

ORDINANCE 2016-07

An Ordinance Relative to a Restriction on Outside Water Use

First Reading: 09/20/16
Second Reading/Public Hearing: 09/27/16
Public Hearing Cont.: 10/03/16
Adopted: 10/03/16

WHEREAS On Friday, September 16, 2016, the New Hampshire Department of Environmental Services ("NHDES") advised Town of Londonderry Town Manager Kevin Smith that drought conditions in the State of New Hampshire are sufficiently severe that NHDES is requesting that municipalities use their statutory authority under RSA 41:11-d to enact town-wide lawn watering bans for both private and public wells;

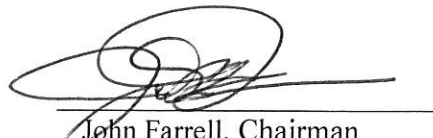
WHEREAS As of September 1, 2016, NHDES has classified the Town of Londonderry as a municipality suffering from "severe" or "extreme" drought conditions;

WHEREAS RSA 41:11 allows municipalities through their governing body to establish restrictions on the use of water from private wells or public water systems for residential outdoor lawn watering when a drought condition has been declared; and

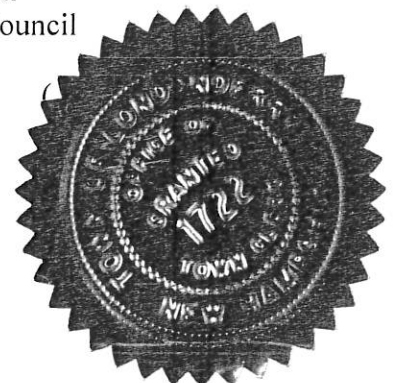
WHEREAS Portions of Londonderry are already under some restrictions as put in place by the public water supply companies.

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NOW THEREFORE, the Town of Londonderry ordains by the Londonderry Town Council that, in response to the severe and extreme drought conditions and the impacts therefrom facing the residents of Londonderry, effective September 27, 2016, a mandatory restriction on the watering of all residential lawns is imposed in accordance with RSA 41:11-d. Enforcement of this restriction shall be completed by any sworn officer of the Town of Londonderry Police Department, which is hereby granted the authority to initiate any enforcement action against any violator of this restriction. Any person failing to comply with the restriction shall be deemed in violation and subject to the following penalties pursuant to RSA 651:2: (1) a first violation shall result in a warning; (2) a second violation shall result in a \$250 fine; and (3) each succeeding violation shall result in a \$500 fine. Furthermore, it is encouraged that all non-residential property owners in Londonderry voluntarily abide by the same restriction.


Sherry Farrell
Town Clerk


John Farrell, Chairman
Londonderry Town Council

A TRUE COPY ATTEST:
10/03/16



TOWN OF LONDONDERRY RESTRICTED WATER USE ORDINANCE

I. PURPOSE

To protect public health and safety by restricting the use of water from private wells or public water systems for residential outdoor lawn watering during a state or federally declared drought.

II. AUTHORITY

This regulation is adopted pursuant to the provisions of RSA 41:11-d, which authorizes the local governing body to establish regulations restricting the use of water from private wells.

III. APPLICABILITY

The requirements of this section shall apply immediately after the public notice period described in Section VII to all residential outdoor lawn watering within the Town of Londonderry when administrative agencies of the state or federal government have designated the region as being under a declared state or condition of drought.

IV. DEFINITIONS

A. Drought: A sustained and regionally extensive occurrence of appreciably below average natural water availability in the form of precipitation, stream flow or groundwater. The following resources are used by the Town of Londonderry to determine the declaration of a drought condition:

- i. The New Hampshire Drought Management Team as designated by the New Hampshire Drought Management Plan
- ii. State of Emergency declaration by the Governor's Office
- iii. United States Drought Monitor

B. Residential Lawn Watering: The application of water to decorative grass at a property that's primary use is to provide living accommodations for people.

V. REQUIREMENTS UNDER DROUGHT CONDITIONS

The following limits to residential lawn watering shall apply under drought conditions as determined by the Londonderry Town Council, and will be included in the public notice required under Section VII of this regulation. Such restriction shall remain in effect until terminated as provided in Section VIII.

AS OF (DATE) THE TOWN COUNCIL HEREBY IMPLIMENTS THE FOLLOWING RESIDETIAL WATER USE RESTRICTION:

Residential lawn watering is prohibited

VI. PUBLIC NOTIFICATION OF WATER USE RESTRICTION

Notification of any intention to restrict water use and the requirements associated with Section V shall be given at least three calendar days before implementation. Notice of the regulations shall be posted in a paper of general circulation and shall be posted in at least two public places.

VII. TERMINATION OF WATER USE RESTRICTION

Public notification and termination of water use restriction shall be given in accordance with Section VI.

VIII. ENFORCEMENT

Any sworn officer of the Town of Londonderry Police Department is hereby granted the authority to initiate any enforcement action against any violation of the provisions of this Ordinance.

IX. PENALTIES

Any person failing to comply with the restrictions imposed pursuant to this Ordinance shall be deemed a violation and subject to penalties pursuant to RSA 651:2:

First violation: Warning

Second violation: \$250

Third and succeeding violations: \$500