

Section 14. Restrictions On Water Use 16-14

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Subsection 1. Authority. This by-law is adopted under 'home rule' powers conferred on municipal governments by section six of article two of the amendments to the state constitution and by section thirteen of chapter forty-three B of the General Laws, and under municipal powers to protect the public peace, health, safety, general welfare and convenience of its inhabitants and the public generally, and including but not limited to, the provisions of General Laws chapter forty, sections twenty-one, thirty-nine E, forty-one and forty-one A (MGL c. 40, §§ 21, 21D, 39E, 41 and 41A).

Subsection 2. Purpose. This by-law is enacted for the purpose of protecting, preserving and maintaining the public peace, health, safety, general welfare and convenience of its inhabitants and of the public generally by providing a method by which it can be assured there will be, at all times, an adequate supply of pure, fresh, wholesome water for human consumption and for bathing, cleaning and other personal use and an adequate supply of water for fire fighting and fire suppression purposes.

Subsection 3. Definitions. For the purpose of this bylaw, the following terms shall have the meanings indicated:

"STATE OF WATER SUPPLY CONCERN" - A state of water supply concern exists when the level in the Neponset River drops to a level predetermined or established by the Select Board as the threshold for such status, or in a particular circumstance, because of a then prevailing condition, the Select Board determines there is a then existing need to protect the water supply and declares the condition to exist.

"STATE OF WATER SUPPLY EMERGENCY" - A state of water supply emergency exists when the supply of water provided by the MWRA drops to a level predetermined or established by the Select Board as the threshold for such status, or in a particular circumstance, because of a then prevailing condition, the Select Board determines there is a then existing need to protect the water supply and declares the condition to exist.

"WATER TAKERS" - The term water takers includes all persons (natural or corporate) and every other entity of whatever form as may be, connected to the public water supply of the Town of

Canton, whether or not the use of such water shall be billed in their or its name.

Subsection 4. Restrictions on the Use of Water. A. Whenever the Select Board declare that a state of water supply concern or a state of water supply emergency exists, the Select Board may issue such restrictions, conditions, requirements, provisions or regulations restraining the use of water supplied by the Town as it may determine are necessary to protect the public water supply.

B. Whenever the Select Board determine to place restrictions, conditions, requirements, provisions or regulations restraining the use of water it shall give notice to the water takers, to the public and to the Massachusetts Department of Environmental Protection in the manner provided in section 5, below.

Subsection 5. Notification of restraint of water use. Notification of any provision, restriction, requirement or condition with which users of water supplied by the Town of Canton are required to comply shall be deemed to be sufficient if it is published once in a newspaper of general circulation within the Town of Canton or by such other notice as is reasonably calculated to reach and inform all water takers and others who use the water supply of the Town of Canton.

Subsection 6. Violation of water supply regulations. A. Following a declaration by the Select Board that a state of water supply concern or a state of water supply emergency exists in the Town no person shall violate any water supply provision, condition, requirement or restriction imposed by the Select Board in a plan approved by the Department of Environmental Protection.

B. Any person, being a water taker, an inhabitant of the Town, or otherwise, who violates any water restriction, condition, requirement, provision or regulation restraining the use of water imposed by the Select Board pursuant to the provisions of this by-law shall be punished by a fine of fifty dollars (\$50). Each instance of noncompliance with any restriction, condition, requirement, provision or regulation restraining the use of water shall constitute a separate violation. This by-law shall be enforced in accordance with the provisions of Article 1, Section 2, of the General By-Laws of the Town of Canton. For the purpose of enforcing the provisions of this section the Superintendent of Public Works, or the Superintendent's designees, shall be deemed to be enforcing person(s).