

BYLAWS
of the
DENNIS WATER DISTRICT
(Effective April 26, 2022)

ARTICLE ONE OFFICERS

Section One: The officers of the District shall be specified and directed by Chapter 277 of the Acts of 1945.
(Adopted April 23, 1946, Amended December 8, 1965)

ARTICLE TWO MEETINGS

Section One: For the year 2009, and each year thereafter, the annual meeting shall be held on the fourth Tuesday in April. Notwithstanding any general or special law to the contrary, for the year 2009, and each year thereafter, the annual election of the officers and any other matter that may appear on the official ballot shall be held on the fourth Wednesday in April. Commencing at an Annual Town Election to be held no sooner than 2010, or the next annual Dennis Town Election after enactment of special legislation authorizing Dennis Water District Elections to be held in conjunction with the Dennis Town Elections, the Dennis Water District Election shall be held in conjunction with the Dennis Town Election, with full responsibility for the conduct of such election to be vested in the officers of the Town, who shall place on the ballots to be used at said election the election of officers of the Dennis Water District and any question or questions as may be requested of them by the Board of Water Commissioners of the Dennis Water District.
(New Version Adopted January 27, 2009)

Section Two: Meetings of the District shall be called by the clerk when requested in writing by a majority of the water commissioners or by ten or more legal voters of the District; and he shall give notice thereof by posting written notifications in two or more public places within the District, which notifications shall briefly state the purpose of the meeting. (Adopted March 18, 1953)

Section Three: No business shall be transacted at any District Meeting, except the election of officers, unless there is a quorum present consisting of at least 25 legal voters of the District. (Adopted March 18, 1953)

ARTICLE THREE FINANCES

Section One: Effective July 1, 1974 the financial year shall commence on July 1, and continue through June 30 of the following year.
(Altered and Amended January 24, 1974)

Section Two: No money, except interest and indebtedness authorized by the District shall be paid from the treasury without written approval or order of a majority of the water commissioners or by a vote of the District and according to its order.
(Adopted April 23, 1946)

Section Three: There shall be a Finance Committee, consisting of five registered voters of the District appointed by the Moderator for three year terms, the initial appointments to be for terms as follows: two members for 3 years, two members for 2 years and one for 1 year. The Finance Committee shall consider any and all District questions for the purpose of making reports or recommendations to the District. Members of the Finance Committee shall serve without compensation and no member shall hold any other elective or appointive District position during this term of office. The Moderator shall fill any vacancy for an unexpired term. The Finance Committee shall annually choose a chairman, secretary, and such other officers and it deems necessary. (Adopted April 26, 1977)

ARTICLE FOUR AMENDMENTS

Section One: These bylaws may be altered, amended, repealed and added to at any meeting of the District provided notice of such proposal is set forth in the call of the meeting. (Adopted April 23, 1946)

ARTICLE FIVE WATER USE RESTRICTIONS

Section 1: Authority

This By-law is adopted by the Dennis Water District (District) under its police powers pursuant to Chapter 277 of the Acts of 1945, to protect public health and welfare and pursuant to its powers under M.G.L. c. 40, §§ 21 *et seq.* and implements the District's authority to regulate water use pursuant to M.G.L. c. 41, § 69B. This by-law also implements the District's authority under M.G.L. c. 40, § 41A, conditioned upon a declaration of water supply emergency issued by the Department of Environmental Protection under M.G.L. c. 21G, §§ 15-17. This by-law is also intended to implement other water conservation requirements of M.G.L. c. 21G, the "Massachusetts Water Management Act" and its regulations promulgated at 310 CMR 36.00.

Section 2: Purpose

The purpose of this by-law is to protect, preserve and maintain the public health, safety, welfare and the environment whenever there is in force a "State of Water Supply Conservation", a "State of Drought" or a "State of Water Supply Emergency" by ensuring an adequate supply of water for drinking and fire protection and to protect the quality and quantity of water in local aquatic habitats such as ponds, rivers and wetlands. This purpose will be accomplished by providing for the imposition and enforcement of any duly implemented restrictions, requirements, provisions or conditions on water use imposed by the District in accordance with this by-law and/or by the Department of Environmental Protection under its state law authorities.

Section 3: Applicability

All District residents that are customers of the public water supply system shall be subject to this by-law. This by-law shall be in effect year round.

Section 4: Definitions

Agriculture shall mean farming in all its branches as defined at M.G.L. c. 128, § 1A.

Automatic irrigation system, including sprinklers, shall mean any system for watering vegetation other than a hand-held hose or a bucket.

Nonessential outdoor water use shall mean those uses that are not required:

- for health or safety reasons;
- by regulation;
- for the production of food and fiber;
- for the maintenance of livestock; or
- to meet the core functions of a business.

Nonessential outdoor water uses that are subject to mandatory restrictions include:

- irrigation of lawns via sprinklers or automatic irrigation systems;
- washing of exterior building surfaces, parking lots, driveways or sidewalks, except as necessary to apply paint, preservatives, stucco, pavement or cement.

Exceptions to nonessential outdoor water uses are:

- irrigation of lawns, gardens, flowers and ornamental plants by means of a hand-held hose controlled by a nozzle or a drip-irrigation system; and
- irrigation with harvested and stored stormwater runoff.

The following outdoor water uses are subject to review and approval by the District, through its Board of Water Commissioners or their designee:

- irrigation of public parks, recreation fields and traffic islands;
- irrigation to establish replanted or re-sodded lawn or plantings during the months of May through September;
- irrigation of newly planted lawns (seeded or sodded) in the current calendar year for homes or businesses newly constructed in the previous twelve months; and
- filling of privately owned outdoor pools.

Person shall mean any individual, corporation, trust, partnership, association, agency or authority, or other entity and any officer, employee, group or agent of such persons.

State of Drought shall mean a Drought Advisory, Watch, Warning or Emergency declared by the Secretary of Energy and Environmental Affairs in consultation with the Massachusetts Drought Management Task Force.

State of Water Supply Emergency shall mean a State of Water Supply Emergency declared by the Department of Environmental Protection under M.G.L. c. 21G, §§ 15-17.

State of Water Supply Conservation shall mean a State of Water Supply Conservation declared by the District pursuant to Article 5 of this by-law.

Water Customers shall mean all persons using the public water supply irrespective of that person's responsibility for payment for use of the water.

Section 5: Declaration of a State of Water Supply Conservation

The District, through its Board of Water Commissioners or its designee, authorized to act as such:

- may declare a State of Water Supply Conservation upon a determination that conservation measures are appropriate to ensure an adequate supply of water for drinking and fire protection, to protect the quality and quantity of water in local aquatic habitats such as ponds, rivers and wetlands; and
- shall declare a State of Water Supply Conservation as necessary to ensure compliance with the Water Management Act.

Upon notification to the public that a State of Water Supply Conservation has been declared, no water customer shall violate any provision, restriction, requirement or condition of the declaration. The Water Commissioners may designate the Water District Superintendent to declare a State of Water Supply Conservation at any time that conditions warrant. Public notice of a State of Water Conservation shall be given under Section 9 of this by-law before it may be enforced. The applicable restrictions, conditions or requirements shall be included in the public notice.

Section 6: State of Drought

Upon notification to the public that a State of Drought has been declared, no water customer shall violate any provision, restriction, requirement or condition of the District's water use restrictions. Public notice of a State of Drought shall be given under Section 9 of this by-law before it may be enforced. The applicable restrictions, conditions or requirements shall be included in the public notice.

Section 7: Declaration of a State of Water Supply Emergency

Upon notification to the public that a declaration of a State of Water Supply Emergency has been issued by the Department of Environmental Protection, no person shall violate any provision, restriction, requirement, condition of any order approved or issued by the Department for the purpose of bringing about an end to the State of Water Supply Emergency. Public notice of a State of Water Supply Emergency shall be given under Section 9 of this by-law before it may be enforced. The applicable restrictions, conditions or requirements shall be included in the public notice.

Section 8: Restricted Water Uses

A declaration of a State of Water Supply Conservation, State of Drought or State of Water Supply Emergency shall include one or more of the following restrictions, conditions, or requirements limiting nonessential outdoor water use by water customers as necessary to control the volume of water pumped each day, except as provided as acceptable in Section 4. The applicable restrictions, conditions or requirements shall be included in the public notice required under Section 9.

Nonessential outdoor water use days: Nonessential outdoor water use is permitted only on the days per week specified in the State of Water Supply Conservation, State of Drought or a State of Water Supply Emergency and public notice thereof. During a State of Water Supply Conservation, nonessential outdoor water use is restricted as necessary to ensure compliance with the Water Management Act, or for District's without a Water Management Act permit, to two days or fewer per week.

Nonessential outdoor water use hours: Nonessential outdoor water use is permitted only during the hourly periods specified in the State of Water Supply Conservation, State of Drought or State of Water Supply Emergency and public notice thereof. At a minimum, nonessential outdoor water use is prohibited.

Nonessential outdoor water use method restriction: Nonessential outdoor water use is restricted to a bucket or hand-held hose controlled by a nozzle.

Nonessential outdoor water use ban: Nonessential outdoor water use is prohibited at all times.

Automatic irrigation systems, including sprinklers: The use of automatic irrigation systems is prohibited.

Section 9: Public Notification and Notification of DEP

Public Notification of a State of Water Supply Conservation or a State of Drought – Notice to the public of all

provisions, including all restrictions, requirements and conditions imposed by the District as part of a State of Water Supply Conservation or a State of Drought shall be made as soon as possible, but no later than 48 hours following the declaration of a State Water Supply Conservation or State of Drought by publication in a newspaper of general circulation within the District and by signage on major roadways or intersections. Notification may also include email, Web sites, public service announcements on local media, reverse 911 calls or other such means reasonably calculated to reach and inform all water customers.

Public Notification of a State of Water Supply Emergency – Notice to the public of all provisions, including all restrictions, requirements and conditions imposed by a State of Water Supply Emergency declared by the Department shall be made as soon as possible, but not later than 48 hours after the public water system receives notice of the Department’s declaration of a State of Water Supply Emergency, by publication in a newspaper of general circulation with the District and by signage on major roadways or intersections. Notification may also include email, Web sites, public service announcements on local media, reverse 911 calls or other such means reasonably calculated to reach and inform all water customers of the State of Water Supply Emergency.

Any restriction imposed pursuant to Section 5 or Section 6 or in the Department’s State of Water Supply Emergency or Order shall not be effective until notification to the public is provided.

Notification of DEP: Submittal of MassDEP’s form “Notification of Water Use Restriction” shall be provided to the Massachusetts Department of Environmental Protection within 14 days of the effective date of the restrictions, per MassDEP regulations (310 CMR 22.15(8)).

Section 10: Termination of a State of Water Supply Conservation; Notice

A State of Water Supply Conservation may be terminated by a majority vote of the Board of Water Commissioners or by decision of their designee upon a determination by either or both of them that the conditions requiring the State of Water Supply Conservation no longer exist, or in accordance with the Water Management Act permit conditions. Public notification of the termination of a State of Water Supply Conservation shall be given in the same manner as is required in Section 9a for notice of its imposition.

Section 11: Termination of a State of Drought; Notice

Upon notification to the District Water Commissioners, or their designee, that the declaration of a State of Drought has been terminated by the Secretary of Energy and Environmental Affairs, the public will be notified of the termination in the same manner as is required in Section 9a for notice of its imposition.

Section 12: Termination of a State of Water Supply Emergency; Notice

Upon notification to the District Water Commissioners, or their designee, that the declaration of a State of Water Supply Emergency has been terminated by the Department of Environmental Protection, the public will be notified of the termination in the same manner as is required in Section 9b for notice of its imposition.

Section 13: Penalties

The District Water Commissioners, or their designee, including the water superintendent, may enforce this by-law. Any person violating this by-law shall be liable to the District in the amounts listed below:

First violation: Warning

Second violation: \$100

Third violation: \$200

Fourth and subsequent violations: \$300

Each day of violation shall constitute a separate offense. Fines shall be recovered by complaint before the District Court, or by non-criminal disposition in accordance with section 21D of chapter 40 of the general laws. For purposes of non-criminal disposition, the enforcing person shall be the water superintendent or the superintendent’s designee. If a State of Water Supply Emergency has been declared the Water Commissioners may, in accordance with G.L. c. 40, § 41A, shut off the water at the meter or the curb stop.

Section 14: Severability

The invalidity of any portion or provision of this by-law shall not invalidate any other portion or provision thereof.

(Adopted April 26, 2022)