

## TOWN OF PUTNAM

### WATER USE RESTRICTION ORDINANCE

#### 1.0 Authority

The TOWN OF PUTNAM, under its powers pursuant to state law, has adopted this ordinance to protect public health and welfare. This ordinance implements the Town of Putnam's authority to impose water use restrictions, conditioned upon a state of water use restrictions or a declaration of public drinking water supply emergency issued by the Department of Public Health pursuant to C.G.S. 25-32b.

This ordinance is enacted as an emergency ordinance pursuant to the provisions of the Putnam Town Charter, Article IV, subsection 6. The facts constituting the public emergency are as set forth in Paragraph 2 of this ordinance.

#### 2.0 Purpose

The purpose of this ordinance is to protect, preserve and maintain the public health, safety and welfare whenever there is in force a State of Water Use Restriction or State of Public Drinking Water Supply Emergency by providing for enforcement of any duly imposed restrictions, requirements, provisions or conditions imposed by the municipality or by the State of Connecticut.

This ordinance is being adopted as an emergency ordinance in order to deal with a water supply emergency arising from a prolonged period of extremely high temperatures, together with low stream flow levels directly affecting the availability of the Putnam water supply.

#### 3.0 Definitions

*Agriculture* shall mean farming in all its branches as defined in C.G.S. Section 1-1(q).

*Municipality* means any town, consolidated town and city, consolidated town and borough, city, borough, and village.

*Outdoor Watering* shall mean any watering of decorative lawns, trees or shrubbery by water users.

*Person* means any individual, partnership, association, firm, limited liability company, corporation or other entity, except a municipality, and includes the federal government, the state or any instrumentality of the state, and any officer or governing or managing

body of any partnership, association, firm or corporation or any member or manager of a limited liability company.

*State of Public Drinking Water Supply Emergency* shall mean a State of Public Drinking Water Supply Emergency declared by the Department of Public Health in consultation with the Department of Environmental Protection, and the Department of Public Utility Control under C.G.S. 25-32b.

*State of Water Use Restriction* shall mean a State of Water Use Restriction declared by the Town of Putnam pursuant to Section 4 of this ordinance.

*Water Company* means the Water Division of the Putnam Water Pollution Control Authority, (WPCA), together with any party obligated to supply water to the Putnam Water Pollution Control Authority by contract or otherwise.

*Water Users* shall mean all persons or municipalities using water from any public water source irrespective of that person's responsibility for billing purposes for use of the water.

#### **4.0 Declaration of a State of Water Use Restriction**

The Town of Putnam, in consultation with the water company, or water companies, as may be appropriate, may declare a State of Water Use Restriction. Such a declaration should be, where appropriate, conditioned on the identification of an emergency or water shortage by the water company, the local health department, a state agency or the governor which could also include or be limited to the restrictions listed in Section 5. Public notice of a State of Water Use Restriction shall be given under Section 6 of this ordinance before it may be enforced. After implementation of any state of water use restrictions, the Department of Public Health and the Department of Environmental Protection should be notified in writing within 14 days of the implementation of restrictions. These restrictions can be phased-in to tailor them according to the severity and nature of the water supply emergency.

#### **5.0 Restricted Water Uses**

A declaration of a State of Water Use Restriction shall include restrictions consistent with the response measures indicated in the individual water supply plans of the water company and the Connecticut Drought Preparedness and Response Plan, as appropriate. These may include one or more of the following restrictions, conditions, or requirements limiting the use of water as necessary to protect the water supply except as provided in Section 11. The applicable restrictions, conditions or requirements shall

be included in the public notice required under Section 6. Please note, the following restrictions are listed to serve as examples of the types of water use restrictions that may be implemented:

a) Automatic Sprinkler Use: The use of automatic sprinkler systems is prohibited, except lawn watering is permitted in order to establish and maintain newly laid sod or newly seeded grass associated with new construction, and the testing of a customer's newly installed or newly repaired sprinkler system by a commercial enterprise engaged in the installation or repair of lawn irrigation systems is permitted.

b) Car washing: Car or vehicle washing is prohibited, except for the washing of vehicles performed by a commercial enterprise engaged in car washing.

c) Loss of water from customer's service line: The loss of water through breaks or leaks within the customer's service line, private distribution system or plumbing for any substantial period of time within which such break or leak should reasonably have been discovered and corrected. It shall be presumed that a period of seventy-two (72) hours after the customer discovers such a break or leak or receives notice from the water company of a break or leak is a reasonable time within which to correct such break or leak or, as a minimum, to stop the flow of water from such break or leak.

d) Off-Peak Outdoor Watering: Outdoor watering is permitted only during daily periods of low demand, to be specified in the declaration of a State of Water Use Restriction and public notice thereof. For example, limit outdoor watering to between 8:00 p.m. and 8:00 a.m. on not more than three days per week. Houses with house numbers ending in an odd number shall water on Monday, Wednesday and Friday; houses with a house number ending in an even number shall water on Tuesday, Thursday and Saturday. (In general, restricting outdoor water use to between sunset and early morning is best for turf needs and coincides with off peak hours. Municipalities may choose to restrict water use to one or two days per week during specified hours.) During a declared water supply emergency, outdoor watering may be entirely prohibited.

e) Other outdoor uses. The use of private wells or other outdoor uses not addressed in this ordinance that are, in the determination of the Director of Health, wasteful, are prohibited.

f) Outdoor Watering Ban: Outdoor watering is prohibited, except the watering of agricultural products, sod at commercial sod farms, and the watering of nursery stock at nurseries or retail outlets is permitted.

- g) Outdoor Watering Method Restriction: Outdoor watering is restricted to bucket, can or hand held hose, or soaker hose watering with automatic shutoff nozzle.
- h) Swimming Pools, Wading Pools, Hot Tubs, Spas, and Jacuzzis: Filling and topping off of swimming pools, wading pools, hot tubs, spas, and jacuzzis are prohibited, unless newly constructed or installed swimming pools, wading pools, hot tubs, spas, and jacuzzis that may be filled once upon completion of construction or installation
- i) Use of water for firefighting, health, sanitation, & medical purposes. The use of water for firefighting, health, sanitation, or medical purposes shall not be restricted. However, domestic water use conservation practices should be implemented wherever possible.
- j) Washing impervious surfaces. The washing or cleaning of streets, driveways, sidewalks or other impervious areas is prohibited.
- k) In any month that the WPCA is purchasing water from a public water system pursuant to the Connecticut General Statutes Section 22a-348, or otherwise, the WPCA will enforce water restrictions in the same manner as the public water system when necessary in accordance with the emergency contingency provisions of the public water system.

## **6.0 Notification**

### **6.1 State of Water Use Restriction**

Notification of any provision, including any restriction, requirement or condition imposed by the municipality as part of a State of Water Use Restriction shall be published by the municipality in a newspaper of general circulation within the municipality, or by such other means reasonably calculated to reach and inform all users of water of the State of Water Use Restriction. Notification of the State of Water Use Restriction shall also be provided to the Connecticut Department of Public Health, Department of Public Utility Control, and Department of Environmental Protection at the same time that notification is given.

### **6.2 State of Public Drinking Water Supply Emergency**

When a State of Public Drinking Water Supply Emergency is declared by the Department of Public Health, the water company shall follow those procedures outlined in its approved Emergency Contingency Plan. In the event water use restrictions are necessary, the water company shall contact and consult with the

affected municipality(s), in accordance with their Memorandum of Understanding (MOU). The municipality(s) would then declare a State of Water Use Restriction in accordance with Section 4.0 of this document. Appropriate notice to the public shall be provided in accordance with Section 6.0 of this document.

### **7.0 Termination of a State of Water Use Restriction; Notice**

A State of Water Use Restriction may be terminated upon a determination by the Water Pollution Control Authority that the water supply shortage no longer exists. Public notification of the termination of a State of Water Use Restriction shall be given in the same manner as is required for notice of the municipality's declaration of its State of Water Use Restriction pursuant to Section 6.

### **8.0 State of Public Drinking Water Supply Emergency; Compliance with DPH or DEP Orders**

Upon notification to the public that a declaration of a State of Public Drinking Water Supply Emergency has been declared by the Department of Public Health in consultation with the Department of Environmental Protection and the Department of Public Utility Control, no person shall violate any provision, restriction, requirement, condition of any order approved or issued by the DPH for the purpose of bringing about an end to the State of Public Drinking Water Supply Emergency.

### **9.0 Enforcement and Penalties**

The Town of Putnam through the Director of the Water Pollution Control Authority, Building Inspector, and the Police Department of the Putnam Special Services District, or, outside of the Putnam Special Services District, the Connecticut State Police may enforce this ordinance. Any person violating this ordinance shall be liable to the Town of Putnam in the amount of \$100.00 for the first violation and \$200.00 for the second violation. In extreme cases, the Water Pollution Control Authority may curtail water service to a violator. If water curtailment is found to be necessary, consideration shall be given to customers that have multiple tenants or medical risk individuals.

### **10.0 Severability**

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

### **11.0 Exemptions; Application for a waiver**

Any such water users that consider the restrictions, as imposed, to adversely affect their livelihood, health or sanitation, may make written application for a waiver. Any such application should be directed to the attention of the WPCA. The WPCA will verify that the applicant is a user within the system and then forward the application, within three days, to the Director of Public Health who then makes the determination whether a waiver should be granted. This decision shall be made within three days of receipt of the application by the Director of Public Health.

**12.0 The Following Water Restrictions are Applicable from June 30<sup>th</sup> until November 1<sup>st</sup>, Regardless of Water Restrictions:**

Hand watering or using soaker hoses is permitted at any time, except during water emergency.

No sprinklers to water driveways, sidewalks or streets.

No allowing runoff into a street or other drainage area.

No use of sprinklers during periods of precipitation.

Automatic shutoff nozzles must be used on outside hoses.

**13.0** It is the public policy of the Town of Putnam to encourage conservation through educational materials and the Water Pollution Control Authority shall make available through newspaper articles, mail materials and website information the best methods for water conservation.

The Town of Putnam and the Water Pollution Control Authority (WPCA) shall use its best efforts to provide all appropriate conservation materials to the local media, encourage municipal and WPCA employees to submit ideas of water conservation relative to their work as well as encouraging the general public to conserve water.

The WPCA shall make available water savings kits, upon request, to interested customers and shall work with the Building Department to coordinate the installation of water saving fixtures in compliance with The American Society of Mechanical Engineers or Underwriters Laboratories for new and renovated construction.

**14.0** The WPCA, acting by and through its Executive Director, shall declare a water supply emergency exists if during a 24 hour period the water demand exceeds the legally authorized water withdrawal supply. This shall be referred to as a Phase I water supply emergency.

During a Phase I water supply emergency:

- a.) all unnecessary water usage shall be banned;
- b.) the WPCA Director shall contact all state and local agencies concerning initiation of a Phase I water emergency;
- c.) a fifteen (15%) percent reduction in usage from the most recent previous non-drought month shall be targeted;
- d.) the Director of the WPCA shall confer with the Connecticut Department of Health in accordance with the Connecticut General Statute Section 25-32b as to whether or not a public drinking water supply emergency exists;
- e.) the WPCA acting by and through its Director shall prepare weekly water supply status reports for in-house evaluation and distribution to all state and local officials;
- f.) the Director shall notify the media, set up hotline and post notices in prominent locations in an effort to notify all customers.
- g.) the Director shall notify the Putnam Police Department and Troop D, the State of Connecticut Police in Danielson, Connecticut of the existence of the water supply use restrictions.

**15.0** Should the water supply emergency continue for a period of seven (7) days, a Phase II water supply emergency shall be declared and the following additional restrictions shall be implemented:

- a.) the targeted reduction from the previous non-drought months in terms of water usage shall be increased from fifteen (15%) percent to twenty (20) percent;
- b.) the water supply status report for in-house evaluation and distribution to all state and local officials shall be prepared twice weekly;
- c.) notification to all customers through a press release and other appropriate media and website information providers shall be implemented;
- d.) to the extent practical, all large commercial and industrial account holders shall be contacted personally or by email;

e.) a drought hazard rationing plan shall be prepared in concert with all relevant state and local agencies and the Connecticut Water Company;

f.) an investigation of alternate means of obtaining additional emergency water supplies shall be implemented as well.

**16.0** Should the WPCA water supply emergency continue for an interrupted period of fourteen (14) days, a Phase III water supply emergency shall be declared. Under those circumstances, the following steps shall be taken:

a.) the WPCA Director shall in conjunction with all state and local officials implement a water rationing plan. The plan shall provide for the bare essentials for life sustenance as long as possible, as well as consideration of medical needs and fire protection. A pre-determined amount of water shall be held in reserve for fire protection;

b.) the Putnam Special Services District and State and local police shall be notified of the existence of a Phase III water emergency and their cooperation shall be solicited in the strict enforcement of the mandatory water rationing.

Dated at Putnam Connecticut this 7<sup>th</sup> day of July, 2010.