



Municipal and Village District Lawn Watering Restrictions During State or Federally Declared Droughts

During previous droughts, municipalities and the State recognized that residential wells went dry while lawn watering continued nearby. Despite the impacts on these residential wells, there was no clear process to curtail lawn watering. In 2007, the legislature adopted RSA 41:11-d, authorizing municipalities, including village districts, to adopt regulations to restrict residential lawn watering within its political boundaries if administrative agencies of the state or federal government declared a drought condition for that region of the state (see Appendix A). In 2019, the legislature amended RSA 41:11-d, authorizing municipalities to adopt regulations to restrict residential lawn watering as well as lawn watering by other water users, such as commercial businesses and institutions. The authority of the statute extends to homeowners and other water users on private wells as well as customers receiving water from a public water system within the municipality's political boundaries. (Per RSA 38:26, municipalities and village districts that manage public water systems have broader authority to limit customer water use. See "[Implementing Water Use Restrictions at Public Water Systems.](#)")

The steps to adopt a lawn watering restriction pursuant to RSA 41:11-d include:

- Verify that a state or federal government agency has declared a drought for the region. The easiest way to determine if a drought has been declared in your area is to visit the [NHDES Drought Management Program homepage](#).
- The governing body drafts the regulation specifying how, where, when, and to what extent the lawn watering restriction applies and what the penalty for violating the restriction will be. The governing body may enforce the lawn watering restriction by imposing fines in accordance with RSA 625:9 and RSA 651:2. See the model regulation, below.
- The regulations or a summary of the regulations, indicating where the full text of the regulations can be viewed, is posted in a paper of general circulation in the municipality and in at least two public places. The regulations may be implemented three full calendar days after posting, not including the day of posting. (Ex. If the regulation is posted on Tuesday, it cannot be implemented until Saturday.)

Municipality: *City, town, unincorporated town, unorganized place, or village district within the state.* (RSA 38:1(III)) **MODEL REGULATION FOR LAWN WATERING RESTRICTIONS**

ARTICLE __ : LAWN WATERING RESTRICTIONS

I. PURPOSE

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To protect public health and safety by restricting the use of water from private wells or public water systems for lawn watering during a state or federally declared drought.

II. AUTHORITY

The provisions of this regulation are adopted pursuant to RSA 41:11-d, Choice and Duties of Town Officers. (See Appendix A, Relevant Sections of State Law)

III. APPLICABILITY

The requirements of this section shall apply immediately after the public notice period described in Section VII to all outdoor lawn watering within *Insert name of town, city, village district* when administrative agencies of the state or federal government have designated the region as being under a declared state or condition of drought.

IV. DEFINITIONS

- A. **Drought:** A sustained and regionally extensive occurrence of appreciably below average natural water availability in the form of precipitation, stream flow or groundwater. The following resources are used by *Insert name of town, city, village district* to determine the declaration of a drought condition.
 - i. The New Hampshire Drought Management Team as designated by the New Hampshire Drought Management Plan and the U.S. Drought Monitor.
 - ii. State of Emergency declaration by the Governor's Office.

- B. **Lawn Watering:** The application of water to decorative grass at a property.

V. REQUIREMENTS UNDER DROUGHT CONDITIONS

The following limits to lawn watering will apply under drought conditions. The specified levels (Level 1 through 3) will be determined by the *Insert name of local governing body* and will be included in the public notice required under Section VII of this regulation.

- A. **If *Insert name of town, city, village district* issues a Level 1 restriction, then**
 - i. Lawn watering by odd numbered addresses is allowed on odd numbered days.
 - ii. Lawn watering by even numbered addresses is allowed on even numbered days.
 - iii. Lawn watering shall not occur between the hours of 8AM and 7PM.

- B. **If *Insert name of town, city, village district* issues a Level 2 restriction, then**
 - i. Lawn watering by odd numbered addresses is allowed on Mondays and Thursdays.
 - ii. Lawn watering by even numbered addresses is allowed on Tuesdays and Fridays.
 - iii. Lawn watering shall not occur between the hours of 8AM and 7PM.

- C. **If *Insert name of town, city, village district* issues a Level 3 restriction, then**
 - i. Lawn watering is prohibited.

VII. PUBLIC NOTIFICATION OF WATER USE RESTRICTION

Notification of any intention to restrict water use and the requirements associated with Section V shall be given at least three calendar days before implementation. Notice of the regulations shall be posted in a paper of general circulation and shall be posted in at least two public places. Residents are specifically requested to take notice of the markings at *Insert location(s)*.

VIII. TERMINATION OF WATER USE RESTRICTION

Public notification and termination of water use restriction shall be given in accordance with Section VII.

IX. ENFORCEMENT

Any sworn officer of the *Insert Town/City Name* Police Department is hereby granted the authority to initiate any enforcement action against any violation of the provisions of this Regulation.

X. PENALTIES

Any person failing to comply with the restrictions imposed pursuant to this Regulation shall be deemed a violation and subject to penalties pursuant to RSA 651:2.

First violation: Warning.

Second violation: *\$Insert amount* fine.

Additional violations: *\$Insert amount* to \$1,000 fine.

APPENDIX A

RELEVANT SECTIONS OF STATE LAW

RSA 41:11-d Restricting the Watering of Lawns.

I. The local governing body may establish regulations restricting the use of water from private wells or public water systems for outdoor lawn watering when administrative agencies of the state or federal government have designated the region as being under a declared state or condition of drought. The grass playing turf of a recreational field, the grass playing surfaces of a golf course, and grass agricultural fields, including fields used for the production of sod, may be excluded from any restrictions pursuant to this paragraph. Nothing in this paragraph shall limit any public water system's authority to require a reduction in demand or implementation of conservation measures in accordance with rules of the department of environmental services.

II. The local governing body shall give notice prior to the implementation of the regulations in paragraph I. Notice shall be given at least 3 calendar days before the regulations are implemented. The notice required under this section shall not include the day notice is posted. Notice of the regulations shall be published in a paper of general circulation in the municipality and shall be posted in at least 2 public places.

III. The full text of the proposed regulations need not be included in the notice if an adequate statement describing the proposal and designating the place where the proposal is on file for public inspection is stated in the notice.

RSA 625:9 Classification of Crimes.

V-a. The violation of any requirement created by statute or by municipal regulation enacted pursuant to an enabling statute, where the statute neither specifies the penalty or offense classification, shall be deemed a violation, and the penalties to be imposed by the court shall be those provided for a violation under RSA 651:2.

RSA 651:2 Sentences and Limitations.

III-a. A person convicted of a violation may be sentenced to conditional or unconditional discharge, or a fine.

IV. A fine may be imposed in addition to any sentence of imprisonment, probation, or conditional discharge. The limitations on amounts of fines authorized in subparagraphs (a) and (b) shall not include the amount of any civil penalty, the imposition of which is authorized by statute or by a properly adopted local ordinance, code, or regulation. The amount of any fine imposed on:

(a) Any individual may not exceed \$4,000 for a felony, \$2,000 for a class A misdemeanor, \$1,200 for a class B misdemeanor, and \$1,000 for a violation.

(b) A corporation or unincorporated association may not exceed \$100,000 for a felony, \$20,000 for a misdemeanor and \$1,000 for a violation. A writ of execution may be issued by the court against the corporation or unincorporated association to compel payment of the fine, together with costs and interest.

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