

(CHAPTER 28)
ORDINANCE
GILFORD, NEW HAMPSHIRE

**AN ORDINANCE RELATIVE TO THE
OPERATION AND MAINTENANCE OF THE GILFORD MUNICIPAL SEWER
SYSTEM AND REGULATION GOVERNING SUBSURFACE SEWAGE DISPOSAL**

Adopted: 3/6/81

Amended: 8/26/82; 1/17/86

In the year of our Lord one thousand nine hundred and eighty, the Town of Gilford ordains:

That the Ordinance regulating the use of private sewers and drains and private sewage disposal in the Town of Gilford, adopted May 18, 1967, as amended, is hereby rescinded and replaced by Chapter 4; this Ordinance effective upon adoption.

That the rules and regulations herein set forth for the maintenance and operation of the Gilford Municipal Sewer System and those controls governing subsurface sewage disposal are necessary and desirable for effective and efficient operation of said systems and for accomplishing the purpose set forth in RSA's 147 (adopted March 5, 1975, Article 4) and 149-I (adopted March 3, 1972, Article 15) to provide for the protection of the health and safety of the people of Gilford. This Ordinance applies only to sewers installed in conjunction with the Winnepesaukee River Basin Project and does not apply to any pre-existing sewer systems.

Pursuant to RSA 149-I and every other authority thereto enabling, the Town of Gilford enacts and ordains the following rules and regulations, which are also adopted by the Health Officer and Public Works Director of the Town of Gilford and approved by the Board of Selectmen, pursuant to RSA 147.

This Ordinance is not intended to replace or void the B.O.C.A. Basic Plumbing Code (latest edition) or any other code, ordinance, regulation or lawful requirement of the Town of Gilford (see Article IX).

The Health Officer, Public Works Director, Building Official and Gilford Sewer Superintendent of the Town of Gilford shall be responsible for the enforcement of this Ordinance, for issuing permits, for the inspection of facilities and systems inspection and for the collection of permit fees as provided herein.

CHAPTER I

ARTICLE I: DEFINITIONS

Sec. 1. "BOARD" shall mean the board for the examination and licensing of plumbers.

Sec. 2. "B.O.C.A." shall mean Building Officials and Code Administrators International, Inc.

- Sec. 3. "BOD" (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 C, expressed in milligrams per liter.
- Sec. 4. "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 buildings and conveys it to the building sewer beginning five (5) feet (1.5 meters) outside the inner face of the building wall.
- Sec. 5. "BUILDING SEWER" shall mean the extension from the building drain to the service connection or other place of disposal.
- Sec. 6. "CHEMICAL OXYGEN DEMAND" (COD) shall mean a measure of the oxygen equivalent of that portion of the organic matter in a sample that is susceptible to oxidation by a strong chemical oxidant. (See Standard Methods, latest edition).
- Sec. 7. "COMBINED SEWER" shall mean a sewer receiving both surface runoff and sewage.
- Sec. 8. "COMMISSION" shall mean the New Hampshire Water Supply and Pollution Control Commission.
- Sec. 9. "COOLING WATER" shall mean the clean wastewater from air conditioning, industrial cooling, condensing and similar apparatus and from hydraulically powered equipment. Cooling water shall include only water which is sufficiently clean, uncontaminated and unpolluted and may be discharged, without treatment or purification, and with written permission of the Commission, into any natural open stream or watercourse.
- Sec. 10. "CONTRACTOR" shall mean either an individual, partnership or corporation and the proper agents and representatives thereof.
- Sec. 11. "EPA" shall mean the Federal Environmental Protection Agency.
- Sec. 12. "GARBAGE" shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.
- Sec. 13. "GREASE" shall mean volatile and non-volatile residual fats, oils, fatty acids, soaps, waxes, mineral oils and other similar materials.
- Sec. 14. "GRIT" shall mean heavy inorganic matter such as stone, gravel, cinders, sand, silt, ashes, and heavy particulate matter such as bone chip and coffee grounds.
- Sec. 15. "IMPROVED PROPERTY" shall mean any property located within the jurisdiction upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure Sanitary Sewage and/or Industrial Wastes shall be or may be discharged.

- Sec. 16. "INDUSTRIAL ESTABLISHMENT" shall mean any room, group of rooms, building or other enclosure used or intended for use, in the operation of one (1) business enterprise for manufacturing, processing, cleaning, laundering or assembling any product, commodity or article or from which any process waste, as distinct from Sanitary Sewage, shall be discharged.
- Sec. 17. "INDUSTRIAL WASTES" shall mean any liquid, gaseous or solid waste substance resulting from any process of industry, manufacturing, trade or business or from development of any natural resources, and shall exclude Sanitary Sewage as described herein.
- Sec. 18. "INSPECTOR" shall mean the person or persons duly authorized by the Town of Gilford to inspect and approve the installation of building sewers and their connection to the sewage collection system.
- Sec. 19. "INTERCEPTOR" shall mean a channel or sewer which serves to collect the flow from the sewage collection system.
- Sec. 20. "MAJOR INTERCEPTOR" shall mean a channel or sewer which serves to collect the flow from the sewage collection system and is owned and maintained by the State.
- Sec. 21. "NATURAL OUTLET" shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.
- Sec. 22. "OTHER WASTES" shall mean garbage, municipal refuse, decayed wood, sawdust, shaving, bark, lime, ashes, offal, oil, tar, chemicals and other substances harmful to human, animal, fish or aquatic life.
- Sec. 23. "PERSON" shall mean any individual, partnership, company, association, society, corporation or other legal entity.
- Sec. 24. "pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
- Sec. 25. "PROPERLY SHREDDED GARBAGE" shall mean the wastes from the preparation, cooking and dispensing of foods that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewer, with no particle greater than one-half (1/2) inch.
- Sec. 26. "PRETREATMENT" shall mean the application of physical, chemical, and biological processes to reduce the amount of pollutants in or alter the nature of the pollutant property of a waste prior to discharging such waste into a public treatment works.
- Sec. 27. "PROPERTY OWNER" or "OWNER" shall mean any person vested with ownership, legal or equitable, sale or partial, or possession of any improved property.

- Sec. 28. "PUBLIC SEWER" shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.
- Sec. 29. "SEWAGE" shall mean a combination of the water carried wastes residences, business buildings, institutions and industrial establishments, excluding such ground, surface and storm waters as may be present through natural infiltration processes.
- Sec. 30. "SANITARY SEWAGE" shall mean a combination of the water-carried household and toilet wastes from residences, business buildings, institutions, and industrial establishments, excluding such groundwater infiltration, surface and storm waters as may be present.
- Sec. 31. "SANITARY SEWER" shall mean a sewer which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.
- Sec. 32. "SERVICE CONNECTION" shall mean that part of the sewer system extending from a sewer to the curb line, or, if there shall be no curb line, to the property line, or, if sewer is located in a right-of-way, to the edge of the right-of-way or beyond the normal traveled way, or if no such service connection shall be provided, then "service connection" shall mean that portion of, or place in, a sewer which is provided for connection of any building sewer.
- Sec. 33. "SEWAGE COLLECTION SYSTEM" shall mean each, and all, of the common lateral sewers, within a publicly-owned treatment system, which are primarily installed to receive wastewaters directly from facilities which convey wastewater from individual structures from private property, and which include service connection "Y" fittings, designed for connection of those facilities.
- Sec. 34. "SEWAGE TREATMENT PLANT" shall mean any arrangement of devices and structures used for treating sewage.
- Sec. 35. "SEWERAGE" shall mean a system for the collection and pumping of sewage.
- Sec. 36. "SEWER" shall mean a pipe or conduit for carrying sewage.
- Sec. 37. "SHALL" is mandatory, "MAY" is permissive.
- Sec. 38. "SLUG" shall mean any discharge of water, sewage, or industrial waste 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 flow during normal operation.
- Sec. 39. "STANDARD LABORATORY PROCEDURE" shall mean those procedures or tests for the examination of water and wastewater as described in "Standard Methods for the Examination of Water and Wastewater", latest edition, as published jointly by the

American Public Health Association, Inc., American Water Works Association and the Water Pollution Control Federation.

- Sec. 40. "STATE" shall mean the State of New Hampshire.
- Sec. 41. "STATE PLUMBING CODE" shall be as defined under Chapter 330 of the Revised Statutes Annotated of the State of New Hampshire. (B.O.C.A. Basic Plumbing Code, latest edition and amendments thereto.)
- Sec. 42. "STORM DRAIN" (sometimes termed "storm sewer") shall mean a conduit which carries storm and surface waters and drainage, but excludes Sanitary Sewage and Industrial Wastes, other than cooling water.
- Sec. 43. "SUPERINTENDENT" shall mean that individual employed by the State of New Hampshire who is responsible for the operation and maintenance of the treatment works, or his authorized deputy, agent or representative.
- Sec. 44. "SUPERINTENDENT, TOWN" shall mean that individual employed by the Town of Gilford who is responsible for the operation and maintenance of Town collection systems, pump stations, metering devices and sub-surface inspection or his authorized deputy, agent or representative.
- Sec. 45. "SUSPENDED SOLIDS" shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.
- Sec. 46. "TOWN" shall mean the Town of Gilford, a municipality in the County of Belknap, State of New Hampshire acting by and through its Board of Selectmen and through its authorized representatives.
- Sec. 47. "TRAPS" shall mean intercepting devices, grease traps, oil separators or grit removal chambers located at the source and placed in the building drain prior to discharge to the sewage collection system.
- Sec. 48. "TREATMENT WORKS" shall mean any device or system used in the storage, treatment, recycling, or reclamation of sanitary sewage or industrial waste as those terms are defined herein. It shall mean the sewage collection system, interceptor sewers, pumping stations, sewage treatment plant and appurtenant facilities essential to the operation of the entire system.
- Sec. 49. "WATERCOURSE" shall mean a channel in which a flow of water occurs, either continuously or intermittently.
- Sec. 50. "UNPOLLUTED WATER" shall mean water that does not contain any pollutants limited or prohibited by effluent standards in effect or water whose discharge will not cause any violation of receiving water quality standards.

ARTICLE II: USE OF PUBLIC SEWERS REQUIRED

Sec. 1. Pursuant to the provisions of RSA 147 and 149-I, and any other authority thereto enabling the owner of any improved property benefited, improved, served or accommodated by any public sewer, or to which any public sewer is available, shall connect such improved property therewith, in such manner as the Town may require, within sixty (60) days after notice to such owner from the Town to make such connection, for the purpose of discharge of all Sanitary Sewage and Industrial Wastes from such improved property into the sewage collection system subject to such limitations and restrictions as shall be established by the Town from time to time. Each such owner shall, within the same time limit, cease and desist from all further discharge of Sanitary Sewage and/or Industrial Wastes into any other conduit or pre-existing system, whether privately or publicly owned.

A sewage collection system shall be deemed available to improved property if such improved property is such improved property is within two-hundred fifty (250) feet of the sewage collection system as measured from the closest part of any structure which contains plumbing on said improved property, along or across the shortest available easement to the centerline of the sewage collection system. All facilities located between a sewage collection system and Lake Winnepesaukee must connect. All commercial or industrial users must connect in entirety if any portion of the site is within the two-hundred fifty (250) foot limit, including, but not limited to, marinas, motels, stores and mobile home parks.

Sec. 2. A. EFFLUENT CHANGES AND PROPOSED NEW DISCHARGES:

Any person proposing a new discharge or a substantial change in the volume or character of pollutants that are being discharged into the treatment works, shall notify the Town at least forty-five (45) days prior to the proposed change and/or connection.

B. Proposed new discharged from residential or commercial sources involving loadings exceeding 50 population equivalents or any increase in industrial discharge must be approved by the New Hampshire Water Supply and Pollution Control Commission.

Sec. 3. All Sanitary Sewage and Industrial Wastes from any improved property, after connection of such improved property to a public sewer as required under Article II-1, shall be conducted into a public sewer, subject to such limitations and restrictions as shall be established herein or otherwise shall be established by the Town from time to time.

Sec. 4. No person shall place or deposit or permit to be placed or deposited upon public or private property within the Town's jurisdiction, any Sanitary Sewage, Garbage, or Industrial Wastes in violation of Article II-1. No person shall discharge or permit to be discharged to any natural outlet within the Town's jurisdiction, any Sanitary Sewage, Garbage or Industrial Wastes in violation of Article II-1, except where suitable treatment has been provided which is satisfactory to the Town.

- Sec. 5. No privy vault, cesspool, sinkhole, septic tank or similar receptacle shall be used and maintained at any time upon any improved property which has been connected to a public sewer or which shall be required under Article II-1 to be connected to a public sewer. Aforesaid privy vaults, cesspools, sinkholes, septic tanks or similar receptacles shall be abandoned and filled with suitable material.
- Sec. 6. No privy vault, cesspool, sinkhole, septic tank or similar receptacle shall, at any time, be connected with a public sewer.

ARTICLE III: BUILDING SEWERS AND CONNECTIONS

- Sec. 1. A separate and independent building sewer shall be provided for every building on an improved property; except where one building stands at the rear of another, and no private or public sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway; in such instance the building sewer from the front building may then be extended to the rear building and the whole considered as one building sewer. This modification shall require the approval of the Town in writing.
- Sec. 2. Old building sewers may be used in connection with new buildings only when they are found, on examination and tested by the Town, to meet all requirements of this ordinance.
- Sec. 3. The size, slope, alignment, materials of construction, methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench of the building sewer, shall all conform to the requirements or the building and plumbing code or applicable rules and regulations of the Town.
- Sec. 4. Whenever possible, the building sewer shall 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, sewage carried by such building drain shall be lifted, at the owner's expense, by means approved by the Town and discharged to the building sewer.
- Sec. 5. No person shall connect roof downspouts, exterior or interior foundation drains, areaway drains, or other sources of surface runoff or groundwater or building floor drains to a building sewer or building drain which in turn is connected directly or indirectly to a sanitary sewer. No person shall remove a cleanout cap from any drain, vent waste pipe or fixture for purposes of allowing water, surface or subsurface, by sump pump or by gravity flow, to enter into the sanitary sewer. No person shall obstruct the free flow of air through any drain or soil pipe.
- Sec. 6. The connection of the building sewer into the public sewer shall conform to the requirements of the building and State Plumbing Code or other applicable rules and regulations of the Town.

Sec. 7. During construction of a new sanitary sewer, the Town will construct the service connections for existing building to the curb or property line or edge of the rights-of-way or normal traveled way, whichever is appropriate. Construction of the building sewer, including connection to the structures served, shall be the responsibility of the owner of the improved property to be connected; and such owner shall indemnify and save harmless the Town, its officers, and agents from all loss or damage that may be occasioned, directly or indirectly, as a result of construction of a building sewer on his premises or its connection to the sewage collection system. After the initial construction of the building sewer, the owner shall thereafter be obligated to pay all costs and expenses of operation, repair and maintenance, and of reconstruction (if needed) of the building sewer and service connection.

Sec. 8. The building sewer shall be continued to the building from the stub end provided by the Town at the curb or property line or edge of right-of-way or normal traveled way, and from no other point, unless the owner is authorized to do otherwise by the Town. The invert of the building sewer at the point of connection to the stub provided by the Town at one of the proceedings described point shall be at the same elevation as the stub provided by the Town. A smooth, neat joint shall be made at the connection of the building sewer to the stub provided by the Town and shall be made secure, watertight and acceptable to the Town with the cost of said connection to be borne by the owner.

Sec. 9. If the owner of any improved property, located within the Town's jurisdiction, is benefited, improved, served or accommodated by any public sewer, or to which any public sewer is available, shall after sixty (60) days notice from the Town, in accordance with Article II-I, fail to connect such improved property, as required, he shall be subject to the actions and penalties prescribed in RSA 149-I and RSA 147 and regulations issued pursuant thereto; or the Town may make such connection and may collect from such owner the costs and expenses thereof by such legal proceedings as may be permitted by law.

Sec. 10. There shall be two classes of building sewer permits: (A) for residential, commercial and institutional service, and (B) for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application for permission to connect to a public sewer. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Town. A permit and inspection fee of \$25 shall be paid to the Town at the time the application is filed, for each and every connection to the public sewer for each residential, commercial and institutional unit, structure, facility or integral part thereof and for each industrial unit, structure, facility or part thereof.

Sec. 11. No person shall uncover, connect with, make any opening into or use, alter or disturb in any manner any public sewer or any part of the sewage collection system, service connection or building sewer without first obtaining a permit, in writing, from the Town. In the event that a connection must be made to a major interceptor sewer, it will first be necessary to obtain a permit in writing from the Commission and the Town. Any costs

for labor or materials incurred by the Town during the connection process shall be borne by the owner, where applicable. Said costs shall be paid to the Town Treasurer for deposit to the "Sanitary Sewage Fund" at the time the connection process is complete. Where excavation in a public street is involved, a digging permit must be obtained from the appropriate agency.

Sec. 12. The applicant for the building sewer permit shall notify the Town when the building sewer is ready for inspection and connection to the public sewer. The connection to the main sewer line will be made under the supervision and in the presence of the Town or its representative. Other associated work (ditching, laying pipe, etc.) may be performed by an approved contractor or homeowner.

Sec. 13. Suitable provisions must be made at the point of connection for testing, which responsibility shall rest with the holder of the sewer connection permit. Details of connections and bedding are specified by the Town. The building sewer shall be tested by insertion of a test plug at the point of connection with the public sewer. The building sewer shall then be filled with water under a head of not less than ten (10) feet or the equivalent air pressure. The water level at the top of the test head of water shall not drop for at least 15 minutes. If air is used, the test acceptance criteria shall be consistent with the technical paper entitled, "Low Pressure Air Test for Sanitary Sewers" as published in the Journal of the Sanitary Engineering Division from the proceedings of the American Society of Civil Engineers, dated April, 1964.

ARTICLE IV: RULES AND REGULATIONS GOVERNING BUILDING SEWERS AND CONNECTIONS TO SEWERS

Sec. 1. No building sewer shall be covered until it has been inspected and approved by the Town. If any part of a building sewer is covered before being inspected and approved, it shall be uncovered for inspection at the cost and expense of the owner of the improved property to be connected to the public sewer.

Sec. 2. Every building sewer of any improved property shall be maintained in a sanitary and safe operating condition by the owner of such improved property.

Sec. 3. Every excavation for a building sewer shall be guarded adequately with barricades and lights to protect all persons from damage and injury. Streets, sidewalks and other public property disturbed in the course of the work on a building sewer shall be restored, at the cost and expense of the owner of the improved property being served, in a manner satisfactory to the Town.

Sec. 4. If any persons shall fail or refuse, upon receipt of a notice from the Town, in writing, to remedy any unsatisfactory condition with respect to a building sewer, within forty-five (45) days of receipt of such notice, the Town may remedy any unsatisfactory condition with respect to a building sewer and may collect from the owner the costs and expenses thereof by such legal proceedings as may be provided by law. The Town shall have full

authority to enter on land of the property owner to do whatever is necessary to remedy the unsatisfactory condition.

Sec. 5. The Town reserves the right to exclude or adopt, from time to time, rules and regulations as it shall deem necessary and proper, relating to connections with a public sewer and the sewage collection system. Such additional rules and regulations, to the extent appropriate, shall be part of these regulations.

ARTICLE V: RULES AND REGULATIONS GOVERNING DISPOSAL OF SEPTIC TANK WASTES

Sec. 1. Septic tank and holding tank wastes will be accepted into the treatment works at designated receiving structures within the treatment works area, provided such wastes do not violate any of the terms or conditions of this ordinance, or any other special requirements established by the Commission and/or the Town. Permits to use such facilities and assessment of fees for such use shall be under the jurisdiction of the Commission or their duly authorized representatives. The sewage treatment plant superintendent, acting in behalf of the Commission, shall have authority to limit the disposal of such wastes, if such disposal would interfere with the treatment plant operation. Procedures for the disposal of such wastes shall be in conformance with the operating policy of the Winnepesaukee River Basin Sewage Treatment Plant superintendent, and disposal shall be accomplished under his supervision unless specifically permitted otherwise.

ARTICLE VI: SEWERED WASTE RESTRICTIONS

Sec. 1. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

Sec. 2. Stormwater and all other unpolluted drainage shall be discharged to storm drains, if available, or to a natural outlet approved by the Town. Industrial cooling water or unpolluted process waters may be discharged, with written permission of the Town, to a storm drain, if available, or an approved natural outlet providing the industry has a State permit or a permit issued by the Environmental Protection Agency.

Sec. 3. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

- (a) Any gasoline, benzine, naphtha, fuel, oil, or other flammable or explosive liquid, solid or gas.
- (b) Any waters or wastes 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 sewage treatment process, constitute a hazard to human or animals, create a public nuisance, or create any hazard at the sewage treatment

plant, or its receiving waters, including but not limited to cyanides in excess of 0.004 mg/l as CN in the wastes as discharged to the public sewer.

- (c) Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable to causing damage or hazard to structures, equipment, and personnel of the sewage works.
- (d) Solid or viscous substances in quantities or of such size capable to causing obstruction to the flow in sewers, or other interference with the proper operation of the sewer system such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair or fleshings, entrails, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

Sec. 4. No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely, in the opinion of the Commission and/or the Town, that such wastes can harm either the treatment works, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming such opinion as to the acceptability of these wastes, the Commission and/or Town will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capability of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are, but not limited to:

- (a) Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees F, (65 degrees C).
- (b) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees F, (0 to 65 degrees C).
- (c) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions, whether neutralized or not.
- (d) Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment plant exceeds the limits established by the EPA or the State for such materials.
- (e) Any waters or wastes containing phenols or other taste or odor-producing substances in such concentrations as to exceed limits which may be established by the Commission and/or the Town as necessary, after treatment of the composite

sewage, to meet the requirements of the State, Federal, or other public agencies of jurisdiction for such discharge to the receiving waters.

- (f) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Commission and/or Town, in compliance with applicable State or Federal regulations.
- (g) Any water or wastes having a pH in excess of 9.5.
- (h) Material which exerts or causes:
 - (1) Unusual concentration of inert suspended solids (such as, but not limited to, fuller's earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
 - (2) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solution).
 - (3) Unusual BOD, COD, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
 - (4) Unusual volume of flow or concentration of wastes or both constituting "slugs" as defined herein.
- (i) Waters or wastes containing substances which are not amendable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to receiving waters.

Sec. 5. 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 judgment of the Commission and/or the Town, may have a deleterious effect upon the treatment works, processes, equipment, or receiving waters or which otherwise create a hazard to life or constitute a public nuisance, the Commission and/or Town may:

- (a) Reject the waste.
- (b) Require pretreatment to an acceptable condition for discharge to public sewers.
- (c) Require control over the quantities and rates of discharge, and/or
- (d) Require payment to cover the added cost of handling and treating the wastes.

If the Commission and/or Town permits to pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Commission and/or Town and subject to the requirements of all applicable codes, ordinance and laws.

- Sec. 6. Grease, oil, and sand traps shall be provided when, in the opinion of the Commission and/or the Town, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes and/or other harmful ingredients; except that such traps shall not be required for private living quarters or individual dwelling units. All traps shall be of a type and capacity approved by the Commission and/or Town, and shall be located as to be readily and easily accessible for cleaning and inspection. In maintaining the interceptors, the owner shall be responsible for the proper removal and disposal of captured materials by himself or a currently licensed waste disposal firm.
- Sec. 7. Where pretreatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.
- Sec. 8. When required by the Commission and/or the Town, any property owner served by a building sewer carrying industrial wastes shall install a suitable control manhole, together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the Commission and/or the Town. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.
- Sec. 9. All industries discharging into a public sewer shall perform such monitoring of their discharges as the Commission and/or the Town may reasonably require including installation, use and maintenance of monitoring equipment, keeping records and reporting the results of such monitoring to the Commission and/or the Town. Such records shall be made available upon request by the Commission to other agencies having jurisdiction over discharges to the receiving waters.
- Sec. 10. The Commission and/or the Town, through its duly authorized employees and officials, bearing proper credentials and identification, shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this ordinance. The Commission and/or the Town or its representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.
- Sec. 11. 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, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole from the building sewer in the public sewer to which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the treatment works and to determine the existence of hazards to life, limb and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four (24) hour composites of all outfalls whereas pH's are determined from periodic grab samples.)

Sec. 12. The Town and/or Commission may require a user of sewer services to provide information needed to determine compliance with this Ordinance. These requirements may include:

- (a) Wastewaters discharge peak rate and volume over a specified time period.
- (b) Chemical analyses of wastewaters.
- (c) Information on raw materials, processes and products affecting wastewater volume and quality.
- (d) Quantity and disposition of specific liquid, sludge, oil, solvent, or other materials important to sewer use control.
- (e) Details of wastewater pretreatment facilities.
- (f) Details of systems to prevent and control the losses of materials through spills to the municipal sewer.

Sec. 13. No statement contained in this Article shall be construed as precluding any special agreement or arrangement between the Commission and/or the Town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Commission and/or the Town for treatment, subject to extra payment therefore, by the industrial concern, and provided that such agreements do not contravene any requirements of existing Federal laws and are compatible with any User Charges and Industrial Cost Recovery System in effect.

ARTICLE VII: APPROVAL OF CONTRACTORS

Sec. 1. The Town reserves the right to prohibit any person from installing building sewers, septic tanks, leaching fields or any other facilities for the handling or disposing of Sanitary Sewage or Industrial Wastes, if in the past, said person has refused to abide by this ordinance or if said person's performance has proven to be of inferior quality and,

therefore, requires an unusual amount of supervision by the Town in relation to other persons.

ARTICLE VIII: PRIVATE WASTEWATER DISPOSAL SYSTEMS

Sec. 1. The type, capacity, location, layout and installation (including inspection) of a private wastewater disposal system shall comply with all requirements of the New Hampshire Water Supply and Pollution Control Commission. No permit shall be issued for any new private wastewater disposal system employing subsurface soil absorption facilities where the lot area is less than is required by subdivision lot size requirements of the New Hampshire Water Supply and Pollution Control Commission. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

ARTICLE IX: PENALTIES

Sec. 1. Any person found to be violating any provisions of this ordinance or the State Plumbing Code shall be served by the Town 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.

Sec. 2. Any person who shall continue any violation beyond the time limit provided for in Article IX, shall be subject to all penalties provided by New Hampshire RSA 252:8 and 252:24 and other applicable legislation.

Sec. 3. Any person violating any of the provisions of this ordinance or the State Plumbing Code shall become liable to the Commission and/or the Town for any expense, loss, or damage occasioned by the Commission and/or the Town by reason of such violation.

This Ordinance shall take effect upon its passage. Passed and approved this 6th day of March 1981.

Sandra T. McGonagle, Chairman
Lawrence W. Guild, II
Thomas T. Weekes

GILFORD BOARD OF SELECTMEN

CHAPTER II SEWER USER CHARGE SYSTEM

General Requirements:

1. This user charge system is established to insure the equitable distribution of the costs of operation, maintenance, management, reconstruction, replacement, and repairs of the wastewater collection system within the Town of Gilford. Each individual user or user class within the Town shall pay in proportion to their contribution to the total wastewater loading on the treatment works.
2. Annual Review of Charges – The Town of Gilford, through its Board of Selectmen, shall annually review the wastewater contribution of users, the total costs of the sewage system, and its approved charge system. The Town shall revise charges, as appropriate, for use or user classes to accomplish the following:
 - A. Maintain the proportionate distribution of costs among users and use classes as required.
 - B. Generate sufficient revenue to pay the total costs necessary to properly maintain the system to include replacement costs as required and necessary.
3. Connection Fees – No application for a permit to connect to the Town’s sewer system shall be approved until the Permit Fee is paid in full. The permit fee shall be reviewed annually by the Board of Selectmen to ensure that it accurately reflects the average cost to buy in to the investment in the total sewer system.
4. Charges for Extraneous Flows – The user charge system shall provide that the costs of all flow not directly attributable to users or user classes (ie. infiltration/inflow) be distributed among all users of the system in the same manner that system costs are distributed among users or user classes for their actual use, or under a system which uses one or any combination of the following factors:
 - Flow Volume of users
 - Land area of users
 - Number of hook ups or discharges to the users.
5. Sewer Fund – The funds received from the collection of the sewer charges authorized by this ordinance and all other receipts resulting from the operation of the sewage system shall be deposited with the Town Treasurer and shall be separately accounted for and be known as the “Sewer Fund”. This fund, when appropriated by the Board of Selectmen, shall be available for the payment of the first instance of the cost and expense of the management, maintenance, operation and repair of the Town Sanitary Sewage System and Sewage Disposal and any surplus thereafter for the cost of construction, reconstruction, replacement and for the payment of any interest and principal of any debt incurred to pay such costs for the improvement of the Town’s sanitary sewage system or regional system.

6. Sewer User Charges – The user charge shall be sufficient to cover all costs associated with the operation and maintenance of the collection system as well as providing a replacement fund. The charges for use of the system will be based upon volume as measured by installed water or wastewater meters as approved by the Town of Gilford. The basic charges for each individual connection to the sewer system will be determined by one of the following methods of assessment:

- A. Upon the metered volume of water consumed as it relates to wastewater generated. Volume shall be directly measured by a metering device approved by the Town.
- B. Where a metering device cannot be reasonably utilized, an adjustment as to sewer charges may be made by the execution of a contract between the owner and the Town.
- C. Industrial Users are those whose wastes entering the Town’s sewer system (following pretreatment) exceed the following standards:
 - I. Five (5) day BOD of not more than 200 milligrams per liter at twenty degrees centigrade (20° C).
 - II. Suspended solids concentration of not more than 200 milligrams per liter or in any way cause additional treatment expenses to be incurred will be charged at a rate determined at the time such conditions occur. The strength of wastewaters exceeding the normal characteristics as specified above is to be determined by the Town, employing the services of an approved testing firm and/or the services of the State. Any testing costs shall be borne by the User.

Charges shall be based on:

- A rate per 1,000 gallons of measured volume, plus
- A rate per pound in excess of 200 mg/liter of BOD concentration, plus
- A rate per pound in excess of 200 mg/liter of Suspended Solids concentration.

- D. The basic charges for seasonally operated cottages, camps, motels, hotels, homes and similar users shall be assessed the Administrative fee plus a fee per 1,000 gallons of water consumed for each unit during the period of use. The term “unit”, as used herein, refers to each living unit.
- E. A surcharge shall be levied on all users whose wastes exceed the normal concentration for BOD and/or suspended solids as outlined above in C. I, and II. The surcharge will be established as a rate per pound as described in paragraph C.

7. User Charge Computation - All costs related to the municipal sewer collection system will be borne by those utilizing the system. Included in these costs are those fees necessary to operate, maintain, administer, upgrade and provide for limited future expansion. The costs will be calculated by determining an Administrative Fee and a usage rate per thousand gallons.

- A. Each sewer user (living unit) shall pay the Administrative Fee each quarter of the year to cover administrative costs. The Administrative Fee shall be reviewed annually, and is intended to cover certain costs of the system that are not dependant on usage volume. Including, but not limited to: personnel, office expenses, and the administrative portion of the WRBP billing.

Fee = Administrative Costs / # of living units / 4 quarters

- B. The rate per gallon shall be calculated by dividing the total estimated budget for the Sewer Fund, less revenue to be generated by the administrative fee and any other projected revenues, by the total estimated annual usage (per thousand gallons).

Rate = Total Sewer Costs – projected revenues / total estimated usage per 1,000 gallons

8. Meter Rules and Regulations

- A. Meters for the purpose of metering private water supplies will be provided by the owner of the premises at their own expense and accepted and approved by the Town.
- B. Meters may be purchased from the Town, at cost, by individuals for installation by a licensed plumber on their premises.
- C. In the case of a meter stopping or failing to register, the quantity of water used shall be based upon the average of past usage which most accurately reflects current usage.
- D. Any owner may place on his premises, at his own expense, a meter which shall be approved by the Town, to measure the flow of water which does not enter the sewage system, and an adjustment of the sewer charge shall be made commensurate with said metered use in accordance with the applicable rate charged by the Town.
- E. The Town's duly authorized personnel shall have the right to enter the premises to read said meter.
- F. No person shall maliciously, willfully, or negligently damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment that is part of the public sewerage system. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct pursuant to the local ordinances, and shall also be subject to penalties under State and Federal statutes.

9. Billings and Other Charges

- A. Billing: Pursuant to RSA 149-I:11 and 38:22, the Town shall issue a warrant to the Tax Collector four (4) times a year, who shall send bills and collect these charges for sewer services.
- B. Payment: Payment is due within thirty (30) days of said billing. Any bills not paid within this time period will be subject to collection procedures of the Tax Collector, as defined in NH RSA 80.
- C. Delinquency: The Tax Collector shall include, on an annual basis with the list of unpaid property taxes, all delinquent sewer accounts and shall have all the rights and remedies, including a lien on the real estate, and be subject to the same liabilities in relation thereto, as in the collection of taxes as provided in RSA 80.
- D. Abatements: Upon written request to the Board of Selectmen within thirty (30) days of the due date, an abatement of all or a portion of sewer charges will be considered. The request may be granted for good cause and with proper justification.

(Chapter II, Sewer User Charge System, Amended 3/14/07)

CHAPTER III

OPERATION AND MAINTENANCE

Adopted August 26, 1982

ARTICLE I: General

The operation and maintenance (O&M) costs of the Gilford Municipal Sewer System as relating to the Winnepesaukee River Basin Program will be based upon those costs as provided by the Water Supply and Pollution Control Commission. These costs are to be specified annually in Water Supply and Pollution Control Commission Control Regulation, WS 1200, or as provided in quarterly billings from the State will be utilized to adjust sewer user charges as necessary to defray costs. Administrative costs relating to the costs of administrating the program at both State and Municipal level are to be included.

Sec. 1 "Operations and Maintenance Costs"

- (A) State: These costs relate to those billed by the State on a periodic basis for those O&M items directly related to the total Winnepesaukee River Basin Project which includes the Franklin Treatment Plant. Such costs are: chemicals for the plant, utilities at the plant and various pumping stations, fuel, and salaries of plant and maintenance personnel. These costs are estimated in advance of the fiscal year, July, billed quarterly, and adjusted in the 1st quarter of the following fiscal year. At this time, estimating the rates consists of two variables, operational costs and flow costs. This total estimated cost is then divided by the estimated flow to arrive at a unit flow charge, usually dollars per thousand gallons. As both flow and operational costs are varying greatly as the system grows, these costs will tend to stabilize as it reaches design capacity. Gilford is billed upon their contribution to the system and includes the following:

1. Treatment Charge:

Franklin Treatment Plant _____MG @ \$ _____/1,000 gal.

2. System Replacement Charge _____MG @ \$ _____/1,000 gal.

3. Maintenance Charge _____MG @ \$ _____/1,000 gal.
(27.52 mi.)

4. Pump Station Charges:

Pendleton Beach: _____MG @ \$ _____/1,000 gal.

Gilford: _____MG @ \$ _____/1,000 gal.

Glendale: _____MG @ \$ _____/1,000 gal.

Winnisquam: _____MG @ \$ _____/1,000 gal.

Total State O&M Charges \$ _____/1,000 gal.

- (B) Town O&M Costs: Town O&M costs are required to perform the same type functions as for the State, but upon Town owned assets. It will include such items as meter repair and maintenance; repair items and tools; line cleaning and repair; manhole cleaning and repair; etc. The amount to be charged is to be 15% of the total State O&M charges.

Total State O&M Charges x 15% \$ _____/1,000 gal.

- (C) Total O&M charges is the sum of the results of Paragraph "A" and "B" above at a rate of \$ _____/1,000 gallons.

Sec. 2 "Administrative Costs"

- (A) State: These costs relating to the administration of the program are limited to the salaries of the Administrator, secretarial help, and those office related duties. These costs are determined by the State utilizing design system flows as contributed by each community according to the following formula.

$$C_u = \frac{\text{Total State Administrative Costs}}{\text{Total Estimated Flow}} \times \text{_____MGD} = \text{Town \% Contribution}$$

$$C = \frac{\text{Total State Administrative Costs}}{\text{_____MGD}} \times \text{_____MGD} = \text{\$Town Charge}$$

- (B) Town: Town costs are again required to perform the same type function as for the State and are limited to the salaries of the Sewer Superintendent, secretarial help, billing preparation, and related office duties. The formula to be used will be as the State's.

$$c_{ut} = \frac{\text{Town's Administrative Costs}}{\text{Total Estimated Flow}} \times \text{Town's \% Contribution}$$

or

$$c_{ut} = \frac{\text{Total Town's Administrative Costs}}{\text{_____MGD}} = \text{_____MGD} = \$ \text{_____}$$

Where:

c_{ut} = Town's user's charge for administration per unit of time

MGD – Million Gallons per day.

- (C) Total administrative charges is the sum of paragraph “A” and “B” above at a rate of \$_____/per connection.

Sec. 3 “Total Sewer User Rate”

The total sewer user rate to be charged each customer serviced by the Winnepesaukee River Basin Project will be that resulting from those charges stated in Paragraph C of Sections 1 and 2. This rate will be recomputed annually based upon estimated costs provided by the State during the 4th quarter of the State fiscal year (April – June) to become effective the 1st fiscal quarter (July – September) of the following State fiscal year. See Attachment #1 for actual computations which is to be updated at least annually or as dictated by State billing procedures.

ATTACHMENT #1
SEWER USER RATE COMPUTATIONS

Administrative Costs:

	1
State:	\$13,950.
	2
Town:	<u>\$60,389.</u>
	\$74,339.

Service Connections: 600 (Estimated)

Administrative Cost Computations:

Total costs – number of connections – four quarters = Administrative Costs

$$\$74,339 - 650 - 4 = \$28.60 (\$25.50)$$

Operation & Maintenance Costs:

	3
State:	\$106,600.
	4
Town:	<u>\$ 15,975.</u>
Total	\$122,575.

Flow:

5

$$58,612,800 \text{ Gals.} + 8,791,920 \text{ (Est.) Gals} - 67,404,720 \text{ Gals.}$$

Flow Charge Computations:

Total cost – number of Gallons x 1,000 = Flow Charge

$$\$122,575 - 67,404,720 \times 1,000 = \$1.81/1,000 \text{ Gals. } (\$1.70)$$

/s/ Sandra T. McGonagle
Sandra T. McGonagle

/s/ Richard L. Richardson
Richard L. Richardson

/s/ Thomas T. Weekes
Thomas T. Weekes

GILFORD BOARD OF SELECTMEN
Revised 11/86