

ORDINANCE 2017-03

Amendment to Restriction on Removing Water from Public Bodies of Water for Commercial Use

First Reading: 05/15/2017

Second Reading/Public Hearing: 06/05/2017

Adopted: 06/05/2017

WHEREAS on November 7, 2016, the Town of Londonderry, by and through the Londonderry Town Council, adopted Ordinance 2016-08, an Ordinance Relative to a Restriction on Removing Water from Public Bodies of Water for Commercial Use, specifically in response to the drought conditions then facing Town residents, thereby imposing a 60-day mandatory ban on the withdrawal of water from public bodies of water for commercial use; resting enforcement of said ban with the Town of Londonderry Police Department; and imposing certain penalties for violation of said ban pursuant to RSA 651:2;

WHEREAS although the Town is no longer experiencing “drought” conditions as classified by the US Drought Monitor Center, and therefore a portion of the stated basis for Ordinance 2016-08 does not currently exist, residents remain concerned about the impact of commercial businesses withdrawing water from the Town of Londonderry’s public bodies of water for commercial use;

WHEREAS RSA 41:11-a empowers the Town Council to “manage all real property owned by the town and to regulate its use unless such management and regulation is delegated to other public officers by vote of the town, or is governed by other statutes”;

WHEREAS the Town’s public bodies of water are real property and the ban on removal of water from the Town’s public bodies of water for commercial use has not been delegated to other public officers by vote of the town, nor is this particular action governed by other statutes;

WHEREAS, RSA 41:11-a thereby allows the Town Council to manage and regulate the use of public bodies of water in the Town of Londonderry;

NOW THEREFORE, the Town of Londonderry, by and through the Londonderry Town Council, **ordains** that: (1) Ordinance 2016-08 is repealed; and (2) a 60-day mandatory prohibition on the withdrawal of water from public bodies of water for commercial use is imposed. 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 prohibition. Any person failing to comply with the prohibition 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.

Tom Dolan, Chairman
Londonderry Town Council

(TOWN SEAL)

Sherry Farrell
Town Clerk

A TRUE COPY ATTEST: 06/05/2017