

ORDINANCE 2017-07

Restriction on Use of Town Property to Remove Water From Bodies of Water for Commercial Use

First Reading: 08/14/2017

Second Reading/Public Hearing: 09/11/2017

Adopted: 09/11/2017

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 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, residents remain concerned about the impact of commercial businesses withdrawing water from bodies of water (i.e., ponds, lakes, and streams) located in Londonderry;


WHEREAS, on June 5, 2017, the Town Council adopted Ordinance 2017-03, imposing a 60-day mandatory prohibition on the withdrawal of water from public bodies of water for commercial use pursuant to RSA 41:11-a;

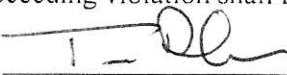
WHEREAS, RSA 41:11-a empowers the Town Council to "manage all real property owned by the town and to regulate its use unless such management and regulation is delegated to other public officers by vote of the town, or is governed by other statutes";

WHEREAS, the Town owns real property adjacent to, abutting and contiguous to several bodies of water in Londonderry ("Public Property"), and whereas the management and regulation of such Public Property 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 Property as it is defined in this Ordinance;

NOW THEREFORE, the Town of Londonderry, by and through the Londonderry Town Council, *ordains and imposes* the following mandatory prohibition on the use of Public Property: No Town-owned real property adjacent to, abutting or contiguous to a body of water in Londonderry shall be entered, accessed or otherwise used for the purpose or withdrawing water, for commercial use, from the body of water. 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.


Sherry Farrell
Town Clerk


Tom Dolan, Chairman
Londonderry Town Council



A TRUE COPY ATTEST: 09/11/2016