

**AGENDA
LEBANON CITY COUNCIL
JULY 1, 2020**

9. NEW BUSINESS:

**9.E – DISCUSSION & SET PUBLIC HEARING FOR JULY 15, 2020: ORDINANCE
#2020-10, TO AMEND CITY CODE CHAPTER 182, WATER SERVICE**

BACKGROUND

It has come to the attention of City Administration that there is currently no provision within the City Code to implement restrictions on the use of water during times of drought or other water emergencies. NH RSA 485, the New Hampshire Safe Drinking Water Act, provides community water systems with the authority to restrict non-essential water use when there is a threat of demand exceeding supply.

Ordinance #2020-10 is structured to coincide with NHDES' Model Water Use Restriction Ordinance for Water Systems Owned or Operated by Municipalities or Village Districts. It proposes to add an article to Chapter 182, Water Service, that provides an orderly and easily understood means of restricting water use.

ACTION

Should the Council decide to move forward with proposed Ordinance #2020-10, the following motion is offered for consideration:

MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, July 15, 2020, beginning at 7:00pm, Remote via Microsoft Teams, for the purpose of receiving public input and taking action on proposed Ordinance #2020-10, to amend the Code of the City of Lebanon, Chapter 182, Water Service.

Included in this Section:

1. Proposed Ordinance #2020-10

**PAGE
INTENTIONALLY
LEFT BLANK**

**CITY OF LEBANON
ORDINANCE #2020-10**

AN ORDINANCE TO AMEND the Code of the City of Lebanon, Chapter 182, Water Service, to include an additional statutory reference; add definitions; and add a new section to implement water use restrictions in the event of a drought or other emergency.

BE IT ORDAINED, by the City Council of the City of Lebanon, as follows:

Section 1

Section 182-1, Authority, is hereby amended to include a reference to RSA 41:11-D. Section is to read as follows:

“This chapter is adopted pursuant to the authority contained in RSA 38:26, RSA 47:17, and RSA 41:11-D

Section 2

Section 182-7 is hereby amended to add the definitions of “Drought,” “Lawn & Landscape Watering,” and Water Supply Shortage.”

§182-7 DEFINITIONS

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 used by the City of Lebanon to determine the declaration of a drought condition:

- i. The New Hampshire Drought Management Team as designated by the New Hampshire Drought Management Plan and the U.S. Drought Monitor.
- ii. State of Emergency declaration by the Governor’s Office.

LAWN & LANDSCAPE WATERING – The application of water to decorative plant life or grass at a property.

WATER SUPPLY SHORTAGE – A situation when insufficient water is available to meet the present or anticipated needs of the municipality. A water supply shortage usually occurs due to drought or a major infrastructure failure.

Section 3

Chapter 182 of The Code of the City of Lebanon is hereby amended to add new Article VII, “Water Use Restrictions,” to read as follows:

ARTICLE VII – WATER USE RESTRICTIONS

§182-44 PURPOSE.

The purpose of this article is to ensure the use of water is regulated in a manner that the Lebanon City Council deems to be in the best interest of the City of Lebanon. The Lebanon City Council may use reasonable means to protect, preserve and maintain the public health, safety and welfare when a water supply shortage exists.

§182-45 REQUIREMENTS

Upon declaration of a water supply shortage or other water emergency, the City Manager or his/her designee shall be authorized to determine and implement a certain level of restriction necessary to conserve and maintain adequate reserves of the public water supply. Provided there is a declaration of a water supply shortage, the following levels of restriction will apply immediately after the public notification specified in Section 182-46 has been issued:

A. Level 1 Restriction (Imposed during Moderate Drought conditions as declared by the United States Drought Monitor)

- i. The public is requested to voluntarily refrain from lawn and landscape watering and to limit the amount of water used outdoors for other purposes.
- ii. Lawn and landscape watering shall not occur between the hours of 8AM and 7PM.

B. Level 2 Restriction (Imposed during Severe Drought conditions as declared by the United States Drought Monitor)

- i. Lawn and landscape watering; washing of motorized vehicles and boats; and washing of driveways, sidewalks, or other impervious areas by odd numbered addresses is allowed on odd numbered days of the month.
- ii. Lawn and landscape watering; washing of motorized vehicles and boats; and washing of driveways, sidewalks, or other impervious areas by even numbered addresses is allowed on even numbered days of the month.
- iii. Lawn and landscape watering shall not occur between the hours of 8AM and 7PM.

C. Level 3 Restriction (Imposed during Extreme Drought conditions as declared by the United States Drought Monitor)

- i. Lawn and landscape watering; washing of motorized vehicles and boats; and washing of driveways, sidewalks, or other impervious areas by odd numbered addresses is allowed on Mondays and Thursdays only.
- ii. Lawn and landscape watering; washing of motorized vehicles and boats; and washing of driveways, sidewalks, or other impervious areas by even numbered addresses is allowed on Tuesdays and Fridays only.
- iii. The use of automated lawn and landscape sprinkler systems is prohibited.
- iv. The filling of swimming pools is prohibited.

D. Level 4 Restriction (Imposed during Exceptional Drought conditions as declared by the United States Drought Monitor)

- i. Lawn and landscape watering is prohibited.
- ii. Washing of motorized vehicles and boats is prohibited.
- iii. Washing of streets, driveways, sidewalks or other impervious areas is prohibited.

§182-46 PUBLIC NOTIFICATION OF A WATER SUPPLY SHORTAGE

Notification of intent to implement water use restrictions by the City Manager, or his/her designee, due to a water supply shortage shall be provided at least three (3) calendar days before the restrictions are to be in effect. Notice shall be published in the Valley News and shall be posted in two public locations and posted on the City's Website. An alert shall also be issued through the City's public alert system.

§182-47 TERMINATION OF A NOTICE OF A WATER SUPPLY SHORTAGE

Upon a determination that the water supply shortage no longer exists, the City Manager, or his/her designee, may terminate water use restrictions. Public notification of the termination shall be posted in two public locations and posted on the City's Website. An alert shall also be issued through the City's public alert system.

§182-48 EXCEPTIONS TO RESTRICTIONS

- A. Hand irrigation of crops/garden areas used for food by residents at a residential property shall not be restricted.
- B. Water to sustain animal life shall not be restricted.
- C. Orders imposing water use restrictions shall not apply to uses that obtain water from sources other than the public water supply, unless it is clearly demonstrated that the use of such water directly affects the public water supply. Should the restriction of water use be applicable to those with private water sources, the required Notification of Water Supply Shortage will clearly state that water use restrictions have been expanded to include private water sources and provide the reasons for such.

§182-49 PENALTIES

Any person failing to comply with the restrictions imposed pursuant to this Article shall be deemed to be in violation and shall be subject to penalties pursuant to RSA 651:2

First Violation: Warning

Second Violation: \$100 Fine

Additional Violations: \$200 - \$1,000 Fine

Section 4. Severability

The provisions of this ordinance are declared to be severable, and if any section, subsection, sentence, clause or part thereof is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses or part of this ordinance.

Section 5. Effective Date

This Ordinance shall become effective upon passage.

**PAGE
INTENTIONALLY
LEFT BLANK**