

Chapter 163

WATER USE

ARTICLE I

Mandatory Water Use Restrictions

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[HISTORY: Art I, adopted 5-15-1990 Annual Town Meeting, Art 7. Amendments noted where applicable.]

GENERAL REFERENCES

Boats - See Ch. 62.
Swimming pools - See Ch. 149.
Hot tubs - See Ch. 206.
Water - See Ch. 218.

ARTICLE I

**Mandatory Water Use Restrictions
[Adopted 5-15-1990 ATM, Art 7]**

- § 163-1. Authority.**

This Article is adopted by the Town of Halifax under its home rule powers, its police powers to protect public health and welfare and its specific authorization under MGL C. 40, §§ 21 and 21D.

- § 163-2 Purpose.**

The purpose of this Article is to protect, preserve and maintain the public health, safety and welfare whenever there is in force a state of water supply emergency by providing for enforcement of any duly imposed restrictions, requirements, provisions or conditions imposed by the Halifax Water Department and included in the town's plan approved by the Massachusetts Department of Environmental Protection to abate the emergency.

§ 163-3. Definitions.

For the purpose of this Article, the following terms shall have the meanings indicated:

ENFORCEMENT AUTHORITY - The town's Board of Water Commissioners, Board of Health, Police Department, special police and any other locally designated body having police powers.

STATE OF WATER SUPPLY EMERGENCY - A state of water supply emergency declared by the Department of Environmental Protection pursuant to MGL C. 21G, §§ 15, 16, and 17, MGL C. 111, § 160 or by the Governor.

§ 163-4. Compliance required; notification.

The following shall apply to all users of water supplied by the Halifax Water Department

- A. Following notification by the town of the existence of a state of water supply emergency, no person shall violate any provision, condition, requirement or restriction included in a plan approved by the Department of Environmental Protection which has as its purpose the abatement of a water supply emergency.
- B. Notification of any provision, restriction, requirement or condition with which users of water supplied by the town are required to comply to abate a situation of water emergency shall be sufficient for purposes of this Article if it is published in a newspaper of general circulation within the town or by such other notice as is reasonably calculated to reach and inform all users of the town supply.

§ 163-5. Violations and penalties.

Any person or entity who violates this Article shall be warned for the first violation, liable to the town in the amount of one hundred dollars (\$100.) for the second violation and in the amount of two hundred dollars (\$200.) for each subsequent violation. Fines shall be recovered by indictment or on complaint before the District Court or by noncriminal disposition in accordance with MGL C. 40, § 21D. Each separate instance of noncompliance following the issuance of the first warning or citation pursuant to this section shall constitute a separate violation. After the third violation, the person or entity shall be considered in flagrant violation and be subject to termination of their water supply as detailed in the Halifax Water Department Regulations.

§ 163-6 Right of entry.

Agents of the enforcement authority may enter any property for the purpose of inspecting or investigating any violation of this Article or enforcing against the same.

§ 163-7. Severability.

The invalidity of any portion or provision of this Article shall not invalidate any other portion, provision or section hereof.