

ORDINANCE 2020 - 03

Ordinance Restricting Outdoor Lawn Watering

First Reading: July 13, 2020
Second Reading/Public Hearing: August 31, 2020
Adopted: August 31, 2020

SECTION I: PURPOSE AND AUTHORITY

Pursuant to RSA 41:11-d, the Town Council adopts this Ordinance in order to protect public health and safety by restricting the use of water from private wells and public water systems for outdoor lawn watering (including residential and commercial properties) during a state or federally declared drought.

SECTION II: APPLICABILITY

This Ordinance shall apply to all outdoor lawn watering within the Town of Londonderry immediately after the public notice period described in Section V when the executive or administrative agencies of the state or federal government have designated the region as being under a declared state or condition of drought.

SECTION III: 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 among those used by the Town of Londonderry to determine the existence of a drought condition: (i) the New Hampshire Drought Management Team as designated by the New Hampshire Drought Management Plan and the U.S. Drought Monitor; and/or (ii) State of Emergency Declaration by the Governor's Office.

B. Lawn Watering: The application of water to decorative grass at a property. The grass playing turf of a recreational field, the grass playing surfaces of a golf course, or grass agricultural fields, including fields used for the production of sod, may be excluded by the Council from the restrictions set forth in Section IV, below.

SECTION IV: RESTRICTIONS UNDER DROUGHT CONDITIONS

The following limits to lawn watering will apply under drought conditions. Upon receiving notice that Londonderry is under a declared state of Drought as defined in Section III A., the Town Manager or his designee may impose one the following levels of watering restrictions after the mandatory notice period specified in Section V, and such restrictions shall remain in place until the next Town Council meeting, at which time the

Town Council may continue, amend or terminate the drought restrictions imposed by the Town Manager or his designee:

A. Level 1 restriction:

- i. Lawn watering by odd numbered addresses is allowed on odd numbered days.
- ii. Lawn watering by even numbered addresses is allowed on even numbered days.
- iii. Lawn watering shall not occur between the hours of 8AM and 7PM.

B. Level 2 restriction::

- i. Lawn watering by odd numbered addresses is allowed on Mondays and Thursdays.
- ii. Lawn watering by even numbered addresses is allowed on Tuesdays and Fridays.
- iii. Lawn watering shall not occur between the hours of 8AM and 7PM.

C. Level 3 restriction:

- i. Lawn watering is prohibited.

The authority of the Town Manager or his designee to temporarily impose a watering restriction shall not extend past the Town Council meeting immediately following such imposition of a watering restriction.

SECTION V: PUBLIC NOTIFICATION OF WATER USE RESTRICTIONS

Notification of any intention to restrict water use and the requirements associated with Section IV 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.

SECTION VI: TERMINATION OF WATER USE RESTRICTIONS

Public notification of termination of water use restrictions shall be given in accordance with Section V,

SECTION VII: ENFORCEMENT

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

SECTION VIII: PENALTIES

Any property owner failing to comply with the restrictions imposed pursuant to this Ordinance shall be deemed to be in violation and subject to penalties pursuant to RSA 651:2. Violations shall be cumulative within a given calendar year, and shall reset at the end of a calendar year (i.e., the first violation at the start of a calendar year shall be deemed to be a first violation, notwithstanding the prior calendar year's history of violations, if any). Note that a property owner shall be deemed to be in compliance with

Level 1 restrictions if the owner's outdoor lawn watering complies with the more restrictive parameters of the Level 2 restrictions.

- First violation: Warning
- Second violation: \$200 fine
- Additional violations: \$1,000 fine.

SECTION IX: SEVERABILITY

If any section, provision, or phrase of this Ordinance shall be held to be invalid or unconstitutional by any court of competent authority, such holding shall not affect, impair or invalidate any other section, provision, or phrase of this Ordinance.

SECTION X: WAIVERS AND APPEALS

Waivers of this Ordinance may be granted by a majority vote of the Town Council for good cause shown. Upon request of a property owner, the Town Council shall hear appeals to any penalties assessed against that owner, subject to a 30-day limit within which to file an appeal with the Town Council.

SECTION XI: AMENDMENTS

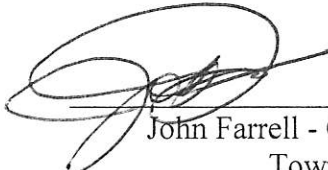
This Ordinance may, from time to time, be amended by a majority vote of the Town Council at a regularly scheduled Town Council meeting, provided notice of said meeting has been duly posted at least seven (7) business days in advance of same.

SECTION XII: EFFECTIVE DATE

This Ordinance shall take effect immediately upon adoption by the Town Council.

Adopted this 31 day of August, 2020.


Sharon Farrell - Town Clerk


John Farrell - Chairman
Town Council
(TOWN SEAL)

A TRUE COPY ATTEST:

