

Town of Longmeadow
DRAFT OUTDOOR WATER USE BYLAW

Section 1: Authority

This bylaw 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 pursuant to its powers under 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 bylaw 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 under G.L. c. 21G, §§ 15-17. This bylaw is also intended to implement other water conservation requirements of M.G.L. c. 21G, the “Massachusetts Water Management Act”, and its regulations promulgated at 310 CMR 36.00.

Section 2: Purpose

The purpose of this bylaw is to protect, preserve and maintain public health, safety, and welfare, and the health of the environment, especially whenever there is in force a “State of Water Supply Conservation”, a “State of Drought” or a “State of Water Supply Emergency”, by ensuring:

- adequate supply of water for drinking and fire protection;
- adequate quality and quantity of water in local aquatic habitats such as ponds, rivers and wetlands; and,
- that Longmeadow’s per capita water use is in line with the Massachusetts Department of Environmental Protection’s water conservation goal of 65 gallons per capita use per day, or as amended.

These purposes will be accomplished by providing for the imposition and enforcement of any duly implemented restrictions, requirements, provisions or conditions on water use imposed by the Town in accordance with this bylaw, by the Board of Commissioners of Springfield Water and Sewer Commission under Chapter 40N of the Massachusetts General Laws, and/or by the Department of Environmental Protection under its state law authorities.

Section 3: Applicability

All customers of the public water supply system shall be subject to this bylaw. This bylaw shall be in effect year round.

Section 4: Definitions

Agriculture shall mean farming in all its branches as defined at M.G.L. c. 128, § 1A.

Automatic irrigation system, including sprinklers, shall mean any system for watering vegetation other than a hand-held hose or a bucket.

Enforcing agents shall include uniformed officers, the Building Inspector/Zoning Enforcement Officer, the Public Health Director, and members of the Department of Public Works.

Nonessential outdoor water use shall mean those uses that are not required:

1. for health or safety reasons;
2. by regulation;
3. for the production of food and fiber;
4. for the maintenance of livestock; or
5. to meet the core functions of a business.

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

- irrigation of lawns via sprinklers or automatic irrigation systems;
- washing of vehicles, except in a commercial car wash or as necessary for operator safety or to prevent damage and/or maintain performance of agricultural or construction vehicles or equipment; and
- washing of exterior building surfaces, parking lots, driveways or sidewalks, except as necessary to apply paint, preservatives, stucco, pavement or cement.

Exceptions to nonessential outdoor water uses are:

- irrigation of lawns, gardens, flowers and ornamental plants by means of a hand-held hose controlled by a nozzle or a drip-irrigation system; and
- irrigation with harvested and stored stormwater runoff.

The following outdoor water uses are subject to review and approval by The Town, through its Water Commissioners or their designee:

- irrigation of public parks and recreation fields outside the hours of 9 AM to 5 PM;
- irrigation to establish replanted or re-sodded lawn or plantings during the months of May and September;
- irrigation of newly planted lawns (seeded or sodded) in the current calendar year for homes or businesses newly constructed in the previous twelve months; and
- filling of privately owned outdoor pools.

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.

State of Drought shall mean a Drought Advisory, Watch, Warning or Emergency declared by the Secretary of Energy and Environmental Affairs in consultation with the Massachusetts Drought Management Task Force.

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.

State of Water Supply Conservation shall mean a State of Water Supply Conservation declared by the Town pursuant to Section 5 of this bylaw.

Water Commissioners are the Select Board, as enabled by the Charter of the Town of Longmeadow (Article 3 Section 3-2(b)), or as appointed.

Water Customers, or Customers, shall mean all persons (as defined above) receiving the Town of Longmeadow's public water supply irrespective of that person's responsibility for payment for use of the water.

Section 5: Controls on In-Ground Irrigation Systems

Subsection 5.1 Registration and Installation

- a) All new and existing in-ground irrigation systems shall be registered with the Water Department of the DPW in such form and manner as they shall determine. A fee may be charged for this registration.

Registration fees shall be set by the Water Commissioners. The Water Department may require inspection of the irrigation system.

- b) All in-ground irrigation systems shall be equipped with a timing device that can be set to make the system conform to the Town's nonessential outdoor water use restrictions. Whenever outdoor water use restrictions are in force, the timing device must be set to conform to the daily and hourly nonessential outdoor water use restrictions.
- c) All in-ground irrigation systems shall be plumbed in accordance with the Uniform State Plumbing Code (248 CMR 10.00), and additionally so that a shutoff valve is located outside the building and situated so that it may be shut off if found to be in violation of this bylaw. For the purposes of this section only, police officers of the Town and/or Agents of the Water Commissioners may enter upon any property to enforce this section.

Subsection 5.2 Moisture-Sensor and Weather-Based Irrigation Controllers

- a) All in-ground irrigation systems installed in the Town after the date of effect of this bylaw shall be equipped with a soil moisture-sensor irrigation controller or a weather-based irrigation controller, approved by the Water Commissioners, to prevent the system from starting automatically when not needed.¹ Proof of this installation shall be provided to the Water Department at the time of registration.
- b) Any service or repair to an existing in-ground irrigation system shall include the installation of an approved moisture-sensor or weather-based irrigation device, if the same is not already installed and in good working condition. Proof of this installation shall be provided to the Water Department at the time of installation.
- c) Before installation of an irrigation controller, the customer shall submit a design data sheet for approval from the Water Department.

Subsection 5.3 Backflow Prevention

- a) All in-ground irrigation systems connected to the municipal water system in the Town shall be protected from backflow events by the installation of a backflow prevention device approved by the Water Commissioners. Each backflow prevention device shall be registered with the Water Department. A fee may be charged for this registration. Registration fees shall be set by the Water Commissioners.
- b) Before installation of a backflow preventer, the customer shall submit a design data sheet / specification sheet for approval from the Water Department. Refer to Table 22-1 in 310 CMR 22.22 for the recommended backflow protection for irrigation systems.
- c) Each backflow prevention device shall be installed in accordance with 310 CMR 22.22 and the manufacturer's instructions. Each device shall be tested upon its installation and annually thereafter. A Massachusetts Certified Backflow Device Tester shall perform all testing. Copies of results of all testing shall be filed with the Water Department.

¹ For more information on soil moisture-sensor and weather-based irrigation systems, see the US Environmental Protection Agency's [Irrigation Controller Fact Sheet](#) and [Is Your Watering under Control Brochure](#).

Section 6: Declaration of a State of Water Supply Conservation

The Town, through its Water Commissioners or their designee authorized to act as such:

- a) may declare a State of Water Supply Conservation upon a determination that conservation measures are appropriate to ensure an adequate supply of water for drinking and fire protection, to protect the quality and quantity of water in local aquatic habitats such as ponds, rivers and wetlands; and
- b) shall declare a State of Water Supply Conservation as necessary to ensure compliance with the Water Management Act.

Upon notification to the public that a State of Water Supply Conservation has been declared, no water customer shall violate any provision, restriction, requirement or condition of the declaration. The Water Commissioners may designate the Town Manager or DPW Director to declare a State of Water Supply Conservation at any time that conditions warrant. Public notice of a State of Water Conservation shall be given under Section 10 of this bylaw before it may be enforced. The applicable restrictions, conditions or requirements shall be included in the public notice.

Section 7: State of Drought

Upon notification to the public that a State of Drought has been declared, no water customer shall violate any provision, restriction, requirement or condition of the Town's water use restrictions. Public notice of a State of Drought shall be given under Section 10 of this bylaw before it may be enforced. The applicable restrictions, conditions or requirements shall be included in the public notice.

Section 8: Declaration of a State of Water Supply Emergency

Upon notification to the public that a declaration of a State of Water Supply Emergency has been issued by the Department of Environmental Protection, 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. Public notice of a State of Water Supply Emergency shall be given under Section 10 of this bylaw before it may be enforced. The applicable restrictions, conditions or requirements shall be included in the public notice.

Section 9: Restricted Water Uses

A declaration of a State of Water Supply Conservation, State of Drought or State of Water Supply Emergency shall include one or more of the following restrictions, conditions, or requirements limiting nonessential outdoor water use by water customers as necessary to control the volume of water pumped each day, except as provided as acceptable in Section 4. The applicable restrictions, conditions or requirements shall be included in the public notice required under Section 10.

- a) Nonessential outdoor water use days: Nonessential outdoor water use is permitted only on the days per week specified in the State of Water Supply Conservation, State of Drought or a State of Water Supply Emergency and public notice thereof. During a State of Water Supply Conservation, nonessential outdoor water use is restricted as necessary to ensure compliance with the Water Management Act, or for a Town or Water District without a Water Management Act permit, to two days or fewer per week.
- b) Nonessential outdoor water use hours: Nonessential outdoor water use is permitted only during the hourly periods specified in the State of Water Supply Conservation, State of Drought or State of Water Supply Emergency and public notice thereof. At a minimum, nonessential outdoor water use is prohibited during the hours from 9AM to 5PM.

- c) Nonessential outdoor water use method restriction: Nonessential outdoor water use is restricted to a bucket or hand-held hose controlled by a nozzle.
- d) Nonessential outdoor water use ban: Nonessential outdoor water use is prohibited at all times.
- e) Automatic irrigation systems, including sprinklers: The use of automatic irrigation systems is prohibited.

Section 10: Public Notification and Notification of DEP

- a) Public Notification of a State of Water Supply Conservation or a State of Drought – Notice to the public of all provisions, including all restrictions, requirements and conditions imposed by the Town as part of a State of Water Supply Conservation or a State of Drought shall be made as soon as possible, but no later than 48 hours following the declaration of a State Water Supply Conservation or State of Drought by publication in a newspaper of general circulation within the Town and by signage on major roadways or intersections. Notification may also include email, the Town website and social media accounts, public service announcements on local media, reverse 911 calls, or other such means reasonably calculated to reach and inform all water customers.
- b) Public Notification of a State of Water Supply Emergency – Notice to the public of all provisions, including all restrictions, requirements and conditions imposed by a State of Water Supply Emergency declared by the Department shall be made as soon as possible, but not later than 48 hours after the public water system receives notice of the Department’s declaration of a State of Water Supply Emergency, by publication in a newspaper of general circulation with the Town and by signage on major roadways or intersections. Notification may also include email, the Town website and social media accounts, public service announcements on local media, reverse 911 calls, or other such means reasonably calculated to reach and inform all water customers on the declaration of the State of Water Supply Emergency.
- c) Any restriction imposed pursuant to Section 5 or Section 6 or in the Department’s State of Water Supply Emergency or Order shall not be effective until notification to the public is provided.
- d) Notification of DEP: Submittal of MassDEP’s form “Notification of Water Use Restriction” shall be provided to the Massachusetts Department of Environmental Protection within 14 days of the effective date of the restrictions, per MassDEP regulations (310 CMR 22.15(8)).

Section 11: Termination of a State of Water Supply Conservation; Notice

A State of Water Supply Conservation may be terminated by a majority vote of the Water Commissioners or by decision of their designee upon a determination by either or both of them that the conditions requiring the State of Water Supply Conservation no longer exist, or in accordance with the Water Management Act permit conditions. Public notification of the termination of a State of Water Supply Conservation shall be given in the same manner as is required in Section 10a for notice of its imposition.

Section 12: Termination of a State of Drought; Notice

Upon notification to the Town that the declaration of a State of Drought has been terminated by the Secretary of Energy and Environmental Affairs, the public will be notified of the termination in the same manner as is required in Section 10a for notice of its imposition.

Section 13: Termination of a State of Water Supply Emergency; Notice

Upon notification to the Town that the declaration of a State of Water Supply Emergency has been terminated by the Department of Environmental Protection, the public will be notified of the termination in the same manner as is required in Section 10b for notice of its imposition.

Section 14: Penalties

The Town through its Water Commissioners or their designee including the Town Manager or DPW Director may enforce this bylaw. Any person violating this bylaw shall be liable to the Town in the amounts enumerated in **Article I Chapter 500** of the Town of Longmeadow General Bylaws.

Each day of violation shall constitute a separate offense. Fines shall be recovered by complaint before the District Court, or by non-criminal disposition in accordance with section 21D of chapter 40 of the general laws. For purposes of non-criminal disposition, the enforcing person shall be any police officer of the town or the DPW Director or the DPW Director's designee. If a State of Water Supply Emergency has been declared the Water commissioners may, in accordance with G.L. c. 40, § 41A, shut off the water at the meter or the curb stop.

Section 15: Severability

The invalidity of any portion or provision of this bylaw shall not invalidate any other portion or provision thereof.

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