9-30-1999 STM by Art. 9¹]

§ 195-1. Authority.

This bylaw 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 bylaw 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.

§ 195-2. 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.

§ 195-3. Definitions.

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

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

STATE OF WATER SUPPLY CONSERVATION — A state of water supply conservation declared by the Town pursuant to § 195-4 of this bylaw.

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.

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.

§ 195-4. Declaration of state of water supply conservation.

1. Editor's Note: This bylaw also repealed former Ch. 195, including Art. I, Water Supply Emergencies, adopted 5-17-1990 ATM by Art. 39.

The Town, through its Board of Selectmen, may declare a state of water supply conservation upon a recommendation of the Board of Public Works and a determination by a majority vote of the Board of Selectmen 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 § 195-6 of this bylaw before it may be enforced.

§ 195-5. 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 § 195-6.

- 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 automatic sprinkler systems is prohibited.

§ 195-6. 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 § 195-5 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.

§ 195-7. Termination of state of water supply conservation; notice.

A state of water supply conservation may be terminated by the Board of Selectmen upon a recommendation by the Board of Public Works and a determination by a majority vote of the Board of Selectmen 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 § 195-6.

§ 195-8. 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.

§ 195-9. Violations and penalties.

Any person violating this bylaw shall be liable to the Town in the amount of \$50 for the first violation and \$100 for each subsequent violation, which shall inure to the Town and be deposited in the general fund. Fines shall be recovered by indictment, or on complaint before the District Court, or by noncriminal disposition in accordance with MGL c. 40, § 21D. Each day of violation shall constitute a separate offense.

§ 195-10. Severability.

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