

# TOWN OF HAMPSTEAD, NH

## Lawn Watering Management Ordinance

### SECTION I: PURPOSE AND AUTHORITY

Pursuant to RSA 41:11-d, the Hampstead Select Board adopts this Ordinance in order to protect public health and safety by restricting the use of water from private wells or public water systems for outdoor lawn watering (including residential and commercial properties) during a state or federally declared drought.

### SECTION II: APPLICABILITY

This Ordinance shall apply to all outdoor lawn watering within the Town of Hampstead immediately after the public notice period described in Section V when the executive or administrative agencies of the state or federal government have designated the region as being under a declared state or condition of drought.

### 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. The following resources are among those used by the Town of Hampstead to determine the existence of a drought condition:

- (i) the New Hampshire Drought Management Team as designated by the New Hampshire Drought Management Plan
- ii) the U.S. Drought Monitor; and/or
- iii) State of Emergency Declaration by the Governor's Office.

**B. Lawn Watering:** The application of water to decorative grass at a property. The grass playing turf of a recreational field, the grass playing surfaces of a golf course, or grass agricultural fields, including fields used for the production of sod, may, at the discretion of the Board of Selectmen, be excluded from the restrictions set forth in Section IV, below.

### SECTION IV: RESTRICTIONS UNDER DROUGHT CONDITIONS

The following limits to lawn watering will apply under drought conditions. Upon receiving notice that Hampstead is under a declared state of Drought as defined in Section III A., the Select Board may impose one of the following levels of watering restrictions after the mandatory notice period specified in Section V.

**A. Level 1 Restriction - Moderate Drought**

- i. Lawn watering at odd numbered addresses is allowed on odd numbered calendar days
- ii. Lawn watering at even numbered addresses is allowed on even numbered calendar days
- iii. Lawn watering shall not occur between the hours of 8 AM and 7 PM.

**B. Level 2 Restriction - Severe Drought**

- i. Lawn watering at odd numbered addresses is allowed on Mondays and Thursdays
- ii. Lawn watering at even numbered addresses is allowed on Tuesdays and Fridays
- iii. Lawn watering shall not occur between the hours of 8 AM and 7 PM.

**C. Level 3 Restriction - Extreme Drought or Low Groundwater**

- i. Lawn watering is prohibited and penalties may apply

The Select Board shall review drought condition updates provided by the State Drought Management Team, U.S. Drought Monitor and Hampstead Water Resources Committee on a bi-weekly basis and consider the need to change or eliminate the level of restriction.

**SECTION V: PUBLIC NOTIFICATION OF WATER USE RESTRICTIONS**

Notification of any intention to restrict water use and the requirements associated with Section IV shall be given at least three calendar days before implementation. Notice shall be posted in a paper of general circulation and shall be posted in at least two public places.

**SECTION VI: TERMINATION OF WATER USE RESTRICTIONS**

Public notification of termination of water use restrictions shall be given in accordance with Section V.

**SECTION VII: ENFORCEMENT**

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

**SECTION VIII: PENALTIES**

Any person failing to comply with the restrictions imposed pursuant to this Ordinance shall be deemed 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).

Each day shall be considered a separate violation

- First violation: Warning
- Second violation: \$250 fine
- Additional violations: \$500 fine per violation

**SECTION IX: SEVERABILITY**

If any section, provision, or phrase of this Ordinance 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 Ordinance.

**SECTION X: EFFECTIVE DATE**

This Ordinance shall take effect immediately upon adoption by the Select Board

Adopted this 22 day of August, 2022.



Chairman of the Select Board



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## 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 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. The grass playing turf of a recreational field, the grass playing surfaces of a golf course, and grass agricultural fields, including fields used for the production of sod, may be excluded from any restrictions pursuant to this paragraph. Nothing in this paragraph shall limit any public water system's authority to require a reduction in demand or implementation of conservation measures in accordance with rules of the department of environmental services.

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.

#### **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.

