



Sponsor: Administration

**TOWN OF FRANKLIN
BYLAW AMENDMENT 17-787
CHAPTER 179, WATER**

A BYLAW TO AMEND THE CODE OF THE TOWN OF FRANKLIN AT CHAPTER 179, WATER.

BE IT ENACTED BY THE FRANKLIN TOWN COUNCIL that Chapter 179 of the Code of the Town of Franklin is amended by striking Article VI Water Ban in its entirety:

~~Article VI. Water Ban~~

~~§179-12 Declaration by Administrator authorized; violations and penalties.~~

- ~~A. A water ban shall be declared by the Town Administrator on behalf of the Town of Franklin whenever he determines that the health and safety of the residents of Franklin requires the restriction of nonessential use of municipal water. A water ban shall prohibit any user of municipal water from using sprinklers or other automatic watering devices to water lawns and from washing vehicles or filling swimming pools or such other nonessential municipal water use as specified by the Town Administrator in declaring the water ban.~~
- ~~B. Any violation of a water ban shall be enforced by the Town Administrator or his designee, including any police officer of the Town of Franklin, by noncriminal disposition pursuant to MGL c. 40, § 21D, as follows:~~
- ~~(1) First violation: a written warning.~~
 - ~~(2) Second violation: a fine of \$50.~~
 - ~~(3) Every violation thereafter: a fine of \$200.~~

and replacing the deleted language with a new Article VI Water Use Restriction and Ban, as follows:

Article VI Water Use Restriction and Ban

§ 179-12 Authority.

This article is adopted by the Town of Franklin under its police powers to protect public health, safety and welfare and implements the Town's authority to regulate, limit and prohibit water use. This article 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.

§ 179-13 Purpose.

The purpose of this article is to protect, preserve and maintain the public health, safety and welfare whenever there is in force a State of Water Supply Conservation or Water Ban by providing for enforcement of any duly imposed prohibitions, restrictions, requirements, provisions or conditions imposed by the Town or by the Department of Environmental Protection.

§ 179-14 Application and Exemptions.

Water Supply Conservation and Water Ban measures apply to public water supply users only.

Commercial agricultural users and golf courses shall be exempt from all provisions of this article. The Town of Franklin is exempt from all provisions of this article to extent required to protect public assets.

§ 179-15 Definitions.

For the purpose of this article, the following terms shall have the meanings indicated:

FRANKLIN WATER SUPPLY

The system of Town owned wells and pipes used to distribute drinking water and provide fire protection as well as all sources for said water, including subsurface aquifer(s).

PERSON

Any individual, property owner, tenant, corporation, trust, partnership or association, or other entity located in Franklin and is connected to the Franklin Water Supply.

STATE OF WATER SUPPLY CONSERVATION

A State of Water Supply Conservation declared by the Town pursuant to § 179-16 of this article.

WATER BAN

A state of elevated water restrictions declared by the Town pursuant to § 179-18 of this article.

§ 179-16 Declaration of State of Water Supply Conservation.

As required by the Town's Water Management Act Permit, the Town Administrator shall declare a State of Water Supply Conservation no later than the first Monday in June through at the earliest the second Monday in September each year. Outdoor water use restrictions outlined in § 179-17 shall be applicable to all water users of the public water system regardless of any person's responsibility for paying water bills for water used at any particular facility. The Town Administrator may extend the State of Water Supply Conservation if he determines that a shortage of water exists, or may reasonably be determined to be imminent, and that conservation measures are appropriate to ensure the safe and adequate supply of water to all water consumers.

§ 179-17 State of Water Supply Conservation Restricted Water Uses.

A declaration of a State of Water Supply Conservation shall include, but not be limited to, one or more of the following restrictions, conditions, or requirements limiting the use of water as necessary to protect the public supply. The applicable restrictions, conditions or requirements shall be included in the public notice required under § 179-20.

A. One day per week outdoor watering. Outdoor watering using sprinklers or automated irrigation systems is restricted to the water user's trash day. If the user does not have Town trash service, the user should water on the same day as the nearest Town trash customer.

B. Outdoor watering hours. Outdoor watering is prohibited between the hours of 9 am to 5 pm.

§ 179-18 Declaration of Water Ban.

If the Town Administrator makes a specific finding that the shortage of water exists because of a clear and imminent threat to the aquifer(s) underlying Franklin, such threats to include severe drought or environmental pollution, the Town Administrator may elevate the State of Water Supply Conservation to a Water Ban: either partial or total. Outdoor water use restrictions outlined in § 179-19 shall be applicable to all water users of the public water system regardless of any person's responsibility for paying water bills for water used at any particular facility. The applicable restrictions, conditions or requirements shall be included in the public notice required under § 179-20.

§ 179-19 Water Ban Restricted Water Uses.

A declaration of a partial Water Ban may include, but not be limited to, one or more of the following restrictions, conditions, or requirements limiting the use of water as necessary to protect the public supply. The applicable restrictions, conditions or requirements shall be included in the public notice required under § 179-20.

A. Prohibition on the use of sprinklers and automatic sprinkler systems.

B. Limitation on outdoor watering to handheld watering of vegetable and flower gardens.

C. Prohibition on handwashing of exterior building surfaces, parking lots, sidewalks, driveways and patios.

D. Prohibition on washing of vehicles, except in commercial car washes.

E. Mandatory water use reductions by commercial/industrial users.

A declaration of a total water ban may include a total ban on outdoor water use, with or without stated exceptions; the applicable restrictions, conditions or requirements shall be included in the public notice required under § 179-20.

§ 179-20 Public Notification of State of Water Supply Conservation or Water Ban; Notification of DEP.

Notification of any provision, restriction, requirement or condition imposed by the Town as part of a State of Water Supply Conservation or Water Ban shall be published on the official Town of Franklin website, or by such other means reasonably calculated to reach and inform users of water of the state of water supply conservation. Any restriction imposed under § 179-17 or § 179-19 shall not be effective until such notification is provided. Notification of the State of Water Supply Conservation shall also be simultaneously provided to the Massachusetts Department of Environmental Protection.

§ 179-21 Termination of State of Water Supply Conservation or Water Ban; Notice.

A State of Water Supply Conservation or Water Ban may be terminated by the Town Administrator as allowed by the Town's Water Management Act Permit, upon his determination that the water supply shortage no longer exists. Public notification of the termination of a State of Water Supply Conservation or Water Ban shall be given in the manner provided in § 179-20.

§ 179-22 State of Water Supply Emergency; Compliance with DEP Orders.

If the Department of Environmental Protection declares a State of Water Supply Emergency under M.G.L. c. 21G. § 15-17., no person shall violate any provision, restriction, requirement or condition of any order approved or issued by the Department intended to bring about an end to the State of Emergency.

§ 179-23 Posting of Notice of Private Irrigation Wells.

All persons who have private wells for lawn irrigation must prominently display signs visible to the public that include the following phrase "PRIVATE WELL WATER IN USE." Signs must be a minimum of 11" by 17" and displayed in a location clearly visible from the street whenever the irrigation system is in use. False posting is prohibited.

§ 179-24 Penalties for Violations(s).

Any violation of this bylaw shall subject the violator to a fine as follows:

(1) First violation (within calendar year): a written warning.

(2) Second violation: a fine of \$50.

(3) Every violation thereafter: a fine of \$200.

Each day that a violation continues shall constitute a new and separate offense.

§ 179-25 Enforcement Authority.

The Town Administrator and his designee(s), Director of Public Works and his designee(s), Franklin Police Department, Building Commissioner, Conservation Agent, and Board of Health Agent shall each have authority to enforce the provisions of this bylaw.

And be it further enacted, that the Town Clerk is hereby authorized to renumber the subsequent sections of this Chapter in Articles VII and VIII and to strike those sections denoted "Reserved".

This bylaw amendment shall become effective in accordance with the provisions of the Franklin Home Rule Charter.



DATED: _____, 2017

VOTED:

UNANIMOUS _____

A True Record Attest:

YES _____ **NO** _____


ABSTAIN _____

**Teresa M. Burr
Town Clerk**

ABSENT _____

**Judith Pond Pfeffer, Clerk
Franklin Town Council**

Memo

To: Town Council
From: Jeffrey D. Nutting 
Date: March 16, 2017
Re: Amendment to Chapter 179, Water

The attached bylaw clarifies the water restriction process that we have been using for the past 15 years. It does not include private wells as discussed at an earlier Town Council meeting.

Please feel free to call with any questions.