

Chapter 24
Water Use Restrictions Ordinance

24.1 PURPOSE

The purpose of this ordinance is to ensure the use of water is regulated in a manner the *Newport Board of Selectmen and/or the Water Commissioners of the Town of Newport* deem to be in the best interest of *Newport Water/Sewer Department*. The *Newport Board of Selectmen and/or Water Commissioners of the Town of Newport* may use reasonable means to protect, preserve and maintain the public health, safety and welfare when a water supply shortage exists.

24.2 AUTHORITY

The *Newport Board of Selectmen and/or the Water Commissioners of the Town of Newport* adopt this *Ordinance* under its authority to regulate public water systems under RSA 38:26.

24.3 APPLICABILITY

The requirements of this section shall apply to all water users with connections receiving water from Newport Water/Sewer Department

24.4 DEFINITIONS

- 24.4.1 Person:** Any individual, corporation, trust, partnership, joint stock company, association, state, municipality, commission, United States government or any agency thereof, political subdivision of the State or any interstate body, or other entity.

- 24.4.2 Water supply shortage:** A situation when insufficient water is available to meet the present or anticipated needs of the municipality/village district. A water supply shortage usually occurs due to drought or a major infrastructure failure.

24.5 REQUIREMENTS

Upon declaration of a water supply shortage or other water emergency the *Newport Board of Selectmen and/or the Water Commissioners of the Town of Newport* shall be authorized to determine and implement a certain restriction necessary to conserve and maintain adequate reserves of the public water supply. Provided there is a declaration as noted above, the following levels of restriction will apply immediately after the public notification period specified in Section 24.6.

24.5.1 If *Newport Board of Selectmen and/or the Water Commissioners of the Town of Newport* issues a Level 1 restriction, then

- 24.5.1.1** The public is requested to refrain voluntarily from landscape watering and to limit the amount of water used outdoors for other purposes.

24.5.1.2 Landscape watering shall not occur between the hours of 8AM and 7PM

24.5.2 If *Newport Board of Selectmen and/or the Water Commission of the Town of Newport* issues a Level 2 restriction, then

24.5.2.1 Landscape watering by odd numbered addresses is allowed on odd numbered days.

24.5.2.2 Landscape watering by even numbered addresses is allowed on even numbered days.

24.5.2.3 Landscape watering shall not occur between the hours of 8AM and 7PM

24.5.3 If *Newport Board of Selectmen and/or the Water Commissioners of the Town of Newport* issues a Level 3 restriction, then

24.5.3.1 Landscape watering by odd numbered addresses is allowed on Mondays and Thursdays.

24.5.3.2 Landscape watering by even numbered addresses is allowed on Tuesdays and Fridays.

24.5.3.3 Landscape watering shall not occur between the hours of 8AM and 7PM

24.5.4 If *Newport Board of Selectmen and/or the Commissioners of the Town of Newport* issues a Level 4 , then

24.5.4.1 Nonessential water use is prohibited.

24.5.4.2 Landscape watering is prohibited.

24.5.4.3 The filling of swimming pools is prohibited.

24.5.4.4 Use of automated landscape sprinkler systems is prohibited.

24.5.4.5 Washing of streets, driveways, sidewalks or other impervious areas is prohibited.

24.5.4.6 Washing of cars or boats at a non-commercial facility shall be prohibited.

24.6 PUBLIC NOTIFICATION OF A WATER SUPPLY SHORTAGE

Notification of intent to implement water use restrictions by the *Newport Board of Selectmen and/or the Water Commissioners of the Town of Newport* due to a water supply shortage shall be posted in two public locations and published in a newspaper of general circulation within the *Newport Water/Sewer system* or by such other means reasonably determined to notify all affected water users.

24.7 TERMINATION OF A NOTICE OF A WATER SUPPLY SHORTAGE

The governing body of the *Newport Water/Sewer department* upon a determination that the water supply shortage no longer exists may terminate a State of Water Supply Shortage. Public notification of the termination of a State of Water Supply Shortage shall be given in accordance with Section 24.6.

24.8 EXCEPTIONS TO RESTRICTIONS

24.8.1 Watering of crops used for food by residents at a residential property shall not be restricted.

24.8.2 Water to sustain animal life shall not be restricted.

24.8.3 Despite the authority granted by Section 24.2 of this Ordinance, orders imposing water use restrictions shall not apply to uses that obtain water from sources other than the public water supply, unless it can be clearly demonstrated that the use of such water directly affects the public water supply. Note: *Newport Board of Selectmen and/or the Water Commissioners* have the authority to implement lawn watering restrictions in accordance with RSA 41:11-d applicable to all water users (including those using private wells) under state declared drought conditions. See NHDES guidance in Restricting Residential Lawn Watering During State or Federal Declared Droughts.

24.9 PENALTIES

Any person failing to comply with the restrictions imposed pursuant to this Ordinance shall be subject to a fine and/or be subject to imposition of civil penalties pursuant to RSA 38:26, II not to exceed \$10,000 per day of such violation. Recovered penalties shall be used as the *Newport Board of Selectmen and/or the Water Commissioners* may direct. In addition to the foregoing penalties, the *Newport Board of Selectmen* are authorized to discontinue the furnishing of water where orders and restrictions have been violated. Such discontinuance shall be made pursuant to RSA 38:31 and may be continued so long as there is evidence that the violations will continue.

- First violation:** Up to One Hundred Dollars (\$100.00) fine
- Second violation:** Five Hundred Dollars (\$500.00) fine
- Third violation:** One Thousand Dollars (\$1,000.00) to Ten Thousand Dollars (\$10,000.00) fine and discontinuance of water service. A reactivation fee of Seventy Five Dollars (\$75.00) will be charged before water service is restored.

Chapter 24
Appendix A

ENABLING LEGISLATION THAT ALLOWS THE ADOPTION OF WATER USE RESTRICTIONS AND/OR BYLAWS

38:26 Bylaws and Ordinances. –

I. In municipalities with public water systems the governing body, or the board of water commissioners, if any, may adopt such ordinances and bylaws relating to the system or structures as required for proper maintenance and operation.

II. Any person who violates any ordinance or bylaw adopted pursuant to paragraph I of this section shall be subject to a civil penalty not to exceed ten thousand dollars (\$10,000) per day of such violation.

AUTHORITY FOR WATER UTILITIES REGULATED BY THE PUBLIC UTILITIES COMMISSION TO RESTRICT WATER USE

Water utilities regulated by the Public Utilities Commission (PUC) may restrict water use in accordance with Administrative Rule Puc 604.07 – Shortage of Supply which states the following:

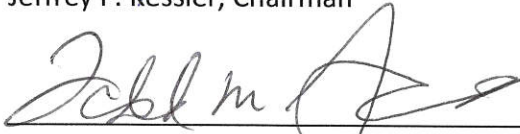
- (a) The utility shall furnish a continuous and adequate supply of water to its customers and to avoid any shortage or interruption of delivery thereof except when prevented from doing so by emergencies the effect of which prudent planning would not have avoided.
- (b) If a utility finds that it is necessary to restrict the use of water it shall give the commission and its customer's written notice, except in emergency conditions, no less than 24 hours in advance, before such restriction becomes effective.
- (c) Such notifications shall specify:
 - a. The reason for the restriction;
 - b. The nature and extent of the restriction, such as restrictions on outdoor use of water or use by certain classes of customers;
 - c. The date such restriction is to go into effect; and
 - d. The probable date of termination of such restriction.
- (d) During times of threatened or actual water shortage each utility shall equitably apportion its available water supply among its customers with due regard to public health and safety.

Penalties or other enforcement actions must be in accordance with the company's tariff, PUC rules or as otherwise approved by the PUC. For more information, contact PUC at: 21 South Fruit Street, Suite 10 Concord, NH 03301-2429; Phone: (603) 271-2431; Fax: (603) 271-3878.

Chapter 24 adopted by the Board of Selectmen December 5, 2016.



Jeffrey F. Kessler, Chairman



Todd Fratzel, Vice Chairman



David A. Hoyt



William T. Wilmot



John Hooper II