

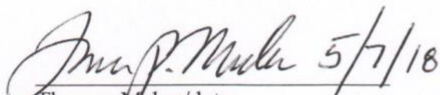
Town of New Castle, N.H.

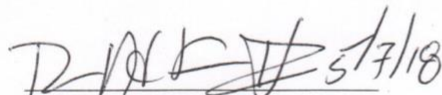
Water and Sewer

Ordinance

Adopted by:

 5/7/18
William Stewart/date

 5/7/18
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 5/7/18
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Select Board, Town of New Castle, New Hampshire

Purpose	3
Supersession and Implementation	3
Definitions	3
Governance	3
Commissioners	3
Funds	4
Violations, Enforcement and Penalties	5
Limits of Town Liability	5
Hearing Board	6
ORDINANCE ELEMENTS COMMON	6
TO WATER AND SEWER	6
Application for Service	6
Installation, Maintenance and Repair	6
How Water and Sewage Usage are Measured	7
Billing and Payments	7
Trimester Billing	7
Miscellaneous Bills	8
Property Transfers	8
Interruption of Service	8
Claims for Damages	8
Inspections	8
WATER UTILITY	8
Source	8
Size of Service and Meters	9
Installation, Maintenance and Repair	10
Cross Connections	10
Turning Water Off or On	11
SEWER UTILITY	11
Requirement to Use	11
Prohibited Uses	12
Pump Stations	14
Application for Public Sewer Service	15
Service Connection Requirements	15
	1

General	15
Gravity Main Single Connections	16
Forced Main Connections	16
Installation, Maintenance and Repair	17
Billing and Payments	17
Trimester Billing	17
Claims for Damages	17
Private Septic	17
Access to Easements	18
Appendix A	19
Definitions	19
Appendix B	21
Schedule of Fees and Fines	21
Appendix C	22
Amendment History	22

Purpose

As authorized under New Hampshire RSA 38:26 (water) and RSA 149-I (sewer), the purpose of this document is to establish an ordinance pertaining to the proper maintenance and operation of the water and sewer utilities of the Town and to prescribe regulations regarding private septic systems where allowed.

Supersession and Implementation

All prior ordinances, bylaws or regulations governing water and sewer pursuant to the formation of the Water and Sewer Commission at the Town Meeting of March 8, 1977, and any subsequent amendments thereto, are hereby superseded by this document.

This ordinance is effective upon Select Board signatures.

Note:

- The state of New Hampshire mandates adherence to the International Plumbing Code for building interiors. Exterior issues are prescribed by Town ordinance as permitted by RSA 38:26 (water) and RSA 149-I:6 (sewer).
- For the sake of brevity, elements of the ordinance which “apply in common” to both utilities are first presented in the section labeled “**Ordinance Elements Common to Water and Sewer.**” Readers who are concerned with only one or the other utility, are advised that they need to refer to both the **Elements Common** as well as utility specific elements later in the document.

Definitions

Definitions of terms used in this ordinance are found in Appendix A.

Governance

Commissioners

RSA Chapter 38-C allows for the combining of sewer commissioners and commissioners of waterworks. In New Castle, this combination is known as the Water and Sewer Commission. Pursuant to RSAs 38-C:2 and 38:18, the commission shall consist of three, or more, citizens. As

allowed under RSA 38:19, at Town Meeting of March 8, 1977, voters authorized the Select Board to appoint the commission members.

Pursuant to RSA 38:20, the commissioners are uncompensated Town volunteers appointed by the Select Board. Their term of office is three years. There are five regular members and two alternates; one member is an ex-officio member of the Select Board. Three members constitute a voting quorum. The Town Treasurer is ex-officio Treasurer of the Water and Sewer Funds and a non-voting member of the Commission as is the Superintendent of Public Works. The commissioners annually choose one of their number as chairperson for one year.

The duties of the Commission are broadly addressed in RSA Title III, Chapter 38, and Title X, Chapter 149-I, for the water and sewer utility respectively. The day-to-day operations of the water and sewer utilities are their responsibility, as is the development of the annual budgets and appropriations of both, prior to their submission to the Budget Committee, Select Board and the Town Meeting.

The Commission shall conduct ongoing operations of the water and sewer systems and shall recommend to the Select Board changes in both operating procedures and capital expenditures. The Commission will calculate rates for water and sewer service to recover both operating costs and an equitable share of capital costs as approved by vote of the Town. Final setting of rates requires approval by the Select Board.

The Commission has authorized the Superintendent of Public Works to unilaterally spend up to \$5,000 for emergency repairs incident to actual or imminent failure of either utility.

Funds

Funds of the water and sewer operations shall not be commingled. Each will be kept separate and each shall have operating and capital accounts.

- a. There is a Water Enterprise Operating Account and a Sewer Enterprise Operating Account. Revenues for each are derived from fees levied for service; expenditures are determined and approved by the Water and Sewer Commission within annual, budgeted appropriations.
- b. With regard to capital accounts, at the May 2009, Town Meeting, the voters changed the purpose of an existing "Water and Sewer Department Depreciation Expendable Trust Fund" to the "Sewer Department Expendable Trust Fund" for the purpose of funding maintenance, repair and replacement of Sewer Department facilities, and named the Select Board as agents to expend from this Fund. At this same meeting, the Town created an expendable trust fund under provisions of RSA 31:19-a to be known as the "Water Department Expendable Trust Fund" for the purpose of funding maintenance, repair and replacement of Water Department facilities and again named the Select Board as agents to expend from this Fund.

- c. At the January 9, 2019, Water & Sewer Commission meeting, under the provisions of RSA 35:7 and 35:1, the Commissioners established the Water Capital Reserve Fund and the Sewer Capital Reserve Fund. Each fund consists exclusively of surplus water and sewer rentals (rates paid) respectively; they do not include any taxpayer appropriations. Under the provisions of RSA 35:15, “the Commissioners determined when expenditures shall be made.”

Any fines levied for violations of this ordinance are to be deposited into the appropriate fund based on the nature of the infraction.

Violations, Enforcement and Penalties

If a violation of the New Castle Water and Sewer Ordinance comes to the attention of the Select Board, either directly or upon any well founded information in writing from any person aggrieved, the Select Board shall direct the Water and Sewer Commission to take immediate steps in whatever legal manner required to enforce this ordinance.

Any person found to be violating any provision of this ordinance shall be served by the Town with written notice stating the nature of the violation and will be provided a reasonable time limit to correct the violation. The offender shall, within the period of time stated in such notice, permanently cease all violations.

Any person who shall continue any violation beyond the time limit provided shall be guilty of a misdemeanor, and upon conviction shall be fined in the amount specified in Appendix B for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

Any person violating any of the provisions of this ordinance shall become liable to the Town for any expense, loss, or damage occasioned to the Town by reason of such violation.

No person shall maliciously, willfully, or negligently break, damage, destroy or tamper with any structure or equipment which is a part of either utility. No person shall trespass onto town property containing any utility equipment. Any person violating this provision shall be subject to arrest under charge of disorderly conduct, criminal trespassing and criminal mischief.

Limits of Town Liability

The approval of any application for connection to the Town’s water or sewer utility does not indicate, nor should it be construed as meaning, acceptance of any liability by the Town or any of its employees for claims which may arise due to errors, oversights, inferior material, poor workmanship, or damages incurred in connection with such approvals.

Hearing Board

A hearing board shall be appointed as needed for arbitration on differences between the Water and Sewer Commission and citizens on matters concerning interpretation and execution of the provisions of this ordinance. The board shall be comprised of three members appointed by the Select Board.

Cases not resolved by arbitration will be referred to the Select Board for resolution. Cases arbitrarily resolved adverse to the Water & Sewer Commission may be referred to the Select Board by the Water & Sewer Commission for resolution.

ORDINANCE ELEMENTS COMMON TO WATER AND SEWER

Application for Service

Each application for the use of water or sewer shall be made to the Water and Sewer Commission on the prescribed form available at Town hall and on the Town's website. An application is necessary for original installation and any subsequent replacement. If the Water and Sewer Commission decides that the town's plumbing inspector or a registered engineer needs to review the plans, the developer/owner shall pay the cost of employing the inspector or engineer for any fees of review, inspection or test deemed necessary.

An application is also required for the extension of water or sewer service to any outbuilding or appurtenant structure. The application shall state the purpose of the extension of service.

Installation, Maintenance and Repair

All trench openings in town roads shall be bonded for one year from the date of completion of the project with a \$2,000 minimum cash, certified check, or other funds acceptable to the Water and Sewer Commission as escrow payment held as surety by the Town. Town bonding is not necessary when the construction is in a state road and the contractor already has a bond with the state highway Department of Transportation. Before any trench is dug, the contractor/owner shall comply with N.H. Title XXXIV, Public Utilities, Section 374.49, "Damage Prevention System." Compliance is most readily achieved by contacting Dig Safe, Inc. at phone number 811 at least 72 hours in advance of digging. Trench openings shall be repaired and maintained for at least one year by the contractor who does the excavation work. The surety bond will be released upon satisfactory final inspection by the Supervisor of Public Works. All final patches

shall be permanently emplaced by the Felix Marino Heat method. Patching a state road will be done in accordance with state regulations.

All excavations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town. Prior to any excavation on public property, a trenching permit must be obtained from the Water and Sewer Commission.

All new, altered, extended, or replaced water/sewer service shall be left uncovered and unconcealed until it has been inspected by the Public Works Department. The owner or his contractor shall notify the Public Works Supervisor 48 hours in advance when the service line is ready for inspection and connection to the water/sewer main. The water/sewer connection shall be made under the supervision of the Public Works Supervisor or his representative.

Any deviation from prescribed procedure and materials must be approved by the Water and Sewer Commission before installation.

How Water and Sewage Usage are Measured

Water meters measure in cubic feet. Bills are calculated against “units” of measure. One “unit” of water equals 100 cubic feet. One cubic foot of water equals 7.48 gallons and so one “unit” of water equals 748 gallons.

Sewage rates are assessed against fresh water units, one-for-one. For customers who receive their fresh water directly from the Portsmouth system but dispose of their sewage through the town’s system, water readings are obtained from the city of Portsmouth to calculate the sewer bill.

Billing and Payments

Trimester Billing

The Town will bill for water and sewer based on meter readings done on a trimester schedule: usage between March 1 through June 30 will be billed in July; July 1 through October 31 usage in November; and November 1 through February 28/29 usage in March. A late fee (see Appendix B) will be assessed 30 days after the due date; an additional late fee will be assessed every 14 days thereafter until paid in full. When an account is past due 60 days, notice will be mailed “certified,” stating the amount, including the late fees, owed. This certified notice will indicate that under New Hampshire law RSA 31:141, the Town has the authority to place a lien on the property as provided by RSA 38:22.

Miscellaneous Bills

Bills for labor, materials, and other services requiring the intervention of the Public Works Department or its assigned contractors shall be issued upon completion of the work. Bills shall be paid within 30 days. Overdue charges shall be managed in the same manner as past due water/sewer bills.

Property Transfers

Final meter readings should be performed on the transfer of property to properly charge respective owners. The Town Accountant is to be notified a minimum three workdays in advance of the closing to insure a meter reading and timely issuance of a final bill. The seller or their agent shall provide the date that the final bill is needed, to whom and to what address the bill should be provided, as well as the new owner's name and billing address so that the meter can be transferred to the new owner's account. The fee assessed for this service is listed in Appendix B. If no final meter reading is requested, it will be the responsibility of the buyer to pay all charges.

Interruption of Service

The Public Works Department reserves the right to shut off service temporarily whenever it becomes necessary to make extensions, alterations, or repairs, or to curtail the use whenever conditions require.

Claims for Damages

No person shall be entitled to damages, nor to have any portion of their charges abated or refunded for any stoppage of supply, occasioned by accident or repairs to the utility.

Inspections

Members of the Public Works Department shall be allowed access to any customer's premises between the hours of 10:00am and 8:00pm for the examination of pipes, fixtures, connections, the quality of water, and the manner of use.

WATER UTILITY

Source

Potable water is purchased from the City of Portsmouth, which gets its water from the Madbury surface reservoir and other wells. It is delivered to individual service pipes at standard working pressure (40 to 70 psi). Water quality is tested quarterly by the City of Portsmouth Water Division. In the event any quality standard is not achieved, New Castle water customers will be notified via mailed report.

Size of Service and Meters

The minimum size of water service shall be $\frac{3}{4}$ inch diameter, and type K soft copper from the water main to the curb stop. Service from the curb stop to the house shall be type K soft copper or type CTS polyethylene tubing. Magnetic locating tape shall be laid on top of type CTS tubing. Service lines must be designed to withstand 120 psi minimum pressure. The owner has the option to increase the size of the service line at owner expense.

All services are to be metered. There shall be at least one meter per property. Upon request of a single-family residential customer, second meters are permissible for the purpose of metering irrigation water that will not be discharged to the municipal sewer system in accordance with the following provisions:

- Customer must make application and payment of a new service fee. See Appendix B.
- No billing adjustments will be made for leaks or unwanted water usage.
- All NEW home construction will require that the second meter be installed in parallel with the feed to the primary house meter. For established homes, parallel installation is preferred, but serial installation will be permitted so long as the Superintendent of Public Works concurs. The Superintendent will inform the Town Accountant for billing purposes.
- Where established home construction precludes conventional installation of a second irrigation meter in a basement or crawl space, after discussion with the Superintendent of Public Works, the owner may request Commission consideration by letter for seasonal installation of an outside hose-bibb meter which would be read by Public Works personnel coincident with the main house meter reading. The owner is wholly responsible for purchase, installation, maintenance and repair of such ancillary meters. Commission decision regarding approval of such requests is final.

Meters will be purchased from and maintained exclusively by the Water and Sewer Division of the Public Works Department. Owners are responsible for proper connection. Owners will be charged for any damage to meters caused by abnormal conditions such as negligence including freezing.

Owners shall provide a clean, dry, warm, and accessible place for location of the meter, as near as possible at the point of entrance of the service pipe to the building. When the owner fails or neglects to furnish a suitable location for an inside meter, or where it is necessary or expedient to locate the meter in an underground box or vault, the owner shall bear the expense.

In case a meter fails to register the full amount of water consumed, the amount of the bill will be estimated by the Department of Public Works and the Town Accountant based upon the use recorded during previous months. If there are inconsistencies between inside and outside meters, the inside meter will take precedence and be used for billing purposes. The Public Works

Department will test a meter for accuracy upon complaint of a customer. If the meter is found to be within +/- 2 percent of the true value, the customer will be charged for the test.

Installation, Maintenance and Repair

The owner shall be responsible for installation, maintenance and repair of the service line from the house side of the curb stop to the house. The Public Works Department shall not be responsible for maintenance or repairs to any service pipe on the house side of the curb stop. The Town of New Castle shall not be liable for any damages resulting from leakage from any part of the owner's system which begins at its connection to the curb stop. The customer shall maintain his service pipe and attached fixtures in proper order and shall be responsible for any changes required thereto on account of change of grade, relocation of mains, or other conditions.

Underground service from the water main to the house shall be at least 40 inches deep and at least 10 feet from a sewer line unless a construction waiver is granted by the Water and Sewer Commission due to a hardship. At time of installation, at least 12 inches of pipe shall be left inside the foundation or wall for connection to house plumbing. The Town requires the use of Mueller fittings or equivalent type fittings that are approved by the Public Works Department.

No person except those duly authorized by the Public Works Department will tap any water main or connect any service pipes thereto. No unauthorized person shall shut off or turn on water from any main or curb stop. No person except firemen shall open any hydrants without the consent of the Public Works Department.

Cross Connections

Cross connections between the public water system and any non-potable source will not be allowed unless properly protected and approved by the Public Works Department. All customers shall comply with the New Hampshire Department of Environmental Services (DES) Code of Administrative Rules Part Env-Dw 505 *Backflow Prevention*. Vendor valves and devices cited below are listed for positive identification. The vendor devices, or a State approved equivalent, shall be used. In some cases other equivalent devices can be used; however, owners/contractors should check with the Public Works Department first. All backflow preventers are subject to inspection by the Superintendent of Public Works or his designated representative.

Backflow prevention devices shall be installed in the following high risk locations:

a. **Yacht clubs and commercial wharfs:** Air gap or reduced pressure backflow device, Watts (a brand name) 909 or equivalent. An air gap is the physical separation of the potable and non-potable system by an air space. The vertical distance between the supply pipe and the flood level rim shall be two times the diameter of the supply pipe, but never less than one inch. For extra protection within the dockside facilities, it is recommended that hose bibb vacuum breakers be used on all threaded outlets, Watts 8 or equivalent.

b. **Resident Docks:** Air gap or backflow preventer plus hose bibb vacuum breaker Watts 9D and 8 or equivalent.

c. **Resident Swimming Pools:** Air gap or backflow preventer plus hose bibb vacuum breaker on the line to swimming pool, Watts 8 or equivalent.

d. **New Residences:** Dual check backflow preventer, Watts 7 or equivalent, for extra protection within the residence. It is also recommended that hose bibb vacuum breakers be used on all threaded outlets, Watts 8 or equivalent.

e. **Resident Solar and Pressure Heating Systems:** For systems that contain polyethylene glycol antifreeze or other toxic chemicals, air gap or reduced pressure backflow device, Watts 909 or equivalent. If the systems are isolated from the town water supply, the above device is not required. For extra protection within the residence, it is recommended that hose bibb vacuum breakers be used on all threaded outlets, Watts 8 or equivalent.

f. **Outside Irrigation Systems:** A backflow preventer, such as Febco 765, is required.

Reduced pressure backflow devices shall be installed immediately after the water meter. It is recommended a strainer be placed before the backflow device to protect the device from damage due to debris, scale, dirt, and other foreign materials. This backflow prevention arrangement is known as a closed system and requires an expansion tank or toilet tank ball cock relief valve because expansion back into the town's water main is now prevented.

Turning Water Off or On

The Town Accountant is to be notified a minimum three workdays in advance of any request to turn water off or on. The current charge to shut off or turn on water service is specified in Appendix B.

SEWER UTILITY

Requirement to Use

It shall be unlawful to discharge to any natural outlet within the Town, any sewage or other polluted waters. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended for disposal of sewage. All sewage is to be disposed of via the town sewer utility or via private septic system.

The owner of any existing property in violation of state pollution laws, and of any new construction abutting any street, alley, or Town right-of-way in which there is now located, or may in the future be located, a public sewer of the Town, is required at their expense to install suitable toilet facilities therein, and to connect such facilities to the public sewer in accordance with the provisions of this ordinance and RSA 147:8, within 90 days after date of official notice to do so, provided the public sewer is within 100 feet of the property line.

At such time as a public sewer becomes available to a property served by a private septic system, unless such private septic system is already in full compliance with the law, a direct connection

shall be made to the public sewer in compliance with this ordinance, and any septic tanks, cesspools, and similar private facilities shall be abandoned and filled with suitable material approved by the Public Works Department. However, if and when the private septic system were to fail, the owner will not be allowed to remediate the system and will be required at that time to hook up to the public sewer system.

Prohibited Uses

No person shall connect roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer which in turn is connected to a public sanitary sewer. It shall be unlawful to discharge subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer. Storm water and all other unpolluted drainage shall be discharged to sewers specifically designated as storm sewers, or to a natural outlet approved by the New Hampshire Department of Environmental Services (DES). Industrial cooling water or unpolluted process waters may be discharged on approval of the New Hampshire DES to a storm sewer or natural outlet.

NOTE: Discharging sump pumps into the municipal sewer system is strictly prohibited.

No person shall discharge any of the following to the public sewer:

- a. Gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
- b. Fluids or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, including but not limited to cyanide in excess of .004 gm/liter.
- c. Fluids or wastes having a pH lower than 5.5, or having any corrosive property capable of causing damage or hazard to equipment and personnel of the sewage 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 sewage works 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 and fleshings, entrails, paper dishes, cups and milk containers, grease and fats, either whole or ground by garbage grinders.

No person shall discharge the following if it appears likely in the opinion of the Water & Sewer Commission that such wastes can harm either the sewers, 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. The Water and Sewer Commissioner 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, capacity of the sewage treatment plant, and degree of treatability of wastes in the sewage treatment plant. Fluids or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment process or are amenable to treatment only to such degree that

the sewage treatment plant effluent cannot meet the requirements of other State or Federal agencies are prohibited. They include:

- a. Any liquid or vapor having a temperature higher than 140 degrees F.
- b. Any fluids or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of 100 mg/liter or containing substances which may solidify or become viscous at temperatures between 32 and 140 degrees F.
- c. Any garbage that has not been properly shredded.
- d. Any fluids or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.
- e. Any fluids or wastes containing iron, chromium, copper, zinc, mercury and similar objectionable or toxic substances, or wastes exerting an excessive chlorine requirement, to such a degree that any such material received in the composite sewage at the sewage treatment plant exceeds the limits established by the City of Portsmouth.
- f. Any fluids or wastes containing phenols or other taste or odor-producing substances, in such concentration exceeding limits which may be established by the City of Portsmouth.
- g. Any radioactive wastes or isotopes of such half-life, or concentration as may exceed limits established by the City of Portsmouth in compliance with applicable State or Federal regulations.
- h. Any fluids or wastes having a pH in excess of 9.5.
- i. Unusual concentrations 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.
- j. Materials of excessive discoloration such as, but not limited to, dye wastes, and vegetable tanning solutions.
- k. Unusual biochemical oxygen demand (BOD), or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment plant.
- l. Unusual volume of flow or concentration of wastes constituting slugs as defined herein.

If any waters or wastes are discharged, or are proposed to be discharged to the public sewer which, in the judgment of the Water & Sewer Commission may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Water & Sewer Commission may:

- a. Reject the wastes.
- b. Require pretreatment to an acceptable condition for discharge to the 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 not covered by existing sewer charges.

If the Water & Sewer Commission permits the pretreatment or flow equalization of waste flows, the design and installation of the equipment shall be subject to the review and approval of the Commission, and subject to the requirements of all applicable codes and laws and shall be maintained in satisfactory and effective operation by the owner at their expense.

Grease, oil, and sand interceptors shall be provided when, in the opinion of the Sewer Commission, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients, except that such interceptors shall not be required for private dwellings. All interceptors shall be of a type and capacity approved by the Water & Sewer Commission, and shall be located as to be readily and easily accessible for cleaning and inspection. **“No Notice” inspections are permitted at the discretion of the Water and Sewer Commission.**

When required by the Water & Sewer Commission, the owner of any property serviced by a building sewer carrying industrial wastes or liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients shall install a control manhole together with such necessary meters and other equipment's in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole shall be accessible and safely located, and shall be constructed in accordance with plans approved by the Water & Sewer Commission. The manhole shall be installed by the owner at his expense and maintained so as to be safe and accessible at all times.

All measurements, tests, and analyses of the waters and wastes to which reference is made in this ordinance shall be determined in accordance with state and or federal regulation, and shall be determined at the control manhole provided. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. The particular analyses involved will determine whether a 24-hour composite of all outfall of a premises is appropriate or whether a grab sample(s) should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls whereas pH's are determined from periodic grab samples.

No statement contained in this ordinance shall be construed as preventing any special agreement or arrangement between the Town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Town for treatment, subject to payment by the industrial concern.

Pump Stations

Sewage is collected by gravity into three pump stations

- Quarterdeck Lane, which pumps to River Road
- Steamboat Lane, which pumps to River Road
- River Road, which pumps to the Peirce Island sewage treatment plant in Portsmouth

Application for Public Sewer Service

Each application for the use of sewer shall be made to the Water and Sewer Commission on the prescribed form available at Town hall and on the Town's website. An application is necessary for original installation and any subsequent replacement. The application fee is specified in Appendix B. The application shall be supplemented by appropriate plans and drawings. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, joining, testing, and backfilling the trench, shall be noted on an "Exhibit A" of the application, and all shall conform to the requirements of current building and plumbing codes and/or other applicable rules and regulations of the New Hampshire DES and the Town. In the absence of code of provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society for Testing and Materials (ASTM) and Water Pollution Control Federation (WPCF) shall apply. Any deviation from prescribed procedures or materials must be approved by the Water and Sewer Commission before installation. If the Water and Sewer Commission decides that the town's plumbing inspector or a registered engineer needs to review the plans, the developer/owner shall pay the cost of employing the inspector or engineer for any fees of review, inspection or test deemed necessary.

Service Connection Requirements

General

All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Town from any loss or damage that may be occasioned by the installation of the building sewer. The owner shall be obligated to pay any costs and expenses of operation, repairs, and maintenance, and of reconstruction if needed, of the building sewer incident to, and including, the connection to the public sewer.

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 permissible, nor can a sewer line be constructed to the rear building through an adjoining alley, court, yard, or driveway. In such a circumstance, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer, when such connection is detailed on a permit application and approved by the Water and Sewer Commission.

Old building sewers may be used in connection with any buildings only when they are found on examination and test by the Department of Public Works to meet all requirements of this ordinance.

To prevent concealment of illegal connections under slab, the building sewer shall be brought to the building at an elevation of at least 12" above the basement floor. The Water and Sewer Commission may grant an exception to this requirement in the case of slab-on-grade construction. To request an exception, the owner/contractor must submit a letter to this effect to

the Commission. If approved, the Superintendent of Public Works or his designated representative will inspect the building sewer lines prior to slab pour and will be present at the beginning of pour. Three business days advance notice to the Superintendent is required.

Sewer lines shall be at least 40" deep and at least 10' from a water line unless a special construction waiver is granted by the Water and Sewer Commission due to a hardship. All piping is to be installed below the frost line or a minimum 40" below grade level. Six inches of fine bank-run gravel, screened gravel, or granular fill shall be compacted under and over the pipe. Long sweeping elbows are to be used where possible. The entire line when completed shall be gas tight and watertight. If a sewer tie-in is not available, a core bit with pilot drill shall be used to cut into the asbestos cement sewer main. A universal saddle "Y" shall be connected to the sewer main at pipe cross sectional location of 11:00 or 1:00 o'clock. Newly installed sewer service shall be left uncovered until it has been inspected by the Public Works Department; 48-hour notice is required for all inspections.

Sewer connections to manholes are prohibited except under special exemption approved by the Water and Sewer Commission.

Gravity Main Single Connections

SDR 35 plastic bell and spigot PVC pipe, 4" minimum diameter, shall be used for underground service. Cast iron or schedule 40 PVC one size larger can be used as a sleeve through the foundation.

Forced Main Connections

A holding tank shall contain a pump and be made of concrete with a minimum capacity of 500 gallons. A check valve or backwater flap valve shall be placed in the tank on the inlet pipe from the house. The tank shall be vented to the atmosphere.

The pump should be a submersible sewage type that can handle 2" solids, or a submersible grinder type. Pumps forcing into the forced main on Portsmouth Ave. shall operate between 15 and 18 psi. For other forced mains, consult with the Department of Public Works to determine their maximum line pressure and add 5 psi.

The pipe from the holding tank to the forced main shall be type K soft temper copper having a minimum diameter of 2" designed to withstand 30 psi. The pipe shall have a long radius bend to allow for stresses and ground settlement. A check valve shall be installed between the forced sewer main and the pump. A corporation with saddle and shut off shall be installed at the forced main. A shut-off valve shall also be placed at the property line.

Installation, Maintenance and Repair

The homeowner owns the piping from building to the sewer main, and is therefore responsible for all charges relating to the sewer connection. Repairs and/or modifications to a sewer line and street are the responsibility of the owner.

Billing and Payments

Trimester Billing

Customers who receive water from the city of Portsmouth will be billed for sewer usage based on the water meter readings provided by Portsmouth, and will be on the same trimester schedule as indicated in the “Ordinance Elements in Common” section, except that usage is billed the second month following the end of a trimester. That is, usage between March 1 through June 30 will be billed in August; July 1 through October 31 in December; and November 1 through February 28/29 in April.

Claims for Damages

No person shall be entitled to damages, nor to have any portion of their charges abated or refunded for any stoppage occasioned by accident or repairs to the sewer utility. The Town shall not be responsible for maintenance or repairs to any sewer pipe on the owner side of the sewer main. The Town will not be liable for any damages resulting from leakage from any part of the user’s system, and is not responsible if check valves fail and sewage is pumped back into private lines. The customer shall maintain his sewer pipes and attached fixtures in proper order and shall make any changes required thereto on account of change of grade, relocation of sewer mains or other conditions.

Private Septic

Where public sewer is not available, the building sewer shall be connected to a private septic system. The elements of the system shall comply with all regulations of the New Hampshire Department of Environmental Services (DES) and all permits shall have prior approval of the DES before work begins. No statement in this section shall be construed to interfere with any additional requirements that may be imposed by DES or the Town building inspector.

At such time as a public sewer becomes available to a property served by a private septic system, unless such private septic system is already in full compliance with the law, a direct connection shall be made to the public sewer in compliance with this ordinance, and any septic tanks, cesspools, and similar private facilities shall be abandoned and filled with suitable material approved by the Public Works Department. However, if and when the private septic system were to fail, the owner will not be allowed to remediate the system and will be required at that time to hook up to the public sewer system.

The owner shall operate and maintain their private septic system in a sanitary manner at all times at no expense to the Town.

Access to Easements

The Water & Sewer Commission and other authorized employees of the Town shall be permitted to enter private properties through which the Town holds a negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within the easement. All entry and subsequent work shall be done in accordance with the terms of the negotiated easement.

Appendix A

Definitions

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

Biochemical Oxygen Demand (BOD): the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in 5 days at 20 degrees Celsius, expressed in milligrams per liter.

Commissioners: members of the Water and Sewer Commission of the Town of New Castle, or their authorized deputy, agent, or representative.

Building Drain and Building Sewer: See **House Drain** and **House Sewer**.

Combined Sewer: a sewer receiving both surface runoff and sewage.

Garbage: solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

House Drain: that part of the lowest horizontal piping of a building drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to 8 feet outside the outer face of the building wall.

House Sewer: the extension from the building drain to the public sewer or other place of disposal including that portion of the line on public property.

Industrial Wastes: the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

Natural Outlet: any outlet into a watercourse, marsh, pond, ditch, lake, or other body of surface or groundwater.

Person: any individual, firm, company, association, society, corporation, or group.

pH: the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

Plumbing Inspector: the person employed by the Town of New Castle to inspect plumbing or his authorized deputy, agent, or representative.

Properly Shredded Garbage: 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 ½" in any dimension.

Public Sewer: a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

Sanitary Sewer: a sewer which carries sewage and to which storm, surface, and groundwater are not intentionally admitted.

Sewage: a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and stormwaters, as may infiltrate.

Sewage Treatment Plant: any arrangement of devices and structures used for treating sewage.

Sewage Works: all facilities for collecting, pumping, treating, and disposing of sewage.

Sewer: a pipe or conduit for carrying sewage.

Shall is mandatory; **May** is permissive.

Slug: 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 15 minutes more than 5 times the average 24-hour concentration or flows during normal operation.

Storm Drain (sometimes termed **storm sewer**): a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

Suspended Solids: solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are only removable by laboratory filtering.

Watercourse: a channel in which a flow of water occurs, either continuously or intermittently.

Appendix B

Schedule of Fees and Fines

Application Fees:

- Water: \$235
- Sewer: \$235
- Any supplementary services requiring the services of the Town building or plumbing inspector, or of any outside engineers: Any charges assessed the Town will be billed to the owner.

Fines, for both water and sewer separately: Up to \$500.00 per violation per day until the violation is rectified.

Utility bills past due: \$20.00 late fee is assessed 30 days after due date; additional \$20.00 late fee is assessed every 14 days thereafter until paid in full.

Turning water service ON or OFF: \$40.00

Property transfer/final meter read fee: \$40.00

Second meter for irrigation: \$40.00

Appendix C

Amendment History

Amendments take effect upon passage.

1. Date: July 11, 2018
 - Subject of change: Additional provisions for second meter for irrigation and setting fee at \$40.00.
2. Date: September 12, 2018
 - Subject of change: Change voting quorum from five to three.
3. Date: March 13, 2019
 - Subject of change: Advances the trimester billing schedule by one month.
4. Date: July 10, 2019
 - Subject of change: Allowable water service connection materials.
5. Date: October 9, 2019
 - Subject of change: Establishment of WSC controlled Water and Sewer Capital Reserve Funds.
6. Date:
 - Subject of change:
7. Date:
 - Subject of change:
8. Date:
 - Subject of change: