



Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

BOARD OF SELECTMEN
Water Shortage Ordinance Subcommittee
Wednesday, May 2, 2018
5:00 PM – Tariffville Fire Station – 7 Church Street

SPECIAL MEETING AGENDA

Call to Order

- 1) Public Audience
- 2) Tariffville Village Water Company's feedback regarding draft Water Shortage Ordinance
- 3) Next Steps

Adjourn



**TOWN OF SIMSBURY
DRAFT ORDINANCE
WATER SHORTAGES**

November 3, 2017 Draft

Sec. 157-1. Authority and purpose.

The Town of Simsbury, under its powers pursuant to state law, has adopted this ordinance to protect public health and welfare. This ordinance implements the Town's authority to impose water use restrictions, conditioned upon a finding by the Board of Selectmen that a water shortage or state of ground water depletion exists, or 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.

The purpose of this ordinance is to protect, preserve and maintain the public health, safety and welfare whenever there is in force a finding by the Simsbury Board of Selectmen of a water shortage or state of ground water depletion or a declaration by the State of Connecticut of a State 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 Town or by the State of Connecticut.

Pursuant to the General Statutes of the State of Connecticut, it is hereby declared to be in the best interest of the public health and safety of the residents and citizens of the Town of Simsbury to regulate and restrict the use of water during a water shortage or state of ground water depletion.

Sec. 157-2. Definitions.

- (a) When used in this ordinance, unless the context otherwise requires:
- (1) *Person* shall be construed to mean and include an individual, a corporation, a partnership, a trust, an unincorporated organization, business organization of any kind or any other group or organization.
 - (2) *State of ground water depletion* shall exist whenever the Board of Selectmen, determines that the underground water supplies within the Town are at, or are in danger of reaching, levels insufficient to provide for the needs of the public health, preservation of human life, sanitation, safety, welfare, or economic needs of those served by wells within the Town. The Board of Selectmen may consult with the Water Companies, other government officials, the Farmington Valley Health District, and other persons the Board shall deem as appropriate

- (3) *Threatened water shortage* shall exist whenever the Board of Selectmen, after consultation with the Water Companies, other government officials, the Farmington Valley Health District, and other persons the Board shall determine that the adequacy of the Town water supply is threatened after consideration of the following items to wit: amount of water available; water demands; time of year; weather forecast data; and any other relevant factors.
- (4) *Town* means the Town of Simsbury.
- (5) *Water* means potable water.
- (6) *Water Company* means the Aquarion Water Company, the Avon Water Company or the Tariffville Water Company or their successors and assigns or any other public utility Water Company providing public water supply in the Town.
- (7) *Water shortage* shall exist whenever the Board of Selectmen, after consultation with the Water Companies, other government officials, the Farmington Valley Health District, and other persons the Board shall deem appropriate, determines after considering the factors set forth in Subsection (3) above that the water supplies available to the Town are at, or are in danger of reaching levels insufficient to provide for the normal needs of the public health, preservation of human life, sanitation, safety, welfare and economy of the Town.

Sec. 157-3. Notice of water use restrictions.

If the Board of Selectmen imposes restrictions under §157-5 and/or §157-6 or modifies existing restrictions to make them stricter or more inclusive, it shall notify the Connecticut Department of Public Health and the Connecticut Department of Energy and Environmental Protection in writing within fourteen (14) days of the effective date of the restrictions or changes. The Board of Selectmen shall give public notice of such restrictions or changes before they become effective.

Sec. 157-4. Drought management plan.

Upon its determination that there is a threatened water shortage, the Board of Selectmen may adopt a drought management plan covering all matters of water conservation.

Sec. 157-5. Certain uses prohibited during shortage.

Upon its determination that a water shortage exists, and that voluntary conservation measures were implemented and have failed or are deemed inadequate to provide relief for the water shortage, the Board of Selectmen, in addition to the powers set forth in §157-4 above, shall have the power to declare to be unlawful any or all of the following acts concerning water obtained from the Water Companies, or other public utility water company subject to such reasonable and

necessary exceptions as are determined by the Board of Selectmen to be in the public interest. Such action shall be effective upon publication pursuant to §157-3 of this Chapter:

- (a) Using water to sprinkle, water or irrigate any plants, lawns, grass, ground covers, vines, flowers, shrubbery, trees or any other vegetation unless necessary to sustain food crops, crops for harvest or stocks of a business inventory;
- (b) Using water for private and/or public recreational, ornamental or decorative purposes, including but not limited to fountains, pools or ponds;
- (c) Using water to wash or clean motor vehicles or trailers unless done as a means of livelihood at a commercial facility, which use may be limited by the Board of Selectmen to facilities using a completely recyclable water system or those facilities using not more than three (3) gallons of water per vehicle. This restriction shall not apply to vehicles required by law to be washed or cleaned for sanitary, health or safety reasons;
- (d) Using water to wash or flush sidewalks, driveways, pavements, porches or other outdoor surfaces;
- (e) Using water to wash the outside of buildings or structures;
- (f) Using water to wash or clean windows unless done as means of livelihood and only then by washing or cleaning exclusively from a bucket or container of three (3) gallons capacity or less;
- (g) Using water from fire hydrants, other than for health or safety;
- (h) Permitting exterior water supply lines to remain in a state of disrepair, resulting in the escape of water;
- (i) Operating an air-conditioning device or system using water as a coolant unless the same shall be of the water recirculating type;
- (j) Serving water to eating facilities' customers, except on request; and
- (k) Such other uses and activities as the Board of Selectmen shall declare following a public hearing thereon.

The Board of Selectmen may phase in the restrictions to tailor them according to the severity and nature of the water supply emergency.

Sec. 157-6. State of ground water depletion.

Upon its determination that a state of ground water depletion exists and that voluntary conservation measures have failed or are deemed inadequate to provide relief for the water shortage, the Board of Selectmen shall have the authority to apply any or all of the prohibitions contained in §157-5 to the use of water from water wells within the Town, subject to such reasonable and necessary exceptions as are determined by the Board of Selectmen to be in the public interest.

Sec. 157-7. Exceptions, application for waiver.

Any 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 shall be directed to the attention of the Board of Selectmen, which shall refer the application, within three (3) business days, to the Farmington Valley Health District with the request that it make a recommendation, within three (3) business days if possible, as to whether a waiver should be granted. The Board of Selectmen may grant an interim waiver pending receipt of the recommendation. Thereafter, the Board of Selectmen may delegate to Town staff the decision whether to grant a waiver. Direct rain water storage systems shall be exempt from this ordinance.

Whenever the Board of Selectmen, or Town staff exercising delegated authority, shall make an exception pursuant to §157-5, §157-6 or §157-7, it may attach reasonable conditions.

Sec. 157-8. Use of water to maintain health standards.

The Farmington Valley Health District shall have the authority to permit a reasonable use of water in any case necessary to maintain adequate health and sanitation standards.

Sec. 157-9. Violations and penalties.

Any person, business, or other entity who commits an unlawful act within the meaning of this Chapter shall be subject to a fine not to exceed fifty dollars (\$50.00) for each offense. Each violation of a separate section shall be considered a separate offense and shall not merge with a violation of any other section. Any violation continued more than one (1) day shall constitute a separate offense for each day such violation continues. Fines shall be subject to appeal pursuant to the citation hearing process authorized by General Statutes §7-152c.

Sec. 157-10. Termination of prohibitions.

Any actions of the Board of Selectmen taken under this Chapter shall continue in effect until the Board of Selectmen, after such consultations as it deems appropriate, determines that there is no continuing need for restrictions. The Board of Selectmen shall review any finding of a water shortage or state of ground water depletion at least every thirty (30) days from the date of the

initial finding. The Board of Selectmen shall cause notice of the various terminations to be published in the manner provided for in §157-3.

Sec. 157-11. Invalidity.

If any part, subsection, sentence, clause, phrase or other portion of this Chapter is, for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed to be a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.