

ARTICLE 44: To see if the Town will vote to adopt the following new town bylaw entitled, “West Tisbury Water Resources Protection Bylaw”.

A. PURPOSE: The purpose of this bylaw is to protect the water quality and volume of water in the surface water bodies within the Town of West Tisbury by prohibiting the withdrawal of water from surface water bodies for private or commercial use through pumping or other means. The bylaw is intended to prevent changes in the quality and the volume of water due to the withdrawal itself or due to the introduction of nutrients, chemicals, and plant materials caused by contact between the withdrawal devices and the surface water body, as described in and recommended by the “Mill Brook Watershed Study Report and Recommendations, Town of West Tisbury, Mill Brook Watershed Management Planning Committee 2014-2018.”

Definitions: The following definitions shall apply in the interpretation and implementation of this bylaw.

Person: Any individual , group of individuals, association, partnership, corporation, company, business organization, or trust, and its legal representatives, agents, and assigns; but not including the commonwealth or a political subdivision thereof, administrative agency, public or quasi-public corporation or body, or the Town of West Tisbury.

Surface Water Body: Any lake, reservoir, pond of any size (excluding Great Ponds), wetland, spring, river, stream, brook and creek, whether perennial or intermittent, as are subject to the jurisdiction of the Conservation Commission under the West Tisbury Wetlands Protection Bylaw.

Withdrawal or diversion of water: The removal, taking or diversion of water from a surface water body.

B. WATER WITHDRAWAL PROHIBITION: Except as herein provided, no person shall withdraw or divert water from any Surface Water Body by means of hoses, pipes or other devices or means within the Town of West Tisbury without a permit from the Conservation Commission (excepting existing physical structures).

C. EXCEPTION: Prohibitions contained in Paragraph B above shall not apply to withdrawals or diversions associated with the temporary withdrawals or diversions associated with firefighting or training activities associated with firefighting, or flood control.

D. ADMINISTRATION: The West Tisbury Conservation Commission shall administer, implement and enforce this bylaw. Any powers granted to or duties imposed upon the Conservation Commission may be delegated, in writing, by the Conservation Commission to its employees or agents.

1. After public notice and hearing, the Conservation Commission may promulgate rules and regulations to effectuate the purposes of this bylaw. Failure by the Conservation Commission to promulgate such rules and regulations shall not have the effect of suspending or invalidating this bylaw.

E. VIOLATIONS, PENALTIES AND ENFORCEMENT: Any person or entity in violation of the provisions herein shall be punished by a fine of \$100 for the first violation, \$200 for a second violation and \$300 for a third violation as set forth in the town bylaw regarding violations for bylaws and regulations. This bylaw shall be enforced under the non-criminal disposition provisions of the Massachusetts General Laws, Chapter 40, Section 21D and may be enforced by the Conservation Commission, the Board of Health, the Fire Department, and/or the Police Department or their designees, but only if authorized by vote of the Conservation Commission.

(RECOMMENDED 4-0-1)

PASSED AS AMENDED

Section B; Add language ‘A permit may be granted based on time of year and flow measurements taken at the proposed water withdrawal location at the time of the application’.

Section B; remove ‘excepting existing physical structures’ and list in Section C.

Section C now reads;

C. EXCEPTION: Prohibitions contained in Paragraph B above shall not apply to withdrawals or diversions associated with 1). The temporary withdrawals or diversions associated with firefighting or training activities associated with firefighting, 2). Flood control or 3). Existing physical structures.

Approved by the AG 08/01/2019