

## Chapter 191

### LAWN IRRIGATION SYSTEMS

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[HISTORY: Adopted by the Annual Town Meeting of the Town of Wayland 4-3-2003 by Art. 24. Amendments noted where applicable.]

#### GENERAL REFERENCES

Water — See Ch. 190.

Water Department Regulations — See Division 4.

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#### § 191-1. Statutory authority. [Amended 4-10-2008 ATM by Art. 5]

This bylaw is adopted by the Town of Wayland under its common law police powers to protect public health and welfare, MGL c. 40, § 21, and under the Town of Wayland's authority to regulate water use through its Board of Public Works pursuant to Chapter 80 of the Acts of 1878.

#### § 191-2. Purpose.

The purpose of this bylaw is to protect, preserve and maintain the public water supply, health, safety and welfare of the citizens of the Town of Wayland.

#### § 191-3. Definitions.

As used in this bylaw, the following terms shall have the meanings indicated:

**OUTDOOR UNDERGROUND WATER SPRINKLER SYSTEM** — Any underground sprinkler device, together with all pipes appurtenant thereto, used to water outside areas, and hereafter referred to as "system" or "systems." Aboveground sprinklers attached to hoses and existing systems, so long as they are not expanded, are specifically exempt from the provisions of this article.

**PERSON** — Any individual, corporation, trust, partnership or association or other entity.

**PUBLIC WATER SUPPLY** — Any water which is fully or partially drawn from a well operated by the Town of Wayland.

THIS BYLAW — Chapter 191 of the Code of the Town of Wayland.

WATER CUSTOMER — Any individual, corporation, trust, partnership or association or other entity that owns property which is receiving water from the public water supply.

**§ 191-4. Certain outdoor underground water sprinkler systems prohibited.**

No person shall install or expand a system which is connected to the public water supply if said system, after installation or expansion covers, an area greater than 15,000 square feet or more.

**§ 191-5. Application for installation or expansion of certain systems.**

No person shall install or expand a system connected to the public water supply, which covers an area of 15,000 square feet or less unless an application has been made to pursuant to this bylaw and approval of said installation or expansion has been approved pursuant to this bylaw.

**§ 191-6. Types of applications.**

- A. Any application for the installation or expansion of a system which covers an area of 5,000 square feet or less shall be made by completing the short-form application.
- B. Applications for the installation or expansion of a system which covers an area of more than 5,000 square feet and less than or equal to 15,000 square feet shall be made by completing the long-form application.

**§ 191-7. System requirements.**

- A. All systems installed or expanded under this bylaw shall be installed or expanded pursuant to all local and state laws and regulations and shall include a backflow device (approved by the Department of Public Works), a rain gauge, a moisture detector, a programmable automatic timer and a shut-off valve. **[Amended 5-13-2010 ATM by Art. 18]**
- B. All systems installed or expanded under this bylaw shall obtain an appropriate plumbing permit from the Gas and Plumbing Inspector of the Town of Wayland.
- C. All systems installed or expanded under this bylaw shall be maintained pursuant to the regulations of the Board of Public Works. **[Amended 5-13-2010 ATM by Art. 18]**
- D. All systems installed or expanded under this bylaw shall be installed outside of any road easements, which run in the favor of the Town of Wayland, and any roads owned by the Town of Wayland.
- E. No portion of a system shall be installed or expanded within 50 feet of bordering vegetated wetlands.

- F. No portion of a system shall be installed or expanded within 25 feet of the leaching area or a tank of a sanitary septage system.

**§ 191-8. Approval process.**

- A. Fees. All applications to install or expand a system shall include an application fee of \$50.
- B. The application shall include the name and address of the property owner and the installer, acknowledgement of the requirements of this bylaw, a drawing and calculation of the area covered by the system and any additional information the Board of Public Works requires to reasonably identify and evaluate the compliance of the proposed system. **[Amended 4-10-2008 ATM by Art. 5]**
- C. The Director of Public Works or his/her designee shall approve the short-form application if s/he determines that said system covers a land area of 5,000 square feet or less and complies with the provisions of this bylaw. **[Amended 5-13-2010 ATM by Art. 18]**
- D. The long-form application shall be approved by the Board of Public Works or designee if the Board of Public Works or designee determines that said system covers a land area of 15,000 square feet or less and complies with the provisions of this bylaw. **[Amended 4-10-2008 ATM by Art. 5]**

**§ 191-9. Rules and regulations. [Amended 4-10-2008 ATM by Art. 5]**

The Wayland Board of Public Works shall have the authority and duty to adopt, issue and administer any additional rules and regulations necessary for the administration, operation and enforcement of outdoor underground water sprinkler systems connected to the public water supply. Any such rules and regulations shall be consistent with the provision of this bylaw.

**§ 191-10. Violations and penalties.**

Any person violating this bylaw shall be subject to the following:

- A. Written notification of a violation by the Director of Public Works or his/her designee. Said notification shall include a demand that said system comply with the bylaw within 30 days' receipt of the notification or that said system be removed. **[Amended 4-10-2008 ATM by Art. 5; 5-13-2010 ATM by Art. 18]**
- B. A fine of \$250 per day for each day after the initial 30 days that the system is in violation of this bylaw.
- C. After the initial 30 days, a notice of termination of water services in no less than seven days may be served upon the water customer by a duly appointed Constable of the Town of Wayland. The notice shall be served to the water customer in hand or left at the address given for billing purposes and mailed to that address. Notice shall include a statement that the water customer may appeal a decision to terminate water services by

requesting a hearing before the Board of Public Works. Water service may be terminated seven days after receipt of the notice to terminate or after a majority vote of the Board of Public Works, if the water customer has requested a hearing. Receipt of the notice shall be presumed to be three days after the notice is mailed or the day of in-hand service. After water service has been terminated, a reconnection fee of \$275 during normal business hours, or reconnection fee of \$200 after normal working hours, will be charged prior to renewing water service. Payment of said fees must be made before reconnection. In lieu of terminating water services, the Board of Public Works, by a majority vote, may assess a fine in the amount of \$250 per day for each day after the initial 30 days that the system is in violation of this bylaw. **[Amended 4-10-2008 ATM by Art. 5]**

- D. Fines shall be recovered by indictment or on complaint before the District Court or by noncriminal disposition in accordance with MGL c. 40, § 21D. After disposition favorable to the Town of Wayland, any outstanding unpaid civil fines shall be placed on the water customer's water bill. The enforcing person shall be the Director of Public Works or his/her designee. **[Amended 5-13-2010 ATM by Art. 18]**

#### **§ 191-11. Severability.**

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