The Commissioners of the Village District of Eastman Hereby Adopt the Following Ordinance
Effective October 19, 2011

WATER USE RESTRICTION ORDINANCE

I. PURPOSE

The purpose of this ordinance is to ensure the use of water is regulated in a manner the Village District of Eastman deems to be in the best interest of the property owners and residents of the Village District of Eastman.

The Village District of Eastman may use reasonable means to protect, preserve and maintain the public health, safety and welfare when a water supply shortage exists.

II. AUTHORITY

The Village District of Eastman adopts this by-law or Ordinance under its authority to regulate public water systems under RSA 38:26.

III. APPLICABILITY

The requirements of this section shall apply to all water users with connections receiving water from the Village District of Eastman.

IV. DEFINITIONS

1. Person: 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.
2. Water supply shortage: A that situation when insufficient water is available to meet the present or anticipated needs of the village district. A water supply shortage usually occurs due to drought or a major infrastructure failure.

V. REQUIREMENTS

Upon declaration of a water supply shortage or other water emergency by the majority vote of the commissioners of the Village District of Eastman, the Village District of Eastman shall be authorized to determine and implement certain restrictions necessary to conserve and maintain adequate reserves of the public water supply. Provided there is a declaration as noted above, the following levels of restriction will apply immediately after the public notification period specified in Section VI.

1. If the Village District of Eastman issues a **Level 1** restriction, then the public is requested to voluntarily limit landscape watering to between the hours of 7PM and 8AM and to limit the amount of water used outdoors for all other purposes.
    i. The use of automated landscape sprinkler systems is prohibited.

ii. Restaurants are encouraged to serve water only when requested.

2. If the Village District of Eastman issues a **Level 2** restriction, then
   i. Landscape watering by odd numbered addresses is allowed on odd numbered days with hand held hoses.
   ii. Landscape watering by even numbered addresses is allowed on even numbered days with hand held hoses.
   iii. Landscape watering shall not occur between the hours of 7AM and 7PM
   iv. The filling of swimming pools is prohibited.
   v. The use of automated landscape sprinkler systems is prohibited.
   vi. Washing of streets, driveways, sidewalks or other impervious areas is prohibited.
   vii. Washing of cars or boats at a non-commercial facility shall be prohibited.
   viii. Washing of boats at the Eastman Community Association designated boat wash to prevent the spread of milfoil or other transient aquatic disease carrying organisms is allowed.
   ix. Restaurants are prohibited from serving water to patrons unless requested.

3. If the Village District of Eastman issues a **Level 3** restriction, then
   i. Landscape watering by odd numbered addresses is allowed on Mondays and Thursdays with hand held hoses.
   ii. Landscape watering by even numbered addresses is allowed on Tuesdays and Fridays with hand held hoses.
   iii. Landscape watering using shall not occur between the hours of 7AM and 7PM.
   iv. Washing of boats at the Eastman Community Association designated boat wash to prevent the spread of milfoil or other transient aquatic disease carrying organisms is allowed.
   v. No other outdoor use of water is permitted.
   vi. Restaurants are prohibited from serving water to patrons unless requested.

4. If the Village District of Eastman issues a **Level 4** restriction, then
   i. Landscape watering is prohibited.
   ii. Washing of boats, at the Eastman Community Association Designated Boat Wash to prevent the spread of milfoil or other transient aquatic disease carrying organisms is allowed.
   iii. No other outdoor use of water is permitted.
   iv. Restaurants are prohibited from serving water to patrons.

VI. PUBLIC NOTIFICATION OF A WATER SUPPLY SHORTAGE

Notification of intent to implement water use restrictions by the Village District of Eastman due to a water supply shortage shall be posted in two public locations and published in a newspaper of general circulation within the Village District of Eastman or by such other means reasonably determined to notify all affected water users.

VII. TERMINATION OF A NOTICE OF A WATER SUPPLY SHORTAGE

The governing body of the Village District of Eastman upon a determination that the water supply shortage no longer exists may terminate a State of Water Supply Shortage. Public notification of the termination of a State of Water Supply Shortage shall be given in accordance with Section VI.

VIII. EXCEPTIONS TO RESTRICTIONS

1. Irrigation by handheld hose of crops used for food by residents at a residential property shall not be restricted.
2. Water to sustain animal life shall not be restricted.
3. Despite the authority granted by Section 4.0 of this Ordinance, orders imposing water use restrictions shall not apply to users that obtain water from sources other than the public water supply, unless it can be clearly demonstrated that the use of such water directly affects the public water supply. Municipalities or village districts have the authority to implement lawn watering restrictions in accordance with RSA 41:11-d applicable to all water users (including those using private wells) under state declared drought conditions. See DES guidance in Restricting Residential Lawn Watering During State or Federal Declared Droughts.

IX. PENALTIES

Any person failing to comply with the restrictions imposed pursuant to this Ordinance shall be subject to a fine and/or be subject to imposition of civil penalties pursuant to RSA 38:26, II not to exceed $10,000 per day of such violation. Recovered penalties shall be used as the Village District of Eastman may direct. In addition to the foregoing penalties, the Village District of Eastman 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 as long as there is evidence that the violations will continue.

First violation: Warning by written notification mailed or left at the address or with the customer, explaining the fine and penalty structure.

Second violation: $ 250.00 (Two Hundred Fifty Dollar) fine.

Third violation: $ 500.00 (Five Hundred Dollar) fine and discontinuance of water service. Water will be restored when payment of fine has been received. A reconnection fee of $125.00 (One Hundred Twenty-five Dollars) may also be assessed.

X. APPLICATIONS FOR VARIANCES

Users seeking relief from water use restrictions should file an application that states how the request qualifies for a variance and describes the nature of the relief desired. The applicant must provide reasonable assurances that the variance will not otherwise harm the water

resources of the Village District. Users must conform to water use restrictions until the variance is granted.

Appendix A

ENABLING LEGISLATION THAT ALLOWS THE ADOPTION OF WATER USE RESTRICTIONS AND/OR BYLAWS 38:26 Bylaws and Ordinances. –

I. In municipalities with public water systems the governing body, or the board of water Commissioners, if any, may adopt such ordinances and bylaws relating to the system or structures as required for proper maintenance and operation.

II. Any person who violates any ordinance or bylaw adopted pursuant to paragraph I of this section shall be subject to a civil penalty not to exceed $10,000 per day of such violation. Penalties or other enforcement actions must be in accordance with the company's tariff, PUC rules or as otherwise approved by the PUC. For more information, contact Doug Brogan of the PUC at: 21 South Fruit Street, Suite 10 Concord, NH 03301-2429; Phone: (603) 271-2431.