

[Adopted by the Board of Selectmen of the Town of Northwood on the day of 9-27-16]

ARTICLE 42-3: LAWN WATERING RESTRICTIONS DURING DROUGHT

I. PURPOSE

To protect public health and safety by restricting the use of water from private wells or public water systems for residential outdoor lawn watering during a state or federally declared drought.

II. AUTHORITY

The provisions of this regulation are adopted pursuant to RSA 41:11-d, Choice and Duties of Town Officers. (See Appendix A, Relevant Sections of State Law)

III. APPLICABILITY

The requirements of this section shall apply immediately after the public notice period described in Section VII to all residential outdoor lawn watering within The Town of Northwood when administrative agencies of the state or federal government have designated the region as being under a declared state or condition of drought.

IV. 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. The following resources are used by Town of Northwood to determine the declaration of a drought condition.

- I. The New Hampshire Drought Management Team as designated by the New Hampshire Drought Management Plan
- II. State of Emergency declaration by the Governor's Office
- III. United States Drought Monitor

B. Residential Lawn Watering: The application of water to decorative grass at a property that's primary use is to provide living accommodations for people.

V. REQUIREMENTS UNDER DROUGHT CONDITIONS

The following limits to residential lawn watering will apply under drought conditions. The specified levels (Level 1 through 3) will be determined by the Board of Selectmen and will be included in the public notice required under Section VII of this regulation.

A. If Town of Northwood issues a Level 1 restriction, then

- I. Residential lawn watering by odd numbered addresses is allowed on odd numbered days.
- II. Residential lawn watering by even numbered addresses is allowed on even numbered days.
- III. Residential lawn watering shall not occur between the hours of 8AM and 7PM

B. If The Town of Northwood issues a Level 2 restriction, then

- I. Residential lawn watering by odd numbered addresses is allowed on Mondays and Thursdays.
- II. Residential lawn watering by even numbered addresses is allowed on Tuesdays and Fridays.
- III. Residential lawn watering shall not occur between the hours of 8AM and 7PM

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C. If the Town of Northwood issues a Level 3 restriction, then

i. Residential lawn watering is prohibited.

VII. PUBLIC NOTIFICATION OF WATER USE RESTRICTION

Notification of any intention to restrict water use and the requirements associated with Section V shall be given at least three calendar days before implementation. Notice of the regulations shall be posted in a paper of general circulation and shall be posted in at least two public places. Residents are specifically requested to take notice of the markings at *Insert location(s)*

VIII. TERMINATION OF WATER USE RESTRICTION

Public notification and termination of water use restriction shall be given in accordance with Section VII.

IX. ENFORCEMENT

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

X. PENALTIES

Any person failing to comply with the restrictions imposed pursuant to this Regulation shall be deemed a violation and subject to penalties pursuant to RSA 651:2.

First violation: Warning

Second violation: \$100

Additional violations: \$250 to \$1,000 fine

APPENDIX A

RELEVANT SECTIONS OF STATE LAW

RSA 41:11-d Restricting the Watering of Lawns.

I. The local governing body may establish regulations restricting the use of water from private wells or public water systems for residential outdoor lawn watering when administrative agencies of the state or federal government have designated the region as being under a declared state or condition of drought.

II. The local governing body shall give notice prior to the implementation of the regulations in paragraph I. Notice shall be given at least 3 calendar days before the regulations are implemented. The notice required under this section shall not include the day notice is posted. Notice of the regulations shall be published in a paper of general circulation in the municipality and shall be posted in at least 2 public places.

III. The full text of the proposed regulations need not be included in the notice if an adequate statement describing the proposal and designating the place where the proposal is on file for public inspection is stated in the notice.

RSA 625:9 Classification of Crimes.

V-a. The violation of any requirement created by statute or by municipal regulation enacted pursuant to an enabling statute, where the statute neither specifies the penalty or offense classification, shall be deemed a violation, and the penalties to be imposed by the court shall be those provided for a violation under RSA 651:2.

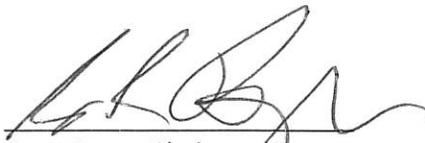
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RSA 651:2 Sentences and Limitations.

III-a. A person convicted of a violation may be sentenced to conditional or unconditional discharge, or a fine.

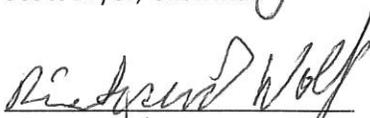
IV. A fine may be imposed in addition to any sentence of imprisonment, probation, or conditional discharge. The limitations on amounts of fines authorized in subparagraphs (a) and (b) shall not include the amount of any civil penalty, the imposition of which is authorized by statute or by a properly adopted local ordinance, code, or regulation. The amount of any fine imposed on:

- (a) Any individual may not exceed \$4,000 for a felony, \$2,000 for a class A misdemeanor, \$1,200 for a class B misdemeanor, and \$1,000 for a violation.
- (b) A corporation or unincorporated association may not exceed \$100,000 for a felony, \$20,000 for a misdemeanor and \$1,000 for a violation. A writ of execution may be issued by the court against the corporation or unincorporated association to compel payment of the fine, together with costs and interest.



Scott Bryer, Chairman

9-27-16
Date Signed:



Rick Wolf, Vice Chairman



Donald Hodgdon, Selectman

