

REGULATION

RESTRICTING RESIDENTIAL OUTDOOR LAWN WATERING:

SECTION I: PURPOSE AND AUTHORITY

Pursuant to RSA 41:11-d, the Board of Selectmen (Board) has adopted this Regulation in order to protect public health and safety by restricting the use of water from private wells and public water systems for residential outdoor lawn watering during a state or federally declared drought.

SECTION II: APPLICABILITY

This Regulation shall apply to all residential outdoor lawn watering within the Town of Windham when an executive or an administrative agency of the state or federal government has designated the region that includes Windham as being under a declared state or condition of drought, the Board has recognized the existence of a drought in Windham, and the Board has implemented restrictions as described in this Regulation.

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.
- a. The following resources are among those used by the Board of Selectmen to determine the existence of a drought effecting the Town:
 - i. The New Hampshire Drought Management Program
 - ii. A drought declaration by the Governor's Office or NH DES
- B. Residential Outdoor Lawn Watering: The application of water to an outdoor lawn at a property that's primary use is to provide living accommodations for people.

SECTION IV: RESTRICTIONS UNDER DROUGHT CONDITIONS

Once the Board has recognized the existence of a drought in Windham, the Board may implement a particular level of restrictions as deemed appropriate.

A. Level 1:

- 1) Residential outdoor lawn watering by odd numbered addresses is allowed on odd numbered days.
- 2) Residential outdoor lawn watering by even numbered addresses is allowed on even numbered days.
- 3) Residential outdoor lawn watering shall not occur between the hours of 8AM and 8PM.

B. Level 2:

- 1) Residential outdoor lawn watering by odd numbered addresses is allowed on Mondays and Thursdays.
- 2) Residential outdoor lawn watering by even numbered addresses is allowed on Tuesdays and Fridays.
- 3) Residential outdoor lawn watering shall not occur between the hours of 8AM and 8PM.

C. Level 3:

- 1) Residential outdoor lawn watering is prohibited.

SECTION V: PUBLIC NOTIFICATION OF WATER USE RESTRICTIONS

Notification of any intention to consider restricting residential outdoor lawn watering, such as described in Section IV, shall be given at least three (3) business days before the public meeting at which it will be discussed by the Board. If the Board decides to implement restrictions, such as described in Section IV, then notice of the chosen restrictions shall be posted in a paper of general circulation and shall be posted in at least two public places - one of which shall be the official Town website. The chosen restrictions shall become effective five calendar days from publication in a paper of general circulation.

SECTION VI: TERMINATION OF WATER USE RESTRICTIONS

Public notification for termination of residential outdoor lawn watering restrictions shall be given in accordance with Section V, except that the effective date for termination of any restrictions shall be immediate upon a decision by the Board.

SECTION VII: ENFORCEMENT

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

SECTION VIII: PENALTIES

Any residential property owner failing to comply with the restrictions imposed pursuant to this Regulation 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 residential property owner shall be deemed to be in compliance with Level 1 restrictions if their 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 Regulation 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 Regulation.

SECTION X: WAIVERS AND APPEALS

Waivers of this Regulation may be granted by a majority vote of the Board of Selectmen for good cause shown.

Upon request of a residential property owner, the Board shall hear appeals to any penalties assessed against that owner, subject to a 30-day limit within which to file an appeal with the Board.

SECTION XI: AMENDMENTS

This Regulation may, from time to time, be amended by a majority vote of the Board at a regularly scheduled Board 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 Regulation shall take effect immediately upon adoption by the Board.

Adopted this 3rd day of October, 2016.

Joel Desilets, Chair

Ross McLeod, Vice-Chair

Bruce Breton

Roger Hohenberger

Jennifer Simmons
Board of Selectmen