

SEWER USE ORDINANCE

An ordinance regulating the use of public and private sewers and drains, the installation and connection of building sewers, and the discharge of water and wastes into the public sewer system within the area of the central sewer system: and providing penalties for violations thereof: in the Town of Sandwich, County of Carroll, State of New Hampshire.

Be it ordained and enacted by the Commissioners of the Town of Sandwich, state of New Hampshire as follows:

ARTICLE I
Definitions

Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

- Sec. 1 "Board" shall mean the Board of Commissioners of the Town of Sandwich, New Hampshire.
- Sec. 2 "Building drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.
- Sec. 3 "Building sewer" shall mean the extension from the building drain to the public sewer or other place of disposal, also called house connection.
- Sec. 4 "Central Sewer System Area" shall mean the service area of the public sewers, located in Center Sandwich and designated on the attached map.
- Sec. 5 "Combined Sewer" shall mean a sewer intended to receive both wastewater and storm or surface water.
- Sec. 6 "Domestic Wastewater" or Sanitary Sewage shall mean normal water-carried household and toilet wastes or waste from sanitary conveniences, excluding ground, surface or storm water."
- Sec. 7 "Easement" shall mean an acquired legal right for the specific use of land owned by others.

- Sec. 8 "Floatable oil" is oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.
- Sec. 9 "Garbage" shall mean the animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods.
- Sec. 10 "Industrial wastes" shall mean the wastewater from industrial processes, trade, or business as distinct from domestic or sanitary wastes.
- Sec. 11 "Natural outlet" shall mean any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or other body of surface or groundwater.
- Sec. 12 "May" is permissive (see "shall", Sec. 20).
- Sec. 13 "Person" shall mean any individual, firm, company, association, society, corporation, or group.
- Sec. 14 "pH" shall mean the logarithm of the reciprocal of the hydrogen-ion concentration. The concentration is the weight of hydrogen-ions, in grams, per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen-ion concentration of 10^{-7} .
- Sec. 15 "Properly shredded garbage" shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch (1.27 centimeters) in any dimension.
- Sec. 16 "Public Sewer" shall mean a common sewer controlled by a governmental agency or public utility.
- Sec. 17 "Sanitary sewer" shall mean a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.

- Sec. 18 "Sewage" is the spent water of a community. The preferred term is "wastewater", Sec. 26.
- Sec. 19 "Sewer" shall mean a pipe or conduit that carries wastewater.
- Sec. 20 "Shall" is mandatory (see "may", Sec. 12).
- Sec. 21 "Slug" shall mean any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works.
- Sec. 22 "Storm drain" (sometimes termed "storm sewer") shall mean a drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source.
- Sec. 23 "Suspended solids" shall mean total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater" and referred to as nonfilterable residue.
- Sec. 24 "Unpolluted water" is water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.
- Sec. 25 "Wastewater" shall mean the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water, and stormwater that may be present.

- Sec. 26 "Wastewater facilities" shall mean the structures, equipment, and processes required to collect, carry away, and treat domestic wastes and dispose of the effluent.
- Sec. 27 "Wastewater treatment works" shall mean an arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used as synonymous with "waste treatment plant" or "wastewater treatment plant" or "water pollution control plant."
- Sec. 28 "Watercourse" shall mean a natural or artificial channel for the passage of water either continuously or intermittently.
- Sec. 29 "Suitable toilet facilities" shall mean an arrangement of devices and structures required to collect and transport domestic wastewater.

ARTICLE II

Use of Public Sewers Required

- Sec. 1 It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the Town of Sandwich, any human or animal excrement, garbage, or objectional waste.
- Sec. 2 It shall be unlawful to discharge to any natural outlet within the Town of Sandwich, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.
- Sec. 3 The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the town and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the town, is hereby required at the owner(s) expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance, within ninety (90) days after date of official notice to do so, provided that said public sewer is within one hundred and fifty (150) feet of the house or building.

ARTICLE III
Building Sewers and Connections

- Sec. 1 No unauthorized person(s) shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Board.
- Sec. 2 There shall be one (1) class of building sewer permit for residential and commercial service. Establishments producing industrial wastes shall not be allowed to connect to the system. The owner(s) or his agent shall make application on a special form furnished by the town. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Board. A permit and inspection fee of twenty-five dollars for a residential or commercial building sewer permit shall be paid to the town at the time the application is filed.
- Sec. 3 New sewer connections may be permitted provided that the Board determines that the wastewater facilities have adequate capacity for the additional flow. Should the Board determine that the wastewater facilities cannot properly transport or treat additional wastewater flows then no new sewer connections shall be permitted. New sewer connections which would add flow in excess of 1500 gallons per day shall require a permit from the New Hampshire Water Supply and Pollution Control Commission.
- Sec. 4 All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner(s). The owner(s) shall indemnify the town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- Sec. 5 A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the front building sewer may be extended to the rear building and the whole considered as one building sewer, but the town does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.

- Sec. 6 Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Board, to meet all requirements of this ordinance. If houses connecting to the sewer system have existing septic tanks, the tanks shall be filled with suitable material and abandoned or removed.
- Sec. 7 The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the town. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9 shall apply.
- Sec. 8 Whenever possible, the building sewer should be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer at the owner's expense.
- Sec. 9 No person(s) shall make connection of roof downspouts, foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
- Sec. 10 The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the town, or the procedures set forth in appropriate specifications of the ASTM and the WPCF Manual of Practice No. 9. All such connections shall be made gastight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the Board before installation.
- Sec. 11 The applicant for the building sewer permit shall notify the Board when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the Board.

- Sec. 12 All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the town.
- Sec. 13 Any person proposing a new discharge into the system or a substantial change in the volume or character of pollutants that are discharged into the system shall notify the Board at least 60 days prior to the proposed change or connection. Proposed new discharges from residential or commercial sources which would cause the design flow or loading to be exceeded shall be prohibited. Any new discharge which would add flow in excess of 1500 gallons per day shall require a permit from the New Hampshire Water Supply and Pollution Control Commission.
- Sec. 14 The following is an excerpt from the regulations of the New Hampshire Water Supply and Pollution Control Commission: Except for special reasons, the Commission will approve plans for new systems, extensions, or replacement sewers only when designed upon the separate plan, in which rain water from roofs, streets, and other areas, and groundwater from foundation drains are excluded.

ARTICLE IV
Use of the Public Sewers

- Sec. 1 No person(s) shall discharge or cause to be discharged any unpolluted waters such as stormwater, groundwater, roof, runoff, subsurface drainage, or cooling water to any sewers.
- Sec. 2 No person shall discharge or cause to be discharged any industrial wastes into a public sewer.
- Sec. 3 Stormwater and unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or a natural outlet approved by the Board. Industrial cooling water or process waters require a National Pollutant Discharge Elimination System permit prior to discharge to a storm sewer or natural outlet.
- Sec. 4 No person(s) shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

- (a) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
- (b) Any waters containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any waste treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment plant.
- (c) Any waters or wastes having pH lower than 5.5 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater works.
- (d) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities such as, but not limited to, ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

Sec. 5 The following described substances, materials, waters, or waste shall be limited in discharges to municipal systems to concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream, or will not otherwise endanger lives, limb, public property, or constitute a nuisance. The Board may set limitations lower than the limitations established in the regulations below if in their opinion such more severe limitations are necessary to meet the above objectives. In forming the opinion as to the acceptability, the Board will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, degree of treatability of the waste in the wastewater treatment plant, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer which shall not be violated without approval of the Board are as follows:

- (a) Wastewater sufficiently hot to cause the influent at the wastewater treatment facilities to exceed 104°F (40°C).
- (b) Wastewater containing more than 25 milligrams per liter of petroleum oil, nonbiodegradable cutting oils, or product of mineral oil origin.
- (c) Industrial Wastes.
- (d) Any garbage that has not been properly shredded (see Article I, Section 15). Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.
- (e) Any waters or wastes containing heavy metals, solvents, and similar objectionable or toxic substances to such degree that any such material discharged to the public sewer exceeds the limits established by the Board, the WS&PCC or the EPA for such materials.
- (f) Any waters or wastes containing odor-producing substances exceeding limits which may be established by the Board.
- (g) Any radioactive wastes or isotopes.
- (h) Quantities of flow, concentrations, or both which constitute a "slug" as defined herein.
- (i) Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

- (j) Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious or noxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.
- (k) Wastewater with any of the following constituents at concentrations greater than those indicated below: Phosphate ion (as P)-15 mg/l

Sec. 6 If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 4 of this Article, and which in the judgement of the Board, may have a deleterious effect upon the wastewater facilities, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Board shall reject the wastes, and the person causing such discharge shall cease to do so.

Sec. 7 Grease, oil, and sand interceptors shall be provided when, in the opinion of the Board, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in Section 4(c), or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Board, and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates, and means of disposal which are subject to review by the Board. Any removal and hauling of the collected materials not performed by owner(s) personnel must be performed by currently licensed waste disposal firms.

Sec. 8 The Board may require a user of sewer services to provide information needed to determine compliance with this ordinance. These requirements may include:

- (1) Wastewaters discharge peak rate and volume over a specified time period.
- (2) Chemical analyses of wastewaters.

- (3) Information on raw materials, processes, and products affecting wastewater volume and quality.
- (4) A plot plan of sewers of the user's property showing sewer location.
- (5) Details of systems to prevent and control the losses of materials through spills to the municipal sewer.

Sec. 9 All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, or with the EPA-approved methods published in the Code of Federal Regulations, Title 40, Part 136 (40 CFR 136). Sampling methods, location, times, durations, and frequencies are to be determined on an individual basis subject to approval by the Board.

Sec. 10 Septic tank waste (septage) will not be accepted into the sewer system or at the wastewater treatment works.

Sec. 11 It shall be illegal to meet requirements of this Sewer Ordinance by diluting wastes.

ARTICLE V

Sec. 1 No person(s) shall break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is a part of the wastewater facilities. Any person(s) violating this provision shall be guilty of a misdemeanor.

ARTICLE VI

Powers and Authority of Inspectors

Sec. 1 The Board and other duly authorized employees of the town bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observations, measurement, sampling, and testing pertinent to discharge to the sewer system in accordance with the provisions of this ordinance.

Sec. 2 The Board and other duly authorized employees of the town bearing proper credentials and identification shall be permitted to enter all private properties through which the town holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the wastewater facilities lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

ARTICLE VII
Penalties

Sec. 1 Any person found to be violating any provision of this ordinance except Article V shall be served by the Board with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. The town may, after informal notice to the person discharging wastewater to the public sewers, immediately halt or prevent any such discharge reasonably appearing to present an imminent endangerment to the health and welfare of person, or any discharge presenting, or which may present, an endangerment to the environment, or which threatens to interfere with the operation of the public sewer or wastewater treatment facilities. Actions which may be taken by the town include ex parte temporary judicial injunctive relief, entry on private property to halt such discharge, blockage of a public sewer to halt such discharge, or demand of specific action by the person. Any costs associated with the above action will be paid for by the individual found in violation of this ordinance. Such charges will be in addition to fines assessed in accordance with this article.

Sec. 2 Any person who shall continue any violation beyond the time limit provided for in Article VII, Section 1 shall be fined in the amount not exceeding \$100 for each violation in the case of an individual, and \$500 for each violation in the case of a corporation or unincorporated association. Each day in which any such violation shall continue shall be deemed a separate offense. Ref: RSA 47:17 (Supp.), RSA 149-I:6, RSA 31:39 (Supp.).

ARTICLE VIII
Validity

- Sec. 1 All ordinances or parts or ordinances in conflict herewith are hereby repealed.
- Sec. 2 The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part of parts.

ARTICLE IX
Ordinance in Force

- Sec. 1 This ordinance shall be in full force and effect from and after its passage, approval, recording and publication as provided by law.

ARTICLE X
Appeal Procedures

This section sets forth the town of Sandwich's administrative process for the resolution of protests relating to this ordinance.

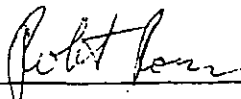
A party with a direct financial interest which is adversely affected by a decision of the Board or their authorized representatives may file a "protest" with the Board. A "protest" is a written complaint concerning an action related to this ordinance. The protest will be reviewed by the Board to determine whether it is appropriate to defer the protested action.

An affected party may appeal the Board's decision on the initial protest by filing a "protest appeal" with the town of Sandwich's Zoning Board of Adjustment (ZBA). A "protest appeal" is a written complaint filed with the ZBA regarding the Board's decision on the initial protest. The protest appeal must be written, must state the basis for the appeal and must include all information related to the Board's decision regarding the initial protest.

ARTICLE XI
Amendment Procedure

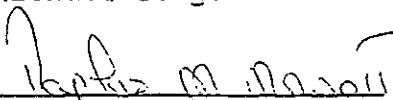
- Sec. 1 The Board of Commissioners may amend any section of this ordinance for any reason deemed necessary by the Town subject to approval by the N.H.W.S.P.C.C.

Amended June 4, 1987
Adopted June 4, 1987



Robert Rowan

Michael Yeager



Daphane M. Nowatt