

ORDINANCE NO. 1770

CITY OF WESTFIELD

IN CITY COUNCIL

MARCH 20, 2025

AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF WESTFIELD, ADOPTED JUNE 17, 1993.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WESTFIELD AS FOLLOWS:

That Chapter 18 of the Code of Ordinances be and is hereby amended at Article II, Division 1, Sections 18-28 through 18-35 by deleting Sections 18-28 through 18-35 and replacing them in their entirety with new Sections 18-28 through 18-35 as follows:

Sec. 18-28. Imposed water restrictions—Purpose and authority.

- (a) The purpose of this imposed water restrictions ordinance is to protect, preserve and maintain the public health, safety and welfare whenever there is in effect a state of water supply conservation, a state of drought, or a state of water supply emergency by providing for enforcement of any duly imposed restrictions.
- (b) This Ordinance is adopted under the police powers of the city to protect the public health and welfare and pursuant to M.G.L. c. 40, §§ 21, et seq. It also implements the city's authority under M.G.L. c. 40, § 41A, conditioned upon a declaration of water supply emergency as issued by the Massachusetts Department of Environmental Protection (DEP) under M.G.L. c. 21G, §15-17. This Ordinance is further 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 et. seq.

Sec. 18-29. Definitions.

Nonessential outdoor water use shall mean a use that is not required:

- (a) *For health or safety reasons, including public facilities used for cooling such as splash pads and swimming pools, and for washing of boats, engines or marine equipment to prevent negative saltwater impacts or the transfer of invasive aquatic species;*
- (b) *by permit, license, statute or regulation;*
- (c) *for the production of food, including vegetable gardens, and fiber;*
- (d) *for the maintenance of livestock;*
- (e) *to meet the core functions (those functions essential to the commercial operations) of a business, including but not limited to:*
 - 1. *plant nurseries as necessary to maintain stock;*
 - 2. *golf courses as necessary to maintain greens and tees, and limited fairway watering per 310 CMR 36.07(2)(c)2.a through c.;*

3. *venues used for weddings or similar special events that limit watering to hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants;*
 4. *professional washing of exterior building surfaces, parking lots, driveways and/or sidewalks as necessary to apply surface treatments such as paint, preservatives, stucco, pavement, or cement in the course of construction, reconstruction or renovation work;*
- (f) *for irrigation of public parks before 9:00 a.m. and after 5:00 p.m.*
- (g) *for irrigation of public and private recreation fields, including those operated by schools, colleges, universities, and athletic associations, before 9:00a.m. and after 5:00p.m.;*
- (h) *for irrigation of publicly-funded shade trees and trees in the public right-of-way; or*
- (i) *to establish a new lawn as necessary to stabilize soil in response to new construction or following the repair or replacement of a Title 5 system.*

Outdoor watering shall mean use of an artificial means to provide water to vegetation out of doors.

Person shall mean any individual, corporation, trust, partnership, association or other entity.

State of water supply conservation shall mean a state of water supply conservation declared by the board of water commissioners.

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 through 17.

Water users or *water consumers* shall mean all public and private users of the city's public water system without reference to the responsibility for payment of water use charges.

Sec. 18-30. Declaration of a state of water supply conservation.

- (a) The board of water commissioners may declare a state of water supply conservation upon a determination by a majority vote of the board that a shortage of water exists and that conservation measures are appropriate to ensure an adequate supply of water to water consumers. The board of water commissioners shall declare a state of water supply conservation upon the Commonwealth of Massachusetts Secretary of Energy and Environmental Affairs drought declaration for the drought region, county or watershed where City of Westfield withdrawals are located. Public notice of a state of water supply conservation shall be given as set forth in section 18-32 before it may be enforced.
- (b) The board of water commissioners may annually designate one of its members to declare a state of water supply conservation in the absence of the board's ability to meet within a timely manner upon a drought declaration by the Commonwealth of Massachusetts Secretary of Energy and Environmental Affairs for the region, county or watershed where City of Westfield withdrawals are located. Any such declaration by the designated member shall be ratified by majority vote of the board at its next regularly scheduled meeting.

Sec. 18-31. Restricted water uses.

A declaration of state [of] water supply conservation shall specify one or more of the following restrictions, conditions, or requirements limiting the use of water as necessary to protect the water supply. The restrictions, conditions or requirements shall be included in the public notice set forth at section 18-32.

- (a) If pursuant to a majority vote of the board of water commissioners only and not as the result of a declaration of drought by the Commonwealth of Massachusetts Secretary of Energy and Environmental Affairs for the region, county or watershed where City of Westfield withdrawals are located:

1. *Odd/even day outdoor watering.* Outdoor watering by water users with odd-numbered addresses is restricted to odd-numbered days and outdoor watering by water users with even-numbered addresses is restricted to even-numbered days.
2. *Outdoor watering ban.* Outdoor watering is prohibited.
3. *Odd/even day outdoor water use.* Outdoor water use by water users with odd-numbered addresses is restricted to odd-numbered days in the absence of life-threatening emergency or fire. Outdoor water use by water users with even-numbered addresses is restricted to even-numbered days in the absence of life-threatening emergency or fire.
4. *One day per week outdoor water use.* All nonessential outdoor water uses by water users is restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
5. *Outdoor water use ban with exception.* All nonessential outdoor water use by water users is banned, except that watering ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
6. *Outdoor water use ban.* All nonessential outdoor water use by water users is banned.
7. *Outdoor watering hours.* Outdoor watering is permitted only during daily periods of low demand to be specified in the state of water supply conservation and public notice thereof.
8. *Filling swimming pools.* Use of water to fill swimming pools is prohibited.
9. *Automatic sprinkler use.* The use of automatic sprinkler systems is prohibited.

(b) if solely as the result of a declaration of drought by the Commonwealth of Massachusetts Secretary of Energy and Environmental Affairs for the region, county or watershed where City of Westfield withdrawals are located:

1. *One day per week outdoor water use.* All nonessential outdoor water uses by water users is restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
2. *Outdoor water use ban with exception.* All nonessential outdoor water use by water users is banned, except that watering ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
3. *Outdoor water use ban.* All nonessential outdoor water use by water users is banned.

Sec. 18-32. Notification.

Upon declaration of a state of water supply conservation or state of water supply emergency the board of water commissioners shall cause to be published in a newspaper of general circulation within the city a public notice stating the effective date by which water users must be in compliance together with a statement of each provision, restriction, requirement or condition imposed. No restriction, provision, requirement or condition of the state of water supply conservation is effective until such notification is provided. The board of water commissioners may, in its discretion, supplement the required newspaper notice by providing additional means of notification but is not required to do so. The board of water commissioners shall, pursuant to 310 C.M.R. 22.15(a)(8), inform the DEP of the declaration of the state of water supply conservation within fourteen (14) days of its effective date.

Sec. 18-33. Termination of a state of water supply conservation.

A state of water supply conservation may be terminated by majority vote of the board of water commissioners at any time. Public notification shall be given in the same manner as notice was provided under section 18-32.

Sec. 18-34. Compliance with DEP orders.

Upon notification to the public that a declaration of a state of water supply emergency has been issued by the DEP, no person shall violate any provision, restriction, or condition of any order issued by the DEP intended to bring about an end to the state of emergency.

Sec. 18-35. Penalties.

It shall be unlawful for any person to violate the terms, conditions, restrictions or requirements of a duly enacted declaration of state of water supply emergency or state of water supply conservation. Each day on which a violation occurs constitutes a separate violation. Upon violation, the city may proceed by noncriminal disposition in accordance with M.G.L. c. 40 § 21D and Code of Ordinances section 1-9.1. If a state of water supply emergency has been declared the board of water commissioners may, in accordance with M.G.L. c. 40 § 41A, shut off the water at the meter or the curb stop.

Presented to the Mayor

Approved by the Mayor

For approval March 21, 2025

3.21, 2025

Marisa Colón

Michael A. McCabe

Marisa Colón, Assistant City Clerk

Michael A. McCabe, Mayor

Ordinance No. 1770

AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF WESTFIELD, MASSACHUSETTS, ADOPTED JUNE 17, 1993, (Title: Chapter 18, Section 18-28 through 18-35 by deleting Sections 18-28 through 18-35 and replacing them in their entirety with new Sections 18-28 through 18-35-Water Restrictions)

In City Council, March 6, 2025
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