

As the demand for water increases with growth and our infrastructure ages, many water suppliers are facing water supply challenges. One of these challenges is the amount of water that public water suppliers are allowed to withdraw from their water sources. The State Department of Environmental Protection regulates how much water is withdrawn and issues withdrawal permits for this use. Many water suppliers, including the Town of Billerica, are finding themselves very close to their withdrawal limits. The need to use our water efficiently is becoming critical to the long term health and viability of both our water supplies and natural resources. Below is the Non- Essential Outdoor Water Use Restriction, the full text is included in the General By-Laws, available on the Town of Billerica's web site located at [www.town.billerica.ma.us](http://www.town.billerica.ma.us) (click on Town Clerk-Documents-Town By Laws Article VIII, Section 6)

## **6. WATER CONSERVATION**

### Definitions

**Water User:** All public and private users connected to the Town's public water supply, irrespective of any user's responsibility for billing purposes for water used on any particular site. Included within this definition are all water users whose properties are located, or whose use of water will take place in Billerica.

**RGPCD:** Residential Gallons per Capita Day

**Calendar Triggered Restrictions:** Restrictions shall be implemented from May 1<sup>st</sup> through September 30<sup>th</sup>.

**Drought Triggered Restrictions:** Are incorporated into seasonal limits on outdoor water use when a drought has been declared by the Massachusetts Drought Management Task Force. Drought-based water restrictions may be implemented before a Drought Advisory because drought conditions can begin to impact local water supply prior to a regional advisory being declared.

The Town of Billerica will implement Seasonal Limits on Nonessential Outdoor Water Use as required by the Water Management Act Withdrawal Permit # 9P-3-14-031.01 and/or any other restrictions mandated by Massachusetts Department of Environmental Protection.

### **Nonessential outdoor water uses that are subject to mandatory restrictions include:**

- Irrigation of lawns via sprinklers or automatic in-ground irrigation systems;
- washing of vehicles, except in a commercial car wash or as necessary for operator safety; and
- Washing of exterior building surfaces, parking lots, driveway or sidewalks, except as necessary to apply surface treatments such as paint, preservatives, stucco, pavement or cement.

**The following uses may be allowed when mandatory restrictions are in place:**

- For health or safety reasons
- By regulation ;
- For the production of food and fiber;
- For the maintenance of livestock ; or
- To meet the core function of a business (golf courses, plant nurseries, etc)

**6.1 Authority**

This By-Law is adopted by the Town under its police powers to protect the public health and welfare and its powers under M.G.L. Chapter 40, Section 21 (7), and any other enabling authority, and implements the Town's authority to regulate water use pursuant to M.G.L. Chapter 41, Section 69B. This By-Law also implements the Town's authority under M.G.L Chapter 40, Subsection 41A, conditioned upon a declaration of water supply emergencies issued by the Department of Environmental Protection; or drought advisory issued by the Massachusetts Drought Management Task Force.

This By-Law will incorporate required Seasonal Nonessential Outdoor Water Use Restrictions as mandated in the Water Management Act Permit # 9P-3-14-031.01 or as directed by the Massachusetts Department of Environmental Protection.

**6.2 Restricted Water Uses**

**6.2.1** Residential and commercial Non-Essential Uses of water shall be allowed only before 9:00 AM and after 5:00 PM on days specified by the Director of Public Works or his designee. Municipal use of water for recreation fields will be allowed every other day before 9:00 AM and after 5:00 PM.

**6.2.2** Private well water is not subjected to this By-Law. However, any property using a private well to supply outdoor watering must provide a sign clearly visible from the street that indicates the use of well water. This sign shall be a maximum of one square foot in size.

### 6.3 Seasonal Limits on Nonessential Outdoor Water Use

#### 65 RGPCD Standard met for the preceding year

May 1<sup>st</sup> through September 30<sup>th</sup>

No nonessential outdoor water use from 9 am – 5 pm

#### 65 RGPCD exceeded for the preceding year

May 1<sup>st</sup> through September 30<sup>th</sup>

a) Nonessential outdoor water use is allowed **TWO DAYS per week** before 9 am and after 5 pm

B) Nonessential outdoor water use is allowed **ONE DAY per week** before 9 am and after 5 pm whenever a Drought Advisory or higher is declared by the Massachusetts Drought Management Task Force or if there is determined (by the DPW Director) to be impacts to the drinking water supply.

### 6.4 Public Notice of Water Use Restrictions

The Town shall notify its customers of the restrictions and the consequences of failing to adhere to the restrictions by April 15<sup>th</sup> of each year.

Such notice shall include;

- 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.
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### 6.5 Penalties of Water Supply Restrictions

**6.5.1** Seasonal Limits on Nonessential Outdoor Water Use limits the uses of water as necessary to protect the water supply and public safety. The applicable water conservation restrictions, conditions and enforcement shall be included on the public notice required under section 6.

	<u>Residential</u>	<u>Commercial</u>
First Violation	Written Citation	Written Citation
Second Violation	\$50.00	\$100.00
Subsequent Violations	\$100.00	\$200.00

Subsequent Violations – May result in termination of service plus cost of termination and restoration.

## **6.6 Penalties during Restrictions on Nonessential Outdoor Water Use**

**6.6.1** First violation notice shall state the consequences for each subsequent violation cited during the restriction period.

**6.6.2** Cost of termination and restoration of water services and all fines shall be paid in full before service is restored.

**6.6.3** Termination and restoration charge shall be a minimum \$100.00 or actual cost if higher. Where service restoration can reasonably be accomplished only outside the Billerica water Division's normal working hours (Monday through Friday, 7:00AM to 3:30PM), the termination and restoration charge imposed on a customer of record and subsequent violations may be higher than \$100.00 in order to recover the Division's actual overtime costs. The charge imposed outside normal working hours shall be limited to the Division's actual costs, which vary according to the time and personnel involved, day of the week and time of day and holidays.

**6.6.4** The charge for termination and restoration is applicable to all customers located on the mains of the Town for the purpose of water conservation conditions.

**6.6.5** Fines shall be recovered by non-criminal disposition in accordance with M.G.L. Chapter 40, Section 21D. Each day of violation shall constitute a separate offense.

**6.6.6** The Water Division shall be the primary enforcing agent for the By-Law.

## **6.7 Special Restrictions**

### **6.7.1 Automatic Sprinkler Irrigation Systems**

**6.7.1.1** All automatic irrigation systems shall require a permit from the Plumbing Inspector prior to installation and operation. All automatic irrigation systems shall be required to have a rain sensor device and a back flow prevention device installed. The fee for said permit shall be set by the Board of Selectmen.

### **6.7.2 Swimming Pools**

**6.7.2.1** For purposes of this section, a swimming pool is defined as any permanent in-ground or above ground pool with a minimum size of four feet deep and fifteen feet in diameter.

**6.7.2.2** Any complete filling of swimming pools during periods of water restriction shall be done by the use of private water source.

**6.7.2.3** Adding water due to evaporation and normal maintenance shall be done with in the provisions set forth by this By-Law.

## **6.8 Exemptions**

Exemptions from this By-Law shall include new construction erosion control systems and the establishment of wetlands replication. Exemptions shall also include commercial agriculture, water to sustain animal life and commercial car washes. These sites shall be identified and have a water audit conducted by a designee of the DPW Director. All persons seeking an exemption from this By-Law for said purposes shall obtain an exemption in writing from the Director of Public Works or his designee.

Includes any drought advisory or higher advisory issued by the Massachusetts Drought Advisory Task Force for the area in which the Town is located.