

CITY OF CLAREMONT
IN THE YEAR TWO THOUSAND AND SIXTEEN

ORDINANCE #551

“Water Use Restrictions”

The City of Claremont Ordains:

Pursuant to RSA 38:26 and RSA 41:11-d, Article III, Water, of Chapter 20, Utilities, of the Claremont City Code is hereby amended as follows.

Section 1 Division 3. Water Use Restrictions

Amend Chapter 20, Article III, by adding a new Division 3, Water Use Restrictions, as follows:

Sec. 20-150. Purpose and Applicability

The purpose of this Article is to ensure that the use of water supplies is regulated in the best interests of the City to protect the public health and safety when there is a potential or existing water supply shortage as a result of drought conditions or from other emergency related to either the source or distribution of water within the City, pursuant to authority granted to the municipality to regulate public water systems under RSA 38:26 and to restrict the use of private wells to water lawns under RSA 41:11-d.

This Article shall apply to all water users receiving water from the City's water distribution system. It shall also apply to the use of water from private wells for residential outdoor lawn watering during a state or federally declared drought. For purposes of this Article, a "water user" shall include any individual, corporation, trust, partnership, joint stock company, association, state, municipality, commission, United States government or any agency thereof, political subdivision of the State or any interstate body, or other entity.

Sec. 20-151. Definitions

Drought means a sustained and regionally extensive occurrence of appreciably below average natural water availability in the form of precipitation, stream flow or groundwater as determined by:

- A. The New Hampshire Drought Management Team as designated by the New Hampshire Drought Management Plan;
- B. Declaration of a State of Emergency by the Governor's Office; or
- C. United States Drought Monitor.

Impervious surface means artificial structures, including but not limited to roads, sidewalks, driveways, parking lots, patios, siding and roofs that are covered by impenetrable materials such as asphalt or other pavement, concrete, brick, stone, shingles or other surfaces that limit the absorption or movement of liquids such as water.

Landscape means vegetative growth and features on land, whether annual or perennial in nature, including but not limited to lawns, plants, shrubs, trees and ornamental fixtures.

Water supply shortage means a situation when insufficient water is available to meet the present or anticipated needs of the City, resulting from such events as a drought or other water emergency, such as contamination or a major infrastructure failure.

Sec. 20-152. Water Use Restrictions

Upon declaration of a drought, water supply shortage or other water emergency, the City Manager or his/her designees are authorized to determine and implement certain restrictions necessary to conserve and maintain adequate reserves of the public water supply. Such restrictions include, but are not limited to the following and may be implemented, individually or collectively, upon public notice, to the degree required by the nature of the water supply shortage or other water emergency:

1. Voluntary or mandatory restrictions of landscape watering, or other exterior uses by any method;
2. Restriction of the hours of landscape watering or other exterior uses;
3. Restriction of landscape watering or other exterior uses to certain days or addresses (odd/even designations);
4. Prohibition of filling of swimming pools of greater than 100 gallons capacity;
5. Prohibition of use of automated landscape sprinkler systems;
6. Prohibition of washing areas with impervious surfaces;
7. Prohibition of washing vehicles or boats at non-commercial facilities.

The following uses are exempt from local water use restrictions unless by order of state or federal government:

1. Use by City officials in the interest of public health and safety;
2. Hand irrigation of crops used for food by residents at a residential property;
3. Water to sustain animal life;
4. Cash crops and farms;
5. Commercial car washes and commercial washing of vehicles; unless there is a declaration of an extreme or exceptional drought;
6. Golf course greens, athletic fields, flower shops or garden centers, unless there is a declaration of an extreme or exceptional drought;

7. Private water sources for other than residential outdoor lawn watering unless it can be demonstrated that the use of such water directly affects the public water supply.

Sec. 20-153. Public Notice

Notification of intent to implement water use restrictions due to a water supply shortage or other emergency shall be posted at least three (3) days prior to the effective date of such restrictions in two public locations and published in a newspaper of general circulation or by such other means reasonably determined to notify all affected water users.

Upon a determination that a water supply shortage or other emergency no longer exists, the City shall provide public notice of the termination of restrictions in two public locations and published in a newspaper of general circulation or by such other means reasonably determined to notify all affected water users.

Sec. 20-154. Enforcement and Penalties

Any City code enforcement official or sworn officer of the Claremont Police Department may initiate an enforcement action against any violation of the provisions of this Article.

Any person failing to comply with the restrictions imposed pursuant to this Article shall be subject to a fine and/or be subject to imposition of civil penalties pursuant to RSA 38:26, II, and/or RSA 651:2, IV, as indicated herein. In addition to a monetary penalty, the City is authorized to discontinue the furnishing of water where orders and restrictions have been violated. Such discontinuance shall be made pursuant to RSA 38:31 and may be continued for so long as there is evidence that the violations are continuing.

1. First violation: Written warning;
2. Second violation: \$250 per day fine;
3. Third violation: \$1,000 per day fine and discontinuance of water service. Payment of all penalties is required and a reconnection fee will be charged before water service is restored.

Sec. 20-155. Reserved

Section 2. Validity

If any article, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this ordinance.

Section 3. Effective Date

This Ordinance shall take effect and be enforced immediately upon passage.

Introduced and passed on first reading _____, 2016.

Adopted by the Claremont City Council on _____, 2016.

Carolyn Towle

Nicholas Koloski

Victor Bergeron

Bruce Temple

John Simonds

Alan Damren

Scott Pope

Keith Raymond

Mayor Charlene Lovett

Attest: _____
Clerk to the Council