



## ROWLEY WATER DEPARTMENT NEW Water Use Restriction Policy

### Seasonal Limits on Nonessential Outdoor Water Use

Permittees meeting the 65 RGPCD standards for the preceding year (as reported in the ASR and accepted by MassDEP) must implement either:

1. **Calendar Triggered Restrictions from May 1<sup>st</sup> through September 30<sup>th</sup>**  
No nonessential outdoor water use from 9 am – 5 pm
2. **Streamflow Triggered Restrictions from May 1<sup>st</sup> through September 30<sup>th</sup>**  
No nonessential outdoor water use from 9 am – 5 pm whenever:
  - a. Streamflow at the assigned USGS local stream gage #01101000 – Parker River at Byfield falls below the following designated flow triggers for **three (3)** consecutive days:
    - May 1<sup>st</sup> through June 30<sup>th</sup>: **20 cfs** (based on minimum flows that are protective of habitat for fish spawning during the spring bioperiod), and
    - July 1<sup>st</sup> through September 30<sup>th</sup>: **6 cfs** (based on minimum flows that are protective of habitat for fish rearing and growth during the summer bioperiod).

Once implemented, the restrictions shall remain in place until streamflow at the assigned USGS local stream gage meets or exceeds the trigger streamflow for seven (7) consecutive days; or

- b. A Drought Advisory or higher is declared by the Massachusetts Drought Management Task Force.

### Public Notice of Water Use Restrictions

Rowley shall notify its customers of the restrictions and the consequences of failing to adhere to the restrictions.

- For calendar-triggered restrictions, customers shall be notified by April 15<sup>th</sup> each year.
- For streamflow-triggered restrictions, when streamflow at the assigned USGS local stream gage falls below a streamflow trigger for three (3) consecutive days, customers shall be notified as soon as possible, but with three (3) days of implementing the restrictions.

Notice to customers shall include the following:

- A detailed description of the restrictions and penalties for violating the restrictions;
- The need to limit water use, especially nonessential outdoor water use, to ensure a sustainable drinking water supply and to protect natural resources and streamflow for aquatic life; and Ways individual homeowners can limit water use, especially nonessential outdoor water use.



**Town of Rowley Water Department  
Water Use Restriction By-Law**

**Section 1 Authority**

This By-Law is adopted by the Town under its Police Powers pursuant to the Home Rule Amendment of the Massachusetts Constitution, Article LXXXIX, to protect public health and welfare and its powers pursuant to M.G.L. Chapter 40, Section 21 et seq. and implements the Town's authority under M.G.L. Chapter 40 Section 41A conditioned upon a declaration of a State of Water Supply Emergency issued by the Department of Environmental Protection.

**Section 2 Purpose**

The purpose of this By-Law is to protect, preserve and maintain the public health, safety and welfare wherever there is in force a State of Water Supply Emergency by providing for enforcement of any duly imposed restriction, provisions or conditions imposed by the Town or the Department of Environmental Protection.

**Section 3 Definition**

Agriculture shall mean farming in all its branches and agriculture as defined in M.G.L. Chapter 128, Section 1A.

Outdoor watering shall mean any residential, municipal, industrial or commercial watering of decorative lawns, trees or shrubbery.

Person shall mean any individual, corporation, trust, partnership, association, agency or authority or other entity and any officer, employee, group or agent of such persons.

State of Water Supply Emergency shall mean a State of Water Supply Emergency declared by the State of Environmental Protection under M.G.L. Chapter 21G, Chapters 15-17.

State of Water Supply Conservation shall mean a State of Water Supply Conservation declared by the Town pursuant to Section 4 of this By-Law.

Water Users or Water Consumers shall mean all persons using water from the Town's public water source irrespective of that person's responsibility for billing purposes of the water.

**Section 4 Declaration of State of Water Supply Conservation**

The Town, through its Board of Water Commissioners, may declare a State of Water Supply Conservation upon a determination by a majority vote of the Board that a shortage of water exists of such a degree that conservation measures are appropriate to ensure an adequate supply of water to all water consumers. Public notice of a State of Water Supply Conservation shall be given under Section 6 of this By-Law before it may be enforced.

**Section 5 Restricted Water Uses**

A declaration of a State of Water Supply Conservation shall include one or more of the following restrictions, conditions or requirements limiting the use of water as necessary to protect the water supply except as provided in Section 11. The applicable restrictions, conditions or requirements shall be included in the Public Notice required under Section 6.

- (a) Odd/Even Outdoor Watering Outdoor watering on property having an odd numbered address is restricted to odd-numbered days. Outdoor watering on property having an even number address is restricted to even – numbered days.

Or

Off-Peak Outdoor Watering Outdoor watering is limited to such hours and such days as the Board of Water Commissioners shall determine by a majority vote of the Board.

- (b) Outdoor Watering Method Restriction Outdoor watering is restricted to bucket, can or hand-held hose watering with automatic shutoff nozzle.

- (c) Outdoor Watering Ban Outdoor watering is prohibited.
- (d) Outdoor Watering Hours Outdoor watering is permitted only during daily periods of low demand to be specified in the declaration of a State of Water Supply Conservation and Public Notice thereof.
- (e) Swimming Pools Filling and topping off of swimming pools is prohibited.
- (f) Automatic Sprinkler Use The use of automatic sprinkler system is prohibited.
- (g) Car Washing Car or vehicle washing is prohibited.

**Section 6 Public Notification of a State of Water Supply Conservation and State of Water Supply Emergency – Notification of DEP**

Notification of any provision, including any restriction, requirement or condition imposed by the Department as part of a Water Supply Conservation shall be published in a newspaper of general circulation within the Town or by such other means reasonably calculated to reach and inform all users of water of the State of Water Supply Conservation. Notification of a State of Water Supply Emergency declared by the Department shall be provided by furnishing a copy of the notice to radio and television stations serving the area served by the public water system as soon as possible but no later than 48 hours after the public water system receives notice of the Department's declaration. Any restriction imposed under Section 5 or in the Department Declaration of Emergency or order shall not be effective until such notification is provided. Notification of the State of Water Supply Conservation shall also be provided to the Massachusetts Department of Environmental Protection at the same time that notification is given.

**Section 7 Termination of a State of Water Supply Conversation Notice**

A State of Water Supply Conservation may be terminated by a majority vote of the Board of Water Commissioners upon a determination that the water supply no longer exists. Public notification of the termination of a State of Water Supply Conservation shall be given in the same manner as is required for notice of the Department's declaration of its State of Water Supply Conservation.

**Section 8 State of Water Supply Emergencies – Compliance with DEP Orders**

on notification to the public that a declaration of a State of Water Supply Emergency has been issued by the Department of Environmental Protection, no person shall violate any provision, restriction, requirement, condition or any order approved or issued by the Department for the purpose of bringing about an end to the State of Water Supply Emergency. The notice prescribed by this Section shall be in writing and shall be published once in a newspaper of general circulation within the Town. Such notice shall summarize the provisions of the State of Water Supply Emergency and the requirements and conditions thereof. Notice as prescribed by this Section shall be sufficient for enforcement of the requirements of such declaration on and after the date following newspaper publication.

**Section 9 Penalties**

The Town, through its Board of Water Commissioners, Water Superintendent, Building Inspector or Police Department, may enforce this By-Law. Any person violating this By-Law shall be liable to the Town in the amount of \$50.00 for the first violation and \$100.00 for each subsequent violation during a State of Water Supply Conversation or a State of Water Supply Emergency. Fines shall be recovered by indictment or on complaint before the District Court or by non-criminal disposition in accordance with Section 21D of Chapter 40 of the General Laws.

**Section 10 Severability**

The invalidity of any portion or provision of this By-Law shall not invalidate any other portion or provision thereof.

**Section 11 Exemptions**

The Board of Water Commissioners may exempt from the water use restrictions adopted under this By-Law such uses as it determines would be placed under an undue hardship absent the exemption provided that water supplies subject to the restrictions are not likely to be significantly reduced as a result of the exemption and provided further that the Board may condition the exemption upon compliance with such restrictions or requirements that it deems necessary or advisable in the public interest. The Board by regulation may establish categories of uses eligible for exemption, further criteria for exemption not inconsistent with this Section, and the procedure to be followed by applicants for exemption.

*This was adopted at Special Town Meeting of November 18, 2002 (Article 15). Approved by the Attorney General's office on February 20, 2003 and posted according to law.*