

**REGULATION  
RESTRICTING OUTDOOR LAWN WATERING:**

**SECTION I: PURPOSE AND AUTHORITY**

Pursuant to RSA 41:11-d, the Board of Selectmen (Board) has adopted this Regulation in order to protect public health and safety by restricting the use of water from private wells and public water systems for outdoor lawn watering during a state or federally declared drought.

**SECTION II: APPLICABILITY**

This Regulation shall apply to all outdoor lawn watering within the Town of Windham when an executive or an administrative agency of the state or federal government has designated the region that includes Windham as being under a declared state or condition of drought, the Board has recognized the existence of a drought in Windham, and the Board has implemented restrictions as described in this Regulation.

**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.
  - 1) The following resources are among those used by the Board to determine the existence of a drought effecting the Town:
    - a) The New Hampshire Drought Management Program
    - b) A drought declaration by the Governor’s Office or NH DES

**SECTION IV: RESTRICTIONS UNDER DROUGHT CONDITIONS**

Once the Board has recognized the existence of a drought in Windham, the Board may implement a particular level of restrictions as deemed appropriate.

- A. Level 1:
  - 1) Outdoor lawn watering by odd numbered addresses is allowed on odd numbered days.
  - 2) Outdoor lawn watering by even numbered addresses is allowed on even numbered days.
  - 3) Outdoor lawn watering shall not occur between the hours of 8AM and 8PM.
- B. Level 2:
  - 1) Outdoor lawn watering by odd numbered addresses is allowed on Mondays and Thursdays.
  - 2) Outdoor lawn watering by even numbered addresses is allowed on Tuesdays and Fridays.
  - 3) Outdoor lawn watering shall not occur between the hours of 8AM and 8PM.
- C. Level 3:
  - 1) Outdoor lawn watering is prohibited.

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

Notification of any intention to consider restricting outdoor lawn watering, such as described in Section IV, shall be given at least three (3) calendar days before the public meeting at which it will be discussed by the Board. If the Board decides to implement restrictions, such as described in Section IV, notice of the chosen restrictions shall be posted in a paper of general circulation and in at least two (2) public places, one of which shall be the official Town website. The chosen restrictions shall become effective five (5) calendar days from posting in a public location.

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

Public notification for termination of outdoor lawn watering restrictions shall be given in accordance with Section V, except that the effective date for termination of any restrictions shall be immediate upon a decision by the Board.

**SECTION VII: EXCEPTIONS**

- A. Unless otherwise determined by majority vote of the Board, the following shall be exempt from adherence to any restrictions implemented in accordance with Section IV:
  - 1) The grass playing turf of a recreational field.
  - 2) The grass playing surfaces of a golf course.
  - 3) Grass agricultural fields, including fields used for the production of sod.
- B. Nothing herein 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.

**SECTION VIII: ENFORCEMENT**

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

**SECTION IX: PENALTIES**

Any property owner failing to comply with the restrictions imposed pursuant to this Regulation shall be deemed to be 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). Notwithstanding that, any fines due and owing at the end of a calendar year shall remain as such, carrying over into the ensuing year(s) until such time as they are paid in full.

Note that a property owner shall be deemed to be in compliance with Level 1 restrictions if their outdoor lawn watering complies with the more restrictive parameters of the Level 2 restrictions.

- First violation: Warning
- Second violation: \$200 fine
- Additional violations: \$1,000 fine

**SECTION X: SEVERABILITY**

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

**SECTION XI: WAIVERS AND APPEALS**

Waivers of this Regulation may be granted by a majority vote of the Board for good cause shown.

Upon request of a property owner, the Board shall hear appeals to any penalties assessed against that owner, subject to a thirty (30) day limit within which to file an appeal with the Board.

**SECTION XII: AMENDMENTS**

This Regulation may, from time to time, be amended by a majority vote of the Board at a regularly scheduled meeting. Notice of proposed changes shall be posted in at least two (2) public places, one of which must be the Town Hall, at least ten (10) calendar days prior to the date of the meeting.

**SECTION XIII: EFFECTIVE DATE**

This Regulation shall take effect immediately upon adoption by the Board and shall supersede any and all such Regulation previously enacted.

**Adopted this 3rd day of October, 2016.**

**Amended by the Board of Selectmen: July 13, 2020**

\_\_\_\_\_  
Ross McLeod, Chair

\_\_\_\_\_  
Bruce Breton

\_\_\_\_\_  
Roger Hohenberger

\_\_\_\_\_  
Heath Partington

\_\_\_\_\_  
Jennifer Simmons  
*Board of Selectmen*