

**Town of Southwick
Controls on In-Ground Irrigation Systems
Effective November 19, 2015**

Section 1 Authority

This Regulation is adopted by the Town of Southwick (Town) through its Board of Water Commissioners under its police powers pursuant to the Home Rule Amendment of the Massachusetts Constitution, Article LXXXIX, to protect public health and welfare and pursuant to its powers under M.G.L. c.40, §§21 et seq. and implements the Town's authority to regulate water use pursuant to M.G.L. c. 41, §69B and as authorized by the vote of the Town as codified in Chapter 33 §33-1 of the Code of the Town of Southwick. This Regulation also implements the Town'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 G.L. c. 21G, §15-17. This Regulation 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 Regulation is to protect, preserve and maintain the public health, safety, welfare and the environment 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 Town [or Water District] in accordance with this Regulation and/or by the Department of Environmental Protection under its state law authorities.

Section 3 Applicability

All Town residents that are customers of the public water supply system shall be subject to this Regulation. This Regulation shall be in effect year round.

Section 4 Installation

All in-ground irrigation systems shall be equipped with a timing device that can be set to make the system conform to the Town's nonessential outdoor water use restrictions. During a State of Water Supply Emergency or State of Water Supply Conservation the timing device must be set to conform to the daily and hourly nonessential outdoor water use restrictions.

All in-ground irrigation systems shall be plumbed so that a shutoff valve is located outside the building and situated so that it may be shut off if found to be in violation of this Regulation. For the purposes of this section only, Police Officers of the Town and/or Agents of the Board of Water Commissioners may enter upon any property to enforce this section.

Section 5 Soil Moisture-Sensor Devices

All in-ground irrigation systems installed in the Town after the date of effect of this Regulation shall be equipped with a soil moisture-sensor device to prevent the system from starting automatically when not needed. Any service or repair to an existing in-ground irrigation system shall include the installation of an approved moisture-sensor device, if the same is not already installed and in good working condition.

Section 6 Backflow Prevention

All in-ground irrigation systems connected to the municipal water system in the Town shall be protected from backflow events by the installation of a backflow prevention device. Refer to Table 22-1 in 310 CMR 22.22 for the recommended backflow protection for irrigation systems. Each backflow prevention device shall be installed in accordance with 310 CMR 22.22 and the manufacturer's instructions. Each device shall be tested upon its installation and annually thereafter. A Massachusetts Certified Backflow Device Tester shall perform all testing. Copies of results of all testing shall be filed with the Board of Water Commissioners.

Section 7 Penalties

The Town, through its Water Commissioners or their designee, building inspector and/or local police may enforce this Regulation. Any person violating this Regulation shall be liable to the Town in the amounts listed below:

- 1) First violation: Warning
- 2) Each subsequent violation: \$50

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 any police officer of the town, building inspector, or the Water Commissioners or their designee.

Section 8 Severability

The invalidity of any portion or provision of this Regulation shall not invalidate any other portion or provision thereof.