

TOWN OF BELMONT

BELKNAP COUNTY, NEW HAMPSHIRE

**AN ORDINANCE FOR THE
OPERATION AND MAINTENANCE OF THE
BELMONT MUNICIPAL SEWER SYSTEM**

Pursuant to RSA 149-I:6 and every other enabling authority, the Board of Sewer Commissioners of Belmont hereby enacts and ordains the following Rules and Regulations. The Rules and Regulations herein set forth are established by the Board of Sewer Commissioners of the Town of Belmont as necessary or desirable for the efficient operation of the Belmont Municipal Wastewater Collection System and to safeguard the public health and safety of the people of Belmont. These Rules and Regulations are also adopted by the Health Officer of the Town of Belmont with the approval of the Board of Selectmen pursuant to RSA 147:1.

This ordinance is not intended to replace or repeal the BOCA Basic Plumbing Code (latest Edition) or any other code, ordinance, regulation or lawful requirement of the Town of Belmont. Where provisions of two or more local codes, ordinances, regulations or lawful requirements are in conflict, the one that imposes the higher duty or stricter requirement shall govern.

The Sewer Superintendent of the Town of Belmont shall be responsible for the enforcement of this ordinance, for issuing permits and inspection as provided herein.

ARTICLE I

DEFINITIONS

Unless the context specifically and clearly indicates otherwise, the meaning of terms and phrases used in this ordinance shall be as defined in the "B.O.C.A. Basic Plumbing Code," Third Edition, 1975, as published by the Building Officials Conference of America, Inc., or as defined herein:

- A. Bond is a surety bond, bank check or cash.
- B. Installer is a person, persons, partnership or corporation who connects public or private structures to the municipal sewer system.
- C. Sewer Commission is the duly elected Board of Sewer Commissioners of the Town of Belmont, New Hampshire.
- D. Sewer Superintendent is the individual appointed by the Sewer Commission to operate and maintain the municipal sewer system.

- E. Town Clerk is the duly elected Clerk of the Town of Belmont.
- F. Connection Fee is the cost to connect to the municipal sewer charged against units not existing at time the sewer was initially constructed.
- G. Additional definitions are incorporated herein to the extent relevant, being those contained in Env-Ws 1201.03 provided in Article II and set out in Appendix A.

ARTICLE II

The Belmont Sewer Commission hereby adopts and incorporates herein as Appendix A to this Ordinance selected portions of the New Hampshire Department of Environmental Services Administrative Rules, Chapter Env-Ws 1200, Winnepesaukee River Basin Program (WRBP), as follows:

SEWER USE RULES

Env-Ws 1201.03	Definitions
Env-Ws 1201.04	Use of Public Sewers
Env-Ws 1201.05	Building Sewers (Construction/Installation)
Env-Ws 1201.06	Disposal of Septic Tank Wastes
Env-Ws 1201.07	General Sewered Wastes Restrictions
Env-Ws 1201.08	Approval of Discharges
Env-Ws 1201.09	Conflict with Community Ordinances

INDUSTRIAL PRETREATMENT RULES

Env-Ws 1205.01	Applicability
Env-Ws 1205.02	Industrial Discharge Permit (IDP) Requirement
Env-Ws 1205.03	IDP Application & Approval
Env-Ws 1205.04	IDP Duration
Env-Ws 1205.05	IDP Contents
Env-Ws 1205.06	Change in Discharge
Env-Ws 1205.07	IDP Modification
Env-Ws 1205.08	Signature Requirements
Env-Ws 1205.09	Certification Statement
Env-Ws 1205.10	Monitoring Records
Env-Ws 1205.11	Notice of Violation/Resampling & Reporting
Env-Ws 1205.12	Categorical Pretreatment Standards
Env-Ws 1205.13	Compliance Schedule & Progress Reports
Env-Ws 1205.14	Bypass, Slug Discharge & Upset Notification
Env-Ws 1205.15	Reports of Noncompliance
Env-Ws 1205.16	Imminent Endangerment
Env-Ws 1205.17	Monitoring & Surveillance

Env-Ws 1205.18	Variances
Env-Ws 1205.19	Public Information
Env-Ws 1205.20	Confidential Information

ARTICLE III

CONNECTIONS TO BELMONT MUNICIPAL SEWER SYSTEM

Section 1. Licensing:

- A. Any person installing one or more connections to the municipal sewer system must first obtain a license from the Sewer Superintendent at the Belmont Town Offices.
- B. The Superintendent shall take into consideration the applicant's knowledge, experience and access to the necessary equipment and shall issue or decline to issue the installer license in the exercise of the Superintendent's discretion.

Section 2. Bonding:

- A. Each licensed installer must furnish to the Town Clerk a performance bond in the amount of \$1,000 in a form approved by the Superintendent prior to installing any connection. The Town will hold the bond until 45 days after notification by the Sewer Superintendent that the work has been satisfactorily completed. The Sewer Commission may waive the performance bond for good cause shown at the written request of the installer.
- B. The installer shall furnish the following information to the Town Clerk with the bond:
 - 1) Job location
 - 2) Name of property owner
 - 3) Approximate starting/completion date
- C. The Sewer Commission may charge the installer's bond with any cost, damage or expense it incurs arising from the faulty installation of a sewer connection.
- D. Any installer who forfeits all or part of any bond to reimburse the Commission shall deposit funds with the Town Clerk to increase his bond to \$1,000 before any further connections are made.

Section 3. Revocation of License:

- A. Upon the recommendation of the Sewer Superintendent or on its own initiative, the Sewer Commission may revoke an installer's license for good cause shown. Upon such revocation the Commission shall refund the

installer's bond, less any charges against the bond, within 45 days after revocation of license.

- B. An installer's license shall automatically expire when the amount of the bond required under Section 2 falls below \$1,000 unless the full amount of the bond is restored within 30 days.

Section 4. Connections:

- A. The installer or the property owner must obtain a permit for installation from the Sewer Superintendent at the Belmont Town Offices and pay any connection fee before installation work may lawfully commence.
- B. All improved properties or existing septic systems within 250 feet of a public sewer must connect to the public sewer. The distance shall be measured in a straight line from the closest part of any structure which contains plumbing, or any part of a septic system tank or distribution box, to the nearest public sewer main.

Section 5. Minimum Cover:

All building sewers shall be buried at least three feet below finished grade at the building and five feet in areas from which the snow is plowed. If the minimum depth cannot be achieved due to the minimum pitch requirements or the elevation of the public sewer, written approval from the Sewer Commission approving an alternate arrangement shall be required in advance of installation.

ARTICLE IV

PRIVATE IMPROVEMENTS & ADDITIONS

Section 1. Developer's Improvements

The cost of additions or improvements to the municipal sewer system and any of its components or appurtenances which are necessary to serve a specific proposed development project shall be constructed and paid for by the developer of that project under the supervision and control of the Sewer Commission.

Section 2. Conveyance of Ownership to Town

Upon completion, ownership of such additions or improvements shall be conveyed to the Town of Belmont by bill of sale, warranty deed or other appropriate written instrument and shall become part of the municipal sewer system of the Town of Belmont.

Section 3. Equitable Reimbursement

Where a private developer has constructed and paid for additions or improvements which become part of the municipal sewer system, the Sewer Commission shall have the discretion, but not the obligation, to recapture some equitable share of the cost of such construction from unrelated private parties who later benefit from such additions or improvements, and to that end the Commission may impose such recapture as a condition precedent to permission to connect to the municipal system. Such amounts recaptured from later developers shall be paid over to the original developer or successor in interest.

ARTICLE V

SEWER UNITS, CHARGES AND COLLECTIONS

Section 1. Sewer Units & Charges

To achieve reasonable fairness in the funding of the original construction costs and associated debt, the Town of Belmont is divided into sewer areas. The present areas are the Winnisquam area, Village area, and proposed Silver Lake area. Other areas may be added as the system is extended.

The sewer user rates are a combination of the amount required to repay the construction debt in that area plus a flat unit rate for operation, maintenance and eventual replacement of the system.

Definitions of a Unit	Unit Charge
Single Family Dwelling (House, camp, trailer)	1
Two Family Dwelling	2
20 School Students	1
1 Motel-Hotel unit with kitchen facilities	1
2 Motel-Hotel Units (Double Occupancy) without kitchen	1
10 Restaurant Seats	1
2 Tourist/Group-Home Rooms (Double-Occupancy)	1
Campground Bathhouse(per Five Campsites)	1
4 Tourist/Group-Home Rooms (Single-Occupancy)	1
50 Country Club Members	1
100 Church or Men's Club Members	1
0-5 Commercial & Industrial Employees (Full Time)	1
0-10 Commercial & Industrial Employees (Part Time)	1
Every additional 5 commercial & industrial employees (Full or Part Time)	1/2
1 Gas Station	1

40 Theater or Playhouse Seats	1
1½ Laundromat Machines	1

A unit is assumed to be discharging no more than 30,000 gallons per quarter. Usage above that amount will result in additional unit charges of one unit per 30,000 gallons per quarter or portion thereof.

A seasonal unit rate has been established to adjust the flat unit rate portion of the bill, which is intended to cover replacement cost, operation and maintenance but not the repayment of construction debt. A seasonal unit is a summer cottage or trailer, not a permanent residence. To qualify for the seasonal unit rate the water and sewer must be shut down during the freezing months, and the owner must present the Sewer Commission copies of the electric bills showing no usage during the freezing months.

Current rates are as follows, which may be changed by vote of the Sewer Commission as conditions warrant:

Connection Fee	\$1000 per unit
Winnisquam/Village Debt Rate	\$0 per quarter
Winnisquam/Village Flat Rate	\$23 per quarter
Winnisquam/Village Seasonal Rate	\$16 per quarter
Silver Lake	To be determined

Section 2. Billing & Collection Procedures:

The Sewer Commission will issue quarterly bills. All past due sewer bills will be charged interest at the maximum rate allowed by State law. From time to time the Sewer Commission will commit all past due charges with a warrant for their collection to the Town Tax Collector pursuant to RSA 149-I:11 and RSA 38:22. Under those State laws, the Tax Collector shall have all of the powers and remedies in the collection of delinquent sewer charges as in the collection of the local property tax, including a lien against the property, and nonpayment of the sewer charges may eventually lead to loss of the property itself through the issuance of a Tax Collector's Deed to the Town of Belmont.

ARTICLE VI

FUND MANAGEMENT

Section 1: Pursuant to RSA 149-I:10 the funds received from the collection of sewer user charges shall be deposited in a separate non-lapsing account known as the Sewer Fund.

Section 2: This fund will be managed as an enterprise fund and excess funds shall be retained from year to year.

Section 3: The fund may be expended only for the sewer-related purposes specified in RSA 149-I:8. Monies which have been transferred from other sources to meet temporary shortages in Sewer funds shall be returned to their respective accounts as soon as possible.

Section 4: The Sewer Commission shall review the user charges at least annually and revise the rates as necessary to ensure that adequate revenues are generated to pay the costs of operation, maintenance and replacement as required by the Code of Federal Regulations (CFR) 35.2140(a)(b), and that the system continues to provide for the proportionate distribution of operation and maintenance expenses including replacement cost among all users.

ARTICLE VII

PENALTY

Pursuant to RSA 149-I:6, II any person who violates any provision of this Ordinance shall be subject to a civil penalty not to exceed \$1,000 (one thousand dollars) for each day of such violation.

The foregoing Ordinance was adopted by vote of the Belmont Sewer Commission this 13 day of JUNE, 2002 which shall be the effective date hereof.

BELMONT SEWER COMMISSION







BELMONT HEALTH OFFICER
