

Chapter 270

WATER USE RESTRICTIONS

§ 270-1. 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. c.40, §§ 21 et seq. and implements the Town's authority to regulate water use pursuant to M.G.L. c. 41, § 69B. This by-law also implements the Town's authority under M.G.L. c. 40, § 41A, conditioned upon a declaration of water supply emergency issued by the Department of Environmental Protection.

§ 270-2. Purpose. **[Amended 5-4-2016 ATM, Art. 17]**

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

This water by-law is for the purpose of setting fair and equitable water usage for the pro-active conservation of water. It is intended to balance property rights with evolving issues of how and when the Town's residents use water.

This by-law is intended to work best in conjunction with a strong public education program related to conservative water use and local water issues.

§ 270-3. Definitions.

Agriculture shall mean farming in all its branches and agriculture, as defined at M.G.L. c. 128, § 1A. Outdoor watering shall mean any residential, municipal, industrial, or commercial use of municipally-supplied water for decorative areas, lawns, trees or shrubbery. **[Amended 5-4-2016 ATM, Art. 17]**

Handheld watering shall mean outdoor watering by means of a bucket, can, or handheld hose attachment with automatic shut off nozzle. **[Added 5-4-2016 ATM, Art. 17]**

Unattended watering shall mean outdoor watering by means of a device that does not require a person to actively and continuously engage said device. **[Added 5-4-2016 ATM, Art. 17]**

Irrigation system shall mean outdoor watering by means of a system connected to a pressurized water line and has the ability to automatically activate. Such systems may be permanently or temporarily installed with hoses and/or pipes partially or fully below grade. **[Added 5-4-2016 ATM, Art. 17]**

Runoff shall mean outdoor watering resulting in a visible collection or stream of water on a street or sidewalk. **[Added 5-4-2016 ATM, Art. 17]**

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. **[Added 11-28-2016 STM, Art. 8]**

State of Water Supply Emergency shall mean a State of Water Supply Emergency declared by the Department of Environmental Protection under M.G.L c.21G, § 15-17. **[Added 11-28-2016 STM, Art. 8]**

State of Water Supply Conservation shall mean a State of Water Supply Conservation declared by the Town pursuant to § 270-4 of this by-law. **[Added 11-28-2016 STM, Art. 8]**

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 for the use of the water. **[Added 11-28-2016 STM, Art. 8]**

§ 270-4. Declaration of State of Water Supply Conservation.

The Town, through its Board of Selectmen authorized to act as such, 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 or as stipulated by the Town of Ashland Water Management Act permit. Public notice of a State of Water Conservation shall be given before it may be enforced.

§ 270-5. Restricted Water Uses. [Amended 5-10-2006 ATM, Art. 14; 5-2-2007 ATM, Art. 19; 5-1-2013 ATM, Art. 23; 5-6-2015 ATM, Art. 18; 5-4-2016 ATM, Art. 17; 11-28-2016 STM, Art. 8]

The following restricted uses of municipally-supplied water shall be in effect year-round.

PERMANENT OUTDOOR WATER USE RESTRICTIONS

- a. Handheld watering shall be allowed any day at any time.
- b. Odd/even unattended watering schedule:

Property having odd address	Wednesday 7:00pm — Thursday 7:00am Saturday 7:00pm — Sunday 7:00am
Property having even address	Thursday 7:00pm — Friday 7:00am Sunday 7:00pm — Monday 7:00am

c. Outdoor watering resulting in runoff is prohibited.

In addition, 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 for the exemptions as provided in § 270-10. The applicable restrictions, conditions or requirements shall be included in the public notice.

CONDITIONAL OUTDOOR WATER USE RESTRICTIONS

a.) STAGE 1 - Hopkinton Reservoir below 295.85 feet between the days of June 1 through August 31 each year.

- i. Unattended watering using municipally-supplied water is prohibited
- ii. Car washing: Car or vehicle washing using municipally-supplied water is prohibited.
- iii. Washing of structures: Washing of structures including but not limited to buildings, houses, sheds, driveways, sidewalks, decks, fences, or patios using municipally supplied water is prohibited.
- iv. Swimming Pools: Filling and topping off of swimming pools larger than 300 gallons, using municipally-supplied water is prohibited.

a.) STAGE 2 - Hopkinton reservoir below 295.35 or daily use over 5.90 mg.

- i. All Stage 1 Restrictions.
- ii. Handheld watering using municipally-supplied water is prohibited

The Town, acting through the Board of Selectmen as water commissioners, retains the right to impose additional restrictions with due notice to residents.

§ 270-6. 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 Town as part of a State of 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 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.

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 (as well as placing this information on the town website) (language regarding the town website was added at 5/11/05 ATM) 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 § 270-5 or in the

Department declaration of emergency or Order shall not be effective until such notification is provided.

§ 270-7. Termination of State of Water Supply Conservation; Notice.

A State of Water Supply Conservation may be terminated by a majority vote of the Board of Selectmen upon a determination that the water supply shortage or restrictions 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 Town's declaration of its State of Water Supply Conservation.

§ 270-8. State of Water Supply Emergency; Compliance with DEP Orders.

Upon notification to the public that the Department of Environmental Protection has issued a declaration of a State of Water Supply Emergency, no person shall violate any provision, restriction, requirement, condition of 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 where it is to be effective. Such notice shall summarize the provisions of the Declaration 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.

§ 270-9. Penalties. [Amended 5-1-2013 ATM, Art. 24; 11-28-2016 STM, Art. 8]

The Town, through its Board of Selectmen, DPW Director, water superintendent, building inspector or local police may enforce this by-law (ordinance). Any person violating § 270-5 (Restricted water uses) shall be liable to the Town in the amount of \$50 for a first annual offense, \$100 for a second annual offense, and \$200 for all subsequent annual offenses. Any person violating § 270-12 (Irrigation systems) shall be liable to the Town in the amount of \$50. Each day of non-compliance with § 270-12 may constitute a new offense. Fines shall be recovered by indictment, or on complaint before the District Court, or by non-criminal disposition in accordance with section 21 D of chapter 40 of the general laws.

§ 270-10. Exemptions. [Amended 11-14-2007 ATM, Art. 29; 5-4-2011 ATM, Art. 15; 5-4-2016 ATM, Art. 17; 11-28-2016 STM, Art. 8]

The water use restrictions adopted under this by-law shall not apply to the specific uses outlined below provided the user meets any applicable eligibility criteria.

- a. Commercial agriculture;

- b. Water to sustain animal life;
- c. Swimming pools located at a medical or rehabilitation facility.
- d. Commercial car or vehicle washing facilities;
- e. Washing of structures prior to the application of exterior coating such as paint.
- f. If required by health and safety regulations.
- g. DPW may grant permits to allow unattended watering for a period not to exceed four weeks. The permit shall grant permission to water new lawns daily from 10:00am to 2:00pm. The grounds for such a permit are as follows:
 - i. New lawns. This shall apply to land parcels with no existing lawn, or land parcels where a minimum of 50% of an existing lawn is to be replaced. These permits may be issued from April 1 through May 31 and September 15 through November 15 yearly.
 - ii. Title V compliance. This shall apply to land parcels requiring lawn growth for septic system installation or maintenance. These permits may be issued from April 1 through November 15.
- h. Handheld watering used for food production during Stage 2 restrictions.
- i. Town athletic fields, including those fields under the control of the Ashland Public Schools, in accordance with the Odd/Even unattended Watering schedule, upon application to, and approval by, the Board of Selectmen.
- j. Municipal projects for the beautification of Ashland or other projects within the public right of way required by zoning.

§ 270-11. Severability.

The invalidity of any portion or provision of this by-law shall not invalidate any other portion or provision thereof.

§ 270-12. Irrigation Systems. [Added 5-4-2016 ATM, Art. 17; amended 11-28-2016 STM, Art. 8]

All new and existing irrigation system installations shall comply with the following:

- a. Permitting
 - i. Residents must apply for a permit from the Water Department for new irrigation system connections. A reasonable application fee must be paid in full prior to permit approval.

- ii. Upon application approval, the Water Department will provide the applicant with literature regarding water-efficient landscaping and best practices for irrigation system maintenance.
- b. Equipment:
- i. Precipitation monitoring to prevent unattended watering during rain.
 - ii. Programmable timing to prevent operation outside of the odd/even unattended watering schedule defined in § 270-5.

On or before July 1, 2017 all existing irrigation systems shall be equipped with the following:

- a. A dedicated irrigation water meter.
- b. A backflow prevention device compliant with 310 CMR 22.22.

§ 270-13. MWRA Supplemental Water Use. [Added 11-28-2016 STM, Art. 9]

The connection of the Ashland water system to the Massachusetts Water Resources Authority (MWRA) system via Southborough is for **supplemental** water and will be managed as such. Therefore, one or more of the following conditions shall be met before the Ashland Water Department is authorized to distribute supplemental MWRA water:

1. Hopkinton Reservoir at or below 293' for any period of time. This is the lowest reservoir level allowing safe operation of Ashland's wells.
2. Ashland has declared Stage 2 state of water supply conservation, and a 10PSI pressure decrease in Ashland's water distribution system (measured at the Russett Hill station) for a continuous period of 10 minutes. Such a pressure drop signifies distribution system damage, such as a water main rupture.
3. Ashland's water distribution system pressure has dropped below 20PSI (measured at the Russett Hill station) or the Cedar Street water tank drops below an elevation of 46.2' for any period of time. This pressure level signifies the lowest recommended level for fire protection.
4. Routine maintenance of the connection between Southborough and Ashland is required. Examples of routine maintenance include water system integrity, flushing to prevent stagnation, and water quality testing.

The Ashland Water Department shall notify the Town Manager, Board of Selectmen, Water Policy Committee, and general public via the Town website of the following events that supplemental MWRA water distribution has started, and which condition provided the authorization.

Furthermore, when distributing supplemental MWRA water, the Ashland Water Department shall provide the Town Manager, Board of Selectmen, Water Policy Committee, and general public via the Town website with weekly updates regarding connection status. These updates shall include, but are not limited to, the current level of the Hopkinton Reservoir, the total volume of supplemental MWRA water used during the current connection, and the expected duration of continued use.

A majority vote of the Board of Selectmen, at a public meeting, may authorize during emergencies only, or disallow the distribution of supplemental MWRA water outside of the criteria described in this bylaw. Such authorization must be revoked by a majority vote of the Board of Selectmen in a timely manner once the triggering emergency ceases to exist.