

CITY OF LACONIA

In the year of our Lord two thousand and twenty-two

AN ORDINANCE AMENDING CHAPTER 189, SEWERS

The City of Laconia ordains:

That the Ordinances of the City of Laconia, as amended, be and are further amended in Chapter 189 as follows:

Chapter 189 SEWERS

GENERAL REFERENCES

Building construction — See Ch. 119.
Dumps and dumping — See Ch. 129.
Housing standards — See Ch. 155.
Plumbing — See Ch. 177.
Solid waste — See Ch. 194

ARTICLE I

General Provisions

§ 189-1. Purpose; findings.

- A. The Laconia City Council adopts the rules and regulations herein to promote the efficient operation and maintenance of the Laconia municipal sewer system in accordance with New Hampshire Revised Statutes, Chapter 149-I, and Chapter 147 as amended, for the protection of the health and safety of the people of Laconia
- B. Pursuant to RSA 147, the following rules and regulations, are also adopted by the Health Officer and the Public Works Director of the City of Laconia and approved by the City Council.
- C. The City Council of Laconia hereby adopts and incorporates New Hampshire Administrative Rules, Chapter Env-Wq 1200, *et sec.*, Winnepesaukee River Basin Program (WRBP) and Env-Wq 305, *et seq.*, Standards for Pretreatment of Industrial Wastewater, and all rules and laws referenced therein.

§ 189-2. Construal of provisions.

This chapter is not intended to supersede, replace or void the New Hampshire Building Code (latest edition) or any other code, ordinance, regulation or lawful requirement of the City of Laconia. (See Article X.)

§ 189-3. Enforcement officials.

- A. The Health Officer and the Public Works Director of the City of Laconia

shall be responsible for the enforcement of this chapter, for issuing permits and inspection as provided herein and for the collection of permit fees as provided herein.

- B. The WRBP and DES shall be responsible for issuing applicable permits and for collection of their respective application fees.
- C. The WRBP and DES shall be the enforcement authority for compliance with Env-Wq-700, Env-Wq 305, Env-Wq 1200 and other applicable State Statutes and Rules.

§ 189-4. Definitions; work usage.

- A. Unless the context specifically and clearly indicates otherwise, the meaning of terms and phrases used in this chapter shall be as defined in the New Hampshire building code, or as defined herein:

BOD, BIOCHEMICAL OXYGEN DEMAND - The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20° C., expressed in milligrams per liter.

BUILDING DRAIN - Means the plumbing inside the building that is maintained by the wastewater generator. The part of the lowest horizontal piping of a drainage system that receives the discharge from soil, waste, and other drainage pipes inside the walls of a building and conveys it to the service connection beginning 5 feet outside the inner face of the building wall.

CITY — The City of Laconia, a municipality in the County of Belknap and the State of New Hampshire, acting by and through its City Council and through its authorized representatives.

COMBINED SEWER — A sewer receiving both surface runoff and sewage.

DES — New Hampshire Department of Environmental Services

GARBAGE — Solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

COMMERCIAL DISCHARGE - Means non-industrial wastewater and sewage discharged from commercial facilities including, but not limited to, auto and truck service facilities, car washes, hospitals, laboratories, machine shops, marinas, newspaper printing, photo processing centers, printing shops, restaurants, schools, supermarkets, convenience stores with food preparation, facilities or institutions with food preparation, and funeral homes.

COMMERCIAL DISCHARGE PERMIT (CDP) - Means a regulatory document issued by the WRBP designed to control the discharge of pollutants from commercial users into the public sewer as authorized in RSA 485-A:45-54.

CONTROL MANHOLE - Means a structure through which industrial wastes can be monitored and sampled.

GREASE - Means volatile and non-volatile residual fats, oils, fatty acids, soaps, waxes, mineral oils, and other similar materials.

GRIT - means heavy inorganic matter such as stone, gravel, cinders, sand, silt, ashes, and heavy particulate matter such as bone chips and coffee grounds.

IMPROVED PROPERTY — Any property located within the City of Laconia upon which there is erected a structure intended for the 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.

INDUSTRIAL DISCHARGE - Means discharge of any liquid, gaseous or solid waste substance resulting from any process of industry, manufacturing trade or business or from development of any natural resources as defined in RSA 485-A:2, VI as an “industrial waste”; does not include sanitary sewage.

INDUSTRIAL DISCHARGE PERMIT (IDP) — Means a regulatory document issued by the WRBP designed to control the discharge of pollutants from industrial users into the public sewer as authorized by the provisions set forth in RSA 485-A:45-54 and its federal NPDES permit.

INDUSTRIAL USER - Means a person who discharges industrial wastes to the POTW.

INSPECTOR - Means the person or persons duly authorized by the community or the department, pursuant to RSA 485-A:45-54, to inspect and approve the installation of service connections and their connection to the sewage collection system.

NATURAL OUTLET — Any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) – Means a regulatory program implemented by EPA through the issuance of NPDES permits that are designed to control the discharge of pollutants from point sources into the waters of the United States.

OWNER — Any person vested with ownership, legal or equitable, sole or partial, or possession of any improved property.

pH — The logarithm of the reciprocal of the concentration of hydrogen ions in gram equivalents per liter of solution.

PRETREATMENT - Means the application of physical, chemical, or biological processes, or any combination thereof, other than dilution, to reduce the amount of pollutants in or alter the nature of the pollutant property in a waste prior to discharging such waste into a publicly owned treatment works.

PRETREATMENT REQUIREMENT - Means any substantive or procedural requirement related to pretreatment imposed on an industrial user, other than a pretreatment standard.

PRETREATMENT STANDARDS - Means the numerical limits established in Env-Wq 1203.12(c)(8), standards specified in 40 CFR Chapter I, Subchapter N, Parts 405-471, and any standards established pursuant to RSA 485-A: 5 in Env-Wq 305.

PRIVATE WASTEWATER COLLECTION SYSTEM — Is a service connection that collects wastewater from more than one user and/or building drain and may include gravity sewers, manholes, pumping stations, force mains, and other infrastructure that collects and conveys wastewater to the public sewer. In addition, commercial, industrial or multi-unit residential service connections that include significant infrastructure (manholes, pumping stations, force mains, etc.), even if they include only one building drain, shall be considered private wastewater collection systems.

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 1/2 inch.

PUBLICLY OWNED TREATMENT WORKS (POTW) — A “treatment works” as defined by Section 212 of the Clean Water Act as amended, the components of which are owned by the New Hampshire Department of Environmental Services or the City of Laconia, NH including sewer mains, pumping stations, the Winnepesaukee River Basin Program (WRBP) wastewater treatment plant, interceptor sewers, any device or systems used in the collection, storage, treatment, recycling or reclamation of sewage or industrial wastes of a liquid nature, any conveyances which convey wastewater to the treatment plant, and appurtenant facilities essential to the operation of the entire system.

SANITARY SEWAGE — Normal water-carried household and toilet wastes discharged from any improved property, excluding ground-, surface or storm water.

SANITARY SEWERS — A sewer which carries sewage and to which storm-, surface and ground waters are not intentionally admitted.

SERVICE CONNECTION - Means the line maintained by the wastewater generator that connects the wastewater generator to the sewage collection system, through a wet well low-pressure pump system or a gravity service tap. The physical connection (wye, tee, saddle, break-in-tap, etc.) to the POTW shall be part of the service connection.

SEWAGE — Means the water-carried waste products from buildings, public or private, together with such groundwater infiltration and surface water as may be present.

SEWAGE TREATMENT PLANT — Any arrangement of devices and structures

used for treating sewage.

SEWER — Means a conduit designed to carry liquid and water-carried wastes from structures such as residences, commercial buildings, industrial plants, and institutions, and includes sewer appurtenances as defined in Env-Wq 700.

SEWER SYSTEM — All facilities for collecting, pumping, treating, transporting and disposing of sewage.

SLUG DISCHARGE— Any discharge of water, or wastewater in which the concentration of any given pollutant or in quantity of flow exceeds, for any period of duration longer than 15 minutes, more than five times the average twenty-four-hour concentration or flow during normal operation, or that adversely affect the POTW.

STANDARD LABORATORY PROCEDURE — 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.

STATE — The State of New Hampshire.

STORM DRAIN (SOMETIMES TERMED "STORM SEWER") — Means a conduit that carries storm or other surface water or cooling water, but not sanitary sewage or industrial process wastes.

STREET — Means relates to and includes street, avenue, boulevard, road, alley, highway or other way, including all the land between the sidelines of the layout or conveyance or dedication thereof, but shall not include driveways serving not more than two adjacent lots or Class VI and discontinued highways.

SUSPENDED SOLIDS — Solids that either float on the surface of or are in suspension in water, sewage or other liquids and which are removable by standard laboratory procedure.

TRAPS - Means intercepting devices, such as 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. The term includes "oil and grease interceptors"

UNPOLLUTED WATER — Means water that would not cause a violation of receiving water quality standards and would not be benefited by discharge to a sewerage collection system or POTW.

WATERCOURSE — A channel in which a flow of water occurs, either continuously or intermittently.

Winnepesaukee River Basin Program (WRBP)— means an operating bureau of the DES charged with implementing RSA 485-A:45-54.

- B. Additional definitions are incorporated herein to the extent relevant, being those contained in Env-Wq 1202, Env-Wq 700 and Env-Wq 305 or superseding NH Administrative Rules governing wastewater systems. The most current New Hampshire Administrative Rules (Rules) are available from the Department of Environmental Services (DES).
- C. The word "shall" is mandatory; "may" is permissive.

ARTICLE II
Use of Public Sewers Required

The Laconia City Council hereby adopts and incorporates herein to this ordinance the New Hampshire Administrative Rule, Chapter Env-Wq 1200, et seq., Winnepesaukee River Basin Program (WRBP) and Env-Wq 305, et seq., Standards for Pretreatment of Industrial Wastewater, and all rules and laws referenced therein. Where conflicts exist between this ordinance and WRBP regulations the more restrictive standard shall apply.

All sewer users in Laconia shall conform to all requirements of this ordinance, Env-Wq 1200, and Env-Wq 305 as may be necessary and shall provide to the City of Laconia any and all information required by the WRBP or DES described therein. It is the responsibility of the sewer user to comply with all applicable federal, state and local regulations, rules, or laws.

§ 189-5. Connection required; availability.

- A. Pursuant to the provisions of RSA 147, 485-A, and any other relevant statutory 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 City of Laconia may require, within 45 days after notice to such owner from the City of Laconia to make such connection, for the purpose of discharge of all sanitary sewage, commercial discharges, and industrial wastes from such improved property into the sewer system, subject to such limitations and restrictions as shall be established herein or otherwise shall be established by the City of Laconia, from time to time, unless a waiver is granted by the community pursuant to RSA 147:8. 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 preexisting system, whether privately or publicly owned.
- B. A public sewer system shall be deemed available to improved property if such improved property is within 250 feet, measured from the closest part of any structure on said improved property which contains plumbing, to the public sewer system, along or across the shortest available easement.
- C. The installer or the property owner must obtain a permit from the City of Laconia prior to any work. See § 189-24 for permitting requirements.

§ 189-6. Use of sewers.

All sanitary sewage, commercial discharges and industrial wastes from any improved property, after connection of such improved property with a public sewer, as required under § 189-5 above, 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 City of Laconia from time to time.

§ 189-7. Unlawful acts.

- A. No person shall place or deposit or permit to be placed or deposited upon public or private property within the City of Laconia any sanitary sewage, garbage or industrial wastes in violation of §189-5.
- B. No person shall discharge or permit to be discharged to any natural outlet within the City of Laconia any sanitary sewage, garbage or industrial wastes in violation of § 189-5, except where suitable treatment has been provided which is satisfactory to the City of Laconia and the New Hampshire Department of Environmental Services.
- C. Subject to D, below, 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 sewer or service connection without first obtaining a written connection permit from the City of Laconia and the WRBP as applicable.
- D. In the event that a proposed connection is directly to the WRBP system, the applicant shall obtain a WRBP connection permit application from the community and submit it to the WRBP in accordance with Env-Wq 1203.03.

§ 189-8. Abandonment of individual systems upon connection.

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 § 189-5 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.

§ 189-9. New or changed discharges.

Any person proposing a new discharge into the system or a substantial change in the volume or character of pollutants that are being discharged into the system shall notify the City at least 45 days prior to the proposed change or connection. Proposed new or changed discharges shall submit a permit application in accordance with the requirements of § 189-24. Discharge shall be approved by both Laconia and WRBP.

§ 189-10. Connections of individual and public systems unlawful.

No privy vault, cesspool, sinkhole, septic tank or similar receptacle at any time shall be connected with a public sewer except as provided at §189-43.

ARTICLE III
Buildings Sewers and Connections

§ 189-11. Building sewers to be independent; exception.

A separate and independent building sewer shall be provided for every building on an improved property, except that 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, 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 City and the WRBP, in the event of connection directly to the WRBP sewer, in writing.

§ 189-12. Use of old building sewers.

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the City, to meet all requirements of this chapter.

§ 189-13. Construction standard.

The size, slope, alignment, materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall all conform to the minimum requirements of Env-Wq 700, New Hampshire building code or other applicable rules and regulations of the City. Env-Wq 700 sewer design and construction standards apply to City, WRBP and privately owned sewerage.

§ 189-14. Elevations.

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 by means approved by the City of Laconia and discharged to the building sewer.

§ 189-15. Unlawful action.

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 public sanitary sewer without first having obtained written permission from the City and the WRBP. Exceptions of the above connection may include car washes, boat washes, wash bays, and floor drains in bathrooms. The written permission may require treatment by an oil and water or grit separator or other pretreatment device prior to discharge into the public sanitary sewer and shall be located outside of the 100-year floodplain and covered with a roof and/or the surrounding area is graded/sloped to prevent stormwater from entering the POTW. Additionally, these can only be considered for connection to the public sanitary sewer if they are on metered water.

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 sewage system without first having obtained written permission from the City and the WRBP, as applicable. No person shall obstruct the free flow of air through any pipe.

§ 189-16. Connection standards.

The connection of the building sewer into the public sewer shall conform to the minimum requirements of Env-Wq 700, New Hampshire building code or other applicable rules and regulations of the City.

The service connection shall begin at the sewer main and include the connection to the public sewer main. The property owner shall maintain, repair, or replace each service connection for each property so as to ensure that the service connection functions in a sanitary and safe operating condition; prevents all entry of groundwater, foundation drain water, stormwater, and other non-sanitary flow to the public sewer and POTW; and conforms to all applicable local, state, and federal standards. Any service connection found to not meet these requirements shall be repaired at the owner's expense in a manner approved by the City.

Service connections shall have a cleanout with water tight caps and covers installed at the edge of the ROW and at intervals no greater than 75 feet.

When a service connection is to serve a school, hospital, public housing, or similar institution, or is to serve a complex of industrial or commercial buildings, or is a force main, or which in the opinion of the City will receive sanitary sewage, commercial discharges or industrial wastes of such volume or character that frequent maintenance or monitoring may be required; such service connection shall be connected to the POTW through a manhole. The City shall determine if and where this type of connection to the public sewer is required and whether this connection can be made into an existing manhole or whether the applicant shall install a new manhole in the public sewer.

Also see requirements of Env-Wq 1203.03, Env-Wq 1203.04, Env-Wq 1203.05, Env-Wq 1203.06, Env-Wq 1203.07, Env-Wq 1203.08 and Env-Wq 700 previously included by reference.

§ 189-17. Responsibility of the property owners.

During construction of a new public sewer, the City of Laconia may construct building sewers or service connections for existing buildings from the new public sewer main to the curb or property line. Construction of the remainder of the service connection, building sewer, building drain, etc., 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 City of Laconia and 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 their premises or its connection to the sewer system. After the initial construction of the building sewer or service connection, the owner shall assume ownership thereafter and be obligated to pay all costs and expenses of operation, repair and maintenance and of

reconstruction (if needed) of the building sewer beginning at the public sewer and ending at the building.

§ 189-18. Invert; connection; costs.

The building sewer shall be continued to the building from the stub end provided by the City of Laconia at the curb or property line and from no other point, unless authorized to do otherwise by the City. The invert of the building sewer at the point of connection to the stub provided by the City of Laconia at the curb or property line shall be at the same elevation as the stub provided by the City of Laconia. A smooth, neat joint shall be made, and the connection of a building sewer to the stub provided by the City of Laconia, shall be made secure and watertight and acceptable to the City of Laconia, with the cost of said connection to be borne by the owner.

Connections to the WRBP sewer lines shall require a permit as described in ' 189-24. All costs to construct, inspect, maintain, repair and replace the new connection shall be borne by the permit applicant. Owner or City responsibility for new service connections or sewer extensions, respectively, shall include the point of connection to the WRBP sewer line and continue to the building(s) served.

§ 189-19. Connection by City; costs.

If the owner of any improved property located within the City of Laconia and benefitted, improved, served or accommodated by any public sewer or to which any public sewer is available, after 45 days' notice from the City of Laconia, in accordance with '189-5, shall fail to connect such improved property as required, he shall be subject to the actions and penalties prescribed in RSA 1490-I:6 and 147 and regulations issued pursuant thereto, or the City of Laconia 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.

§ 189-20. Building sewer permits; application; fee. [Amended 5-27-1985 by Ord. No. 105-85.8; 5-17-1993 by Ord. No. 236-93.08; 7-9-2007 by Ord. No. 07.2007.07; 10-22-2018 by Ord. No. 2018-189-20-01]

- A. There shall be three classes of building sewer permits: (1) residential, commercial and institutional services sanitary discharges; (2) commercial non-sanitary discharges; and (3) service to establishments producing industrial wastes. In either case, the owner or the owner's 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 City. A permit and inspection fee of \$330 shall be paid to the City 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 part thereof. The City permit application inspection fee may be waived if no physical alterations to the sewer are proposed. In addition, all costs for labor and material associated with the connection effort shall be borne by said owner or owners.

- B. For any class of building sewer permit a system development fee of \$800 shall be paid to the City at the time of the application for connection to a public sewer for each and every new connection to the public sewer for each residential, commercial and institutional unit, structure, facility or part thereof. This fee is in addition to the permit and inspection fee described in § 189-20, Subsection A. A new connection is a sewer connection installed for a unit, structure, facility or part thereof where no previous sewer connection existed.

§ 189-21. Connection permit required.

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 sewer system or building sewer without first obtaining a permit, in writing, from the City and the WRBP as applicable. Any costs for labor or material incurred by the City during the connection process shall be borne by the owner, where applicable. Said costs shall be paid to the City Treasurer to be charged to the credit of the Sanitary Sewerage Fund. Where excavation in a public street is involved, a digging permit must be obtained.

§ 189-22. Inspections.

The applicant for the building sewer permit shall notify the City when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision and in the presence of the City or its representative.

Costs for labor or material incurred by the WRBP or the community during the process of connection to the sewer shall be borne by the property owner, in accordance with RSA 252-I:7 149-I:4-a and RSA 485-A:48.

Not less than 48 hours in advance of the time any connection is to be made to any public sewer or WRBP interceptor, the person to whom the service connection permit was issued shall notify the community and the WRBP that the service connection is ready for inspection, testing, and connection to the public sewer or WRBP interceptor.

§ 189-23. Testing.

The building sewer shall be tested by insertion of a test plug at the point of connection with the public sewer. 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 of pipe, including provisions for test, shall be as specified by City, State, and Federal requirements including, but not limited to the requirements of NH Code of Administrative Rules Env-Wq 700.

The connection and testing of the service connection directly to the WRBP system shall be made only under the supervision of, and in the presence of, an inspector from the community who shall complete the permit application section regarding the exact date, location and description of the connection, including GPS coordinates, and return the completed form to the WRBP and provide a copy to the community.

§ 189-24. Permit Application.

- A. The applicant shall pay all required sewer application fees, application review fees (if applicable) and provide all supporting information requested by the City at the time of the application for the application to be found administratively complete including, but not limited to:
- (1) The name, mailing address, email address and daytime telephone number of the applicant;
 - (2) The location where the connection to the sewer system is to be made;
 - (3) The estimated date of the service connection;
 - (4) The name, mailing address, email address, and daytime telephone number of the contractor installing the service connection;
 - (5) Plans or drawings showing the details of the service connections. All pumping stations, force mains, gravity sewers 8" diameter and larger and manholes shall be designed and stamped by a Registered NH Professional Engineer in good standing;
 - (6) Wastewater flows and loads associated with the service connection;
 - (7) WRBP Commercial Discharge Permit Application, Env-Wq 1206, and supporting information (if applicable); and
 - (8) WRBP Industrial Discharge Permit Application, Env-Wq 1205, and supporting information (if applicable); and
 - (9) WRBP Sewer Connection Permit Application, Env-Wq 1203, and supporting information (if applicable); and
 - (10) WRBP Wastewater Discharge Permit Application Env-Wq 1203.09; and
 - (11) A DES sewer connection permit issued by the Wastewater Engineering Bureau Design Review Section is required for conditions stated in Env-Wq 703.07(a).

Note: Any application is considered administratively complete only when all the required information is submitted as determined by the City.

- C. Within 30 days of receipt of an administratively complete sewer connection permit application, the City will approve the application and issue a sewer connection permit if:
- (1) the information submitted pursuant to B above is complete and appears to be accurate; and
 - (2) if constructed and operated as specified in the application, the

connection and discharge will comply with all applicable requirements of these rules and Env-1200 and Env-700, et seq.; and

- (3) The City has the ability to accommodate the proposed sewer connection, and
 - (4) The proposed connection in the opinion of the City will not adversely affect the City, will not place the City at risk, and is in the best interest of the City, and
 - (5) Certificate of insurance for the Contractor has been submitted; and
 - (6) Fees, escrows, and security (bond, etc.) have been paid; and
 - (7) All necessary WRBP permits and permissions have been obtained and all applicable fees paid.
- D. If the City finds that the conditions pursuant to C above have not been met, the City may request additional information from the applicant that the City deems necessary to complete review the permit application. The 30-day review period will re-start once the new information is received.
- E. Upon issuance of the sewer connection permit, the applicant shall obtain all necessary City, State and Federal (when applicable) permits to work in City roadways and/or rights of way (ROW) and provide all associated insurance, surety and escrow prior to commencement of any work related to the installation of the new sewer connection.
- F. The applicant shall also obtain all necessary permits and permissions from the WRBP prior to commencement of any work related to the installation of a new sewer connection.
- G. Any person proposing a new discharge or an increase of more than 20 percent beyond limits previously permitted in the volume or character of pollutants that are being discharged to the POTW or is proposing to replace or enlarge an existing service shall first obtain a sewer connection permit from the City of Laconia and applicable permit(s) from the WRBP as described in the process above and conform to the requirements of Env-Wq 1203.09 and Env-Wq 700 prior to making any changes to the discharge to the POTW. The City permit application inspection fee may be waived if no physical alterations to the sewer are proposed.

§ 189-25. Industrial Discharge Permit (IDP)

- A. All proposed work, improvements, or flow changes by Significant Industrial Users (SIUs) are subject to the permit requirements in Section 189-24, as well as the Industrial Discharge Permit requirements in Env-Wq 1205.02 and 1205.03.
- B. All SIUs discharging industrial wastes to the POTW are subject to rules in this ordinance, Env-Wq 1205, and must also comply with applicable requirements of federal and state industrial pretreatment rules and regulations in addition to the requirements of Env-Wq 1200 and approval

can be found in Env-Wq 1205.02 and 1205.03.

ARTICLE IV
Rules and Regulations

§ 189-26. Inspection required; failure to notify City.

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

§ 189-27. Maintenance of building sewers (service connection).

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

§ 189-28. Guarding of excavations.

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 City.

§ 189-29. Failure to correct unsatisfactory conditions.

If any person shall fail or refuse, upon receipt of a notice from the City of Laconia in writing, to remedy any unsatisfactory condition with respect to a building sewer within 45 days of receipt of such notice, the City of Laconia 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 City shall have full authority to enter on the owner's property to do whatever is necessary to remedy the unsatisfactory condition.

§ 189-30. Additional rules and regulations.

The City reserves the right to adopt, from time to time, additional rules and regulations as it shall deem necessary and proper relating to connections with a public sewer and the sewer system, which additional rules and regulations to the extent appropriate, shall become a part of these regulations.

ARTICLE V
Assessment and Collection

§ 189-31. Power to assess and collect. [Amended 5-27-2008 by Ord. No. 04.2008.04]

- A. The assessment and collection of the expense of constructing and maintaining the sewer system shall be governed by the provisions of RSA 149-I:4-a, and any other applicable general laws. The City Council of the City shall have all the powers granted to a Board of Mayor and Alderman thereunder with reference to establishing and assessing sewer charges and/or rental. If the City of Laconia votes to establish a Board of Sewer Commissioners, it shall have the powers of the City Council hereunder, as provided in RSA 149-I:19.
- B. Connection fee/outside City limits.
- (1) Upon approval by the City Council to allow extension of sewer service outside the City limits, and in order to recover associated costs, the following cost factors will be included in determining the components of the sewer connection fee.
 - (a) System availability (cost recovery) fee: This fee will be determined by dividing the capital cost of the available down-gradient sewer system (actual or estimated) by the number of serviceable acres in the sewer drainage watershed as determined by the Director of Public Works or their designee. Once this cost per serviceable acre is determined, it will be multiplied by the number of serviceable acres in the proposed expansion area adjusted by the inflation factor to determine the system availability fee.
 - (b) Sewer hook-up fee: This portion of the connection fee will include administrative review costs for design review of the sewer system extension, costs of field inspections by Public Works personnel and any overhead costs associated with the review. These costs will be determined by the City on a case-by-case basis. Also, the standard permit fee for a City sewer connection permit will be applicable for each unit occupied in the franchise area.
 - (c) Connections outside the City limits are assessed a rate that is fifteen percent (15%) greater than the sewer charges detailed in § 189-56. Sewer charges.
 - (2) The City Council may choose to waive some or all of these City fees for any good reason.

ARTICLE VI
Restricted Discharges

§ 189-32. Unpolluted drainage or process waters.

- A. 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, except by the expressed authority of the City.
- B. Unless authorized under §189-15, no person shall connect building floor drains directly or indirectly to a public sewer.
- C. Stormwater and all other unpolluted drainage shall be discharged to storm sewers, if available, or to a natural outlet approved by the City. Industrial cooling water or unpolluted process waters may be discharged, on approval of the City and the DES or EPA, to a storm sewer, if available, or an approved natural outlet.
- D. The owner of a private sewer or sewer lateral shall be responsible for maintaining and repairing any defect or illicit connection in the sewer lateral or private sewer that allows, or could allow, surface water run-off or groundwater directly or indirectly to a public sewer at no cost to the City.

§ 189-33. Discharges requiring trap, interceptor or separator installation including Dental practices.

- A. Installation of traps, grease interceptors or separators shall be governed by State and local plumbing codes or required by a permit issued by the City, WRBP, or DES.
- B. An amalgam separator shall be installed and maintained by all dental practices covered under Env-Wq 306. Dental practices require a WRBP Commercial Discharge Permit (CDP).
- C. Water discharged from car washes, boat washes, and wash bays (see § 189-15).

§ 189-34. Prohibited discharges.

- A. Prohibited discharges shall be as defined by Env-Wq 1203, specifically, Env-Wq 1203.12 Prohibited Discharges.
- B. WRBP Prohibited Connections: Also refer WRBP Env-Wq 1203.04 Prohibited Connections Rules *et sec.* adopted herein by reference.
- C. Approval of Special Discharges of Limited Duration (including swimming pool draining): Any person proposing to discharge, as one-time or otherwise limited duration to the POTW, shall conform to the current WRBP Env-Wq 1203.13 Approval of Special Discharges of Limited Duration rules *et sec.* adopted herein through reference and shall provide all required information to the City and obtain permission in writing

from the City and the WRBP prior to making any such discharge. The City and WRBP reserve the right to assess the user a charge for special discharges.

§ 189-35. City's options.

- A. 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 § 189-34 of this article and which, in the judgment of the City, may have a deleterious effect upon the sewer system, processes, equipment or receiving waters or which otherwise create a hazard to life or constitute a public nuisance, the City may:
 - (1) Reject the waste;
 - (2) Require pretreatment to an acceptable condition for discharge to the public sewers;
 - (3) Require control over the quantities and rates of discharge; and/or
 - (4) Require payment to cover the added cost of handling and treating the wastes. **[Amended 7-26-1976 by Ord. No. 4-76.4]**

- B. If the City permits the 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 City, WRBP, and DES and subject to the requirement of all applicable codes, ordinances and laws.

§ 189-36. Grease, oil and grit interceptors.

Grease, oil and grit interceptors shall be provided when required by state and local plumbing codes for the proper handling of liquid wastes containing grease or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required of private living quarters or individual dwelling units. All interceptors shall be of a type and capacity approved by the state and local plumbing codes and shall be located as to be readily and easily accessible for cleaning and inspection.

§ 189-37. Maintenance of pretreatment or equalization and facilities.

Where preliminary treatment 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 the owner's expense. Maintenance records shall be retained for a minimum of 5 years and available for inspectors upon request

§ 189-38. Control manholes.

The owner of any property discharging industrial wastes through a service connection may be required to install a suitable control manhole together with such necessary meters and other appurtenances in the service connection as are needed to facilitate observation, sampling and measurement of the wastes or comply with the IDP issued by the WRBP. Such manhole, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the City, WRBP and DES. The manhole shall be installed

by the owner at the owner's expense and shall be maintained by the owner so as to be safe and accessible at all times.

§ 189-39. Monitoring required.

All industries discharging into a public sewer shall perform such monitoring of their discharges as the WRBP may require, including installation, use and maintenance of monitoring equipment and keeping records and reporting the results of such monitoring to the WRBP, as required by permit. Such records shall be retained for a minimum of 5 years and made available, upon request by the City or WRBP, to other agencies having jurisdiction over such discharges.

§ 189-40. Right of entry.

The City, WRBP, State or EPA, through their duly authorized employees and officials, bearing proper credentials and identification, shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing, in accordance with the provisions of this chapter. The City, WRBP, State or EPA, or its representatives, shall have no authority to inquire into any processes, including metallurgical, chemical, oil, refining, ceramic or paper or other industries beyond that point having a bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

§ 189-41. Measurements, tests and analyses.

All measurements, tests and analyses of the characteristics of waters and wastes, to which reference is made in this chapter, shall be determined in accordance with the latest edition of 40 CFR Part 136, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole or at sampling location(s) identified in a CDP or IDP. 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 or the upstream sampling point designated in a CDP or IDP. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewer system and to determine the existence of hazards to life, limb and property. (The particular analyses involved will determine whether a twenty-four-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- hour composites of all outfalls, whereas pH is determined from periodic grab samples.) Sample type and frequency will be identified within each IDP and CDP issued.

§ 189-42. Construal of provisions. [Amended 7-26-1976 by Ord. No. 4-76.4]

Provided that such agreements do not contravene any requirements of existing state or federal laws and are compatible with any user charge and industrial cost recovery system in effect, no statement contained in this article shall be construed as precluding any special agreement or arrangement between the City, upon review and approval by the WRBP and DES, and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to extra payment

therefore by the industrial concern.

ARTICLE VII
Private Sewers

§ 189-43. Private Wastewater Disposal

- A. Where a public sanitary sewer is not available under the provisions of Article II, Section 189-5(B), the building sewer shall be connected to a private wastewater disposal system complying with the provisions of RSA 485-A, or revisions thereto, of the State of New Hampshire rules, regulations, standards, and procedures promulgated thereupon. Before commencement of construction of a private wastewater disposal system, the owner(s) shall first obtain design approval from the City and DES.
- B. The owner(s) shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the City. At no time shall any quantity of industrial discharge be discharged to a private, sanitary sewage disposal facility unless a WRBP Industrial Discharge Permit has been issued pursuant to Env-Wq 1206.
- C. Subject to D and E, below, no privy, vault, cesspool, sinkhole, septic tank, or similar receptacle shall be used or maintained at any time upon any improved property that has been connected to a public sewer or that is required by § 189-5, to be connected to a public sewer.
- D. In the case where a building drain connected to a septic tank on any improved property is at an elevation that is too low to permit gravity flow to the public sewer, the septic tank or similar receptacle may be used and shall be retrofitted with a submersible sewage pump.
- E. If the retrofit of a septic tank or similar receptacle is allowed by D, above, the receptacle shall conform to: (1) The requirements of the City's building and plumbing codes, or other applicable rules, regulations, and ordinances of the community; and (2) the applicable requirements of this chapter and Env-Wq 700.
- F. Receptacles prohibited by C, above, shall be abandoned and filled with non-liquid material that will prevent any further use of the receptacle, such as sand, gravel, or concrete.

§ 189-44. Existing Private Wastewater Collection Systems

- A. Private wastewater collection systems in Laconia shall submit required information pursuant to Section C. Operation and Maintenance of the Sewer System of NPDES Permit No. NH0100960 to the City, which Permit is incorporated by reference into the regulation herein.
- B. Private wastewater collection systems shall conform to all the requirements of this ordinance, other City standards, Env-Wq 1200, Env-Wq 700, Env-Wq 305, and state plumbing codes.
- C. Private wastewater collection systems shall identify the owner of the system. The owner shall be ultimately responsible for all operation, maintenance, regulatory reporting, regulatory action, and fines associated with the private wastewater collection system. Any regulatory action taken against the City due to the action or inaction of the owner of the private wastewater collection system shall become the responsibility of

the owner of the private system.

- D. Pursuant to NPDES Permit No. NH0100960 of which the City of Laconia is a co-permittee, all private wastewater collection systems in the City of Laconia shall conform to the requirements of Part I.B. Unauthorized Discharges, Part I.C. Operation and Maintenance of the Sewer System, and Part I.D. Alternate Power Source of NPDES Permit No. NH0100960 and provide such required information to the City including but not limited to:
- (1) Maintenance Staff
 - (2) Preventative Maintenance Program
 - (3) Infiltration/Inflow
 - (4) Collection System Mapping
 - (5) Collection System Operation and Maintenance Plan
 - (6) Annual Reporting
 - (7) Unauthorized discharge reporting
- E. The Department of Public Works shall maintain a list of private wastewater collection systems that are subject to the requirements pursuant to this section.

§ 189-45. Petition for City Acceptance of Existing Private Wastewater Collection Systems

- A. The owner of an existing private wastewater collection system may petition the City to accept ownership of the private system if the private wastewater collection system is located within a public street or the private street in which the private wastewater collection system resides becomes a public street.
- B. Streets must be built according to City standards as written in Chapter 197 of the City of Laconia Code and Chapter 6.2 of the City Subdivision Regulations. Sewer collection systems must be built per Env-Wq 700 standards.
- C. Additionally, Chapter 197 of the City of Laconia Code, no proposed street shall be accepted by the City until there has been submitted to the City Council a report by the City Planning Board and the Director of Public Works that there is a public need for such street and that said street conform in a harmonious relationship to the future development of the City.
- D. The owner of the private wastewater collection system shall be responsible for all costs associated with the petition, review fees and conditions for City acceptance.
- E. As part of the petition process, the owner shall provide the City with a Condition Assessment Report written and stamped by a NH Professional Engineer certifying that the private wastewater collection system conforms to Env-Wq 700 and City standards. The Condition Assessment Report shall include, but not be limited to the following information in a form acceptable to the City and consistent with the National Association of Sewer Service Companies (NASSCO) Pipeline, Manhole, and Lateral Assessment Certification Program (PACP, MACP, and LACP) Standards:

- (1) Gravity sewer closed circuit television (CCTV) inspection videos, CCTV inspection logs, and assessment
 - (2) Manhole inspection, testing and assessment
 - (3) Pumping station inspection, testing and assessment
 - (4) Force main inspection, testing and assessment
 - (5) Evaluation of private sewer connections
 - (6) Date of installation, age of equipment
 - (7) Maintenance records, and
 - (8) Infiltration and Inflow (I/I) potential and estimates
 - (9) Conformance to the co-permittee requirements of NPDES Permit No. NH0100960; including but not limited to §189-44(D).
- F. The Condition Assessment Report shall be used by the City to determine the conditions under which the City may consider acceptance of the private wastewater collection system including required system improvements, upgrades, repairs, and replacements, and the adoption of the private street to a public street per Ch. 197 of the City of Laconia Code and Chapter 6.2 of the City Subdivision Regulations.
- G. The owner of the private wastewater collection system shall provide the City with all necessary easements for portions that are not within the Public right-of-way.
- H. Until ownership of the private street and private wastewater collection system are officially transferred to the City, the City is under no obligation to accept the sewers and reserves the right to refuse acceptance at any time for any reason.
- I. The City may assess special sewer user fees and surcharges, as required.

ARTICLE VIII
Municipal Sewer Improvements and Additions

§ 189-46. Municipal Sewer Improvements & Additions by Others

- A. Sanitary sewer installation shall be designed and constructed in accordance with the City of Laconia's Contract Documents, Specifications for 2019 Roadway & Sidewalk Improvements, Section 612, and Env-Wq 700.
- B. Sewer line extensions shall be designed by a professional engineer registered and licensed in the State of NH, constructed to current local, state and federal standards and shall become the property of the City upon completion, acceptable operation, and formal acceptance by the City or its designated agent, subject to Env-Wq 1203.09.
- C. The size and type of the sewer extension shall be determined by the City in accordance with conditions surrounding the extension, including the possibilities of future expansion.
- D. The developer of a proposed sewer extension is responsible for providing an engineering analysis of the existing sewer system, including pumping stations and wastewater treatment plant, to confirm the adequacy and capacity of the existing system to accept proposed and future flows downstream of the extension.
- E. The entire 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 including the costs for full time observation by the City or a City designee during construction and any costs the City incurs to review the design plans for the proposed extension. This may include downstream impacts as determined by the City.
- F. The sewer must pass a leakage test, mandrel test, and CCTV inspection approved by the City before any services are connected thereto and acceptance by the City in accordance with Env-Wq 704 and City Contract Documents and Specifications Section 612. Sewer main testing shall be performed by a qualified individual and observed and approved by the City or its representative and documented using the City's "Sewer Main Test Form" held by the Department of Public Works.
- G. Sewer manhole testing shall be performed by a qualified individual and observed and approved by the City or its representative and documented using the City's "Sewer Manhole Test Form" held by the Department of Public Works.
- H. Pump stations shall be designed according to Env-Wq 705. Pump station start-up shall be performed by manufacturer representative and observed and approved by the City or its representative. Start-up testing

documentation should be completed using the City's "Pump Station Testing and Start-Up" form held by the Department of Public Works.

- I. The petitioner shall provide the City with three copies of the "as-built" record drawings in a format acceptable to the City, stamped by a professional engineer registered and licensed in the State of NH or surveyor registered and licensed in the State of NH prior to the City's acceptance of the sewer main.
- J. There shall be no reimbursement to the sewer line petitioner(s) when abutters connect to the sewer line extension.
- K. Upon completion and acceptance by the City, ownership of such additions or improvements shall be conveyed to the City by an appropriate written instrument and shall become part of the municipal sewer system of the City of Laconia.

ARTICLE IX
Sewer Charges

§ 189-47. System adopted.

Pursuant to RSA 168 and every other authority thereto enabling, the following system of sewer charges (sometimes known as "rents") is hereby adopted.

§ 189-48. Payment.

Sewer charges shall be paid by the owner or owners of real estate connected by a building sewer or private sewer to the City public sewer and sewerage system.

§ 189-49. Deposit of receipts; use.

The funds received from the collection of the sewer charges authorized by this chapter and all other receipts resulting from the operation of the sewage disposal and sewerage systems shall be deposited with the City Treasurer and shall be accounted for and be known as the "Sanitary Sewerage Fund." This fund, when appropriated by the City Council, shall be available for the payment, in the first instance, of the cost and expense of the management, maintenance, operation and repair of the City or regional sanitary sewerage system and sewage disposal, and any surplus thereafter shall be for defraying the cost of construction, reconstruction or replacement and for the payment of any interest and principal of any debt incurred to pay such costs for the improvement of the City or regional sanitary sewerage system and sewage disposal and treatment plant.

§ 189-50. Computation of charges.

- A. Sewer charges shall be based upon a fixed yearly fee for each unit, in addition to a charge based on metered water consumption: **[Amended 9-26-1977 by Ord.No. 10-77.5]**
- (1) For residential facilities, apartments and other similar use, each living unit: one unit.
 - (2) For hotels, motels, convalescent homes, hospitals, jails and other similar uses, each living unit: 1/2 unit.
 - (3) For industrial and commercial facilities, each building sewer connected directly or indirectly to the public sewer: one unit.
- B. Water consumption shall be determined as follows:
- (1) Upon the metered consumption of water on premises connected with the sewerage system wherein the quantity of discharge is to be determined by the meter readings of the Waterworks Department; or

- (2) Upon premises where there is a private supply of water, consumption will be billed at an unmetered flat rate based on American Water Works Association published consumption data, a sampling of Laconia Water Department's metered accounts, and household census data. The intent is to keep the sewer-only accounts in parity with the Laconia Water Department's metered accounts. **[Amended 9-24-2012 by Ord. No. 13.2012.13]**
- (3) In all other instances where Subsection B(1) and (2) of this section cannot be reasonably applied, an adjustment as to sewer charges may be made by the execution of a contract between the owner and the City of Laconia.
- C. In the event that a premises discharges into the sewerage system wastes which, in the opinion of the administrative authority, contain unduly high concentrations of BOD or suspended solids or any substances which add to the normal operating costs of the sewage disposal plant or sewerage system, then the administrative authority may elect to establish special rates or charges, based on the quantity of these substances, which rate or charge may be established in such manner as the City may elect.
- D. In case of a meter stopping or failing to register, the quantity of water used shall be based upon the average semiannual amount which ordinarily passes through the meter when the meter is in operation.
- E. Any request for a meter test shall be accompanied by a deposit of \$25 which shall be retained if the meter test shows the meter to be registering properly or registering in favor of the customer. If, however, the meter test shows the meter to be registering more than the actual amount of water passing through it, the twenty-five-dollar deposit will be returned to the applicant and whatever adjustment the City deems advisable shall be made.
- F. All sewer charges remaining unpaid after the due date will be charged interest at the rate of 1% per month or \$10, whichever is greater (annual percentage rate of 12%). **[Amended 9-24-1990 by Ord. No. 182-90.8; 9-24-2012 by Ord. No. 13.2012.13]**

The limit of time allowed for payment will not be extended beyond 10 days from the date of mailing a disconnect notice to the customer, addressed to the owner, at the address on file at the office of the Laconia Waterworks and/or at the office of the Tax Collector. In all cases of nonpayment of sewer charges within such time limit, the Tax Collector is hereby authorized to direct the Laconia Waterworks and/or the Public Works Department to disconnect from the premises the water service and/or the sewer service. When disconnected, reconnection of such water service and/or sewer service shall not be made except upon payment of all previous charges due for sewer service, including penalties, plus any service fee as a result of disconnection or reconnection of such water service and/or sewer service. The service fee shall be the same as set forth in Paragraphs XXVI, XXVII and XXVIII of the Laconia Waterworks water rates, filed with the Public Utilities Commission. Such service fees shall be chargeable to the owner of the property and shall be payable at the office of the Laconia Waterworks.

Reoccurrence of nonpayment of sewer charges may require a deposit to be made by said property owner in an amount set by the Laconia Waterworks. The failure of said property owner to receive notice of their water and/or sewer charge bill does not relieve said owner from the obligation of payment, nor from the consequences of nonpayment.

§ 189-51. Unpaid charges to become lien.

All charges for sewer service shall become a lien upon real estate served by the City sewerage system in accordance with the terms of said Chapter 252 of the New Hampshire Laws.

§ 189-52. Abatement upon petition.

Upon petition to the City Manager not later than 30 days after the sewer charge is due and payable, the City Manager may, for good cause shown, abate, in whole or in part, any sewer charge.

§ 189-53. Meters. [Amended 9-24-2012 by Ord. No. 13.2012.13]

(Reserved)

§ 189-54. Adjustment of charge for metered premises.

Any owner may place on their premises, at their own expense, a meter which shall be approved by the City to measure the flow which does not enter the sewerage system, and an adjustment of the sewer charge shall be made in accordance with said metered use, in accordance with the application rate charged by the City.

§ 189-55. Collection of charges.

The following rules and regulations shall apply to the collection of sewer charges:

- A. Sewer charges are due and payable on the due date at the Tax Collector's office. Remittances by mail are at the risk of the sender and should be accompanied by a stamped envelope properly addressed if return of receipt is desired. **[Amended 9-24-2012 by Ord. No. 13.2012.13]**
- B. All meter readings shall be computed to the first of the following months: January, April, July and October, in each year.

§ 189-56. Sewer charges. [Amended 9-26-1977 by Ord. No. 10-77.5; 8-30-1982 by Ord. No. 67-82.6; 9-24-1990 by Ord. No. 182-90.8]

Sewer charges shall be as follows or as amended from time to time by the City:

- A. Fixed yearly fee per unit shall be charged as follows: **[Amended 11-26-2006 by Ord. No. 03.2006.03; 9-26-2011 by Ord. No. 06.2011.06; 9-24-2012 by Ord. No. 13.2012.13; 5-28-2013 by Ord. No. 01.2013.01; 10-22-2018 by Ord. No. 2018-189-50-01; 1-14-2019 by Ord. No. 2019-189-50-01]**

Effective bill date on or after February 1, 2021: \$40 per quarter.

- B.** Charge based on metered water consumption: **[Amended 11-26-2006 by Ord. No. 03.2006.03; 9-26-2011 by Ord. No. 06.2011.06; 9-24-2012 by Ord. No. 13.2012.13; 5-28-2013 by Ord. No. 01.2013.01; 10-22-2018 by Ord. No. 2018-189-50-01; 1-14-2019 by Ord. No. 2019-189-50-01]**

Effective Bill Date On or After February 1, 2021: Charge (per hundred cubic feet)
\$5.57

- C.** Charges based on nonmetered flat rate (for sewer-only accounts: those accounts that are on public sewer but served by private water by means of either a well or PUC-regulated water system), effective with the billing date on or after February 1, 2021: \$530 per unit per year billed semiannually (\$265 per unit) coinciding with the tax year as defined in RSA 76:2. Billing and collection of the flat rate sewer- only account will be conducted by the City Tax Collector in accordance with RSA 76:13 and RSA 80:59-91. Determination of the flat rate is as described in § 189-50B(2). **[Amended 11-26-2006 by Ord. No. 03.2006.03; 9-26-2011 by Ord. No. 06.2011.06; 9-24-2012 by Ord. No. 13.2012.13; 5-28-2013 by Ord. No. 01.2013.01; 10-22-2018 by Ord. No. 2018-189-50-01; 1-14-2019 by Ord. No. 2019-189-50-01]**

- D.** Large consumption discount: **[Added 6-13-1994 by Ord. No. 255.94.13]**

- (1) Within a billing period, charges based on metered water consumption apply without discount for the first 5,000 hundred cubic feet of consumption.
- (2) Charge is discounted for additional consumption in excess of 5,000 hundred cubic feet are billed at 50% of the current rate.

ARTICLE X
Conflicts; Disputes; Construal of Provisions

§ 189-57. Conflicts with other provisions.

- A. In any case where a provision of this chapter is found to be in conflict with a provision of any ordinance or code of the City of Laconia existing on the effective date of this chapter or adopted hereafter, the provision which, in the judgment of the City Council, establishes the higher standard for the promotion and protection of the health and safety of the people of the City of Laconia shall prevail. In any case where a provision of this chapter is found to be in conflict with a provision of any other chapter or code of the City of Laconia existing on the effective date of this chapter, or adopted hereafter, which establishes a lower standard for the promotion and protection of the health and safety of the people, the provisions of this chapter shall be deemed to prevail and such other chapter or codes are hereby declared to be repealed to the extent that they may be found in conflict with this chapter.
- B. In any case where a provision of Env-Wq 1200 conflicts with a provision of the City's ordinance or code, the provision that establishes the higher standard for the promotion and protection of the environment, the POTW, and public health and safety shall prevail.

§ 189-58. Disputes.

- A. In the case of a dispute regarding these or other pertinent City ordinances, the City Council shall be the deciding authority.
- B. In the case of a dispute concerning interpretation or application of Env-Wq 1200, Env-Wq 305, or Env-Wq 700 or a conflict with community codes or ordinances, the dispute shall be treated as a contested case under RSA 541-A.

§ 189-59. Construal of provisions.

Nothing in this chapter or in the Plumbing Code hereby adopted shall be construed to affect any suit or proceeding impending in any court or any rights acquitted or liability incurred or any cause or causes of action acquired or existing under any act or ordinance hereby repealed, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this chapter.

ARTICLE XI
Approval of Contractor

§ 189-60. Right of City to prohibit certain persons.

The City reserves the right to prohibit any person from installing or building sewers, septic tanks, leaching fields or 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 chapter or if said person's performance has proven to be of inferior quality and therefore requires an unusual amount of supervision by the City in relation to other persons.

ARTICLE XII
Powers and Authorities of Inspectors

§ 189-61. Powers and Authorities of Inspectors

- A. The City may investigate instances of suspected noncompliance with this ordinance.
- B. All users discharging to the City's POTW shall allow access by City personnel or WRBP personnel as per Env-Wq 1205.17 ("Inspector(s)") for the purpose of determining whether the user is complying with all requirements of this Ordinance, or any Industrial Discharge Permit or order issued hereunder. Users shall allow the Inspector(s) ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties. City inspectors shall provide reasonable written notice of at least 48 hours prior to their inspection, unless the City determines that under the circumstances an immediate inspection is necessary, in which case notice shall be provided as appropriate unless for good cause or emergency situations none is given. All users shall grant unrestricted access with or without advance notice to WRBP, DES and EPA personnel pursuant to Env-Wq 1205.17.
- C. Unreasonable delays in allowing the Inspector(s) access to the user's premises shall be a violation of this Ordinance.
- D. While performing the necessary work on private properties referred to in this Section, the Inspector(s) shall observe all safety rules applicable to the premises established by the user. The user shall be held harmless for injury or death to the Inspector(s), except as such may be caused by negligence or failure of the user to maintain safe conditions.
- E. Nothing herein shall prevent or preclude the City from obtaining an administrative search warrant to carry out its obligations hereunder when it deems such measure appropriate.

ARTICLE XIII
Violations and Penalties

§ 189-62. Notice to cease violation.

Any person found to be violating any provision of this chapter or the Plumbing Code shall be served by the City 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.

§ 189-63. Continued violations.

Any person who shall continue any violation beyond the time limit provided for in § 189-62 shall be subject to all penalties provided by RSA 149-I:6 and other applicable legislation.

§ 189-64. Liability of violations.

Any person violating any of the provisions of this chapter or the Plumbing Code shall become liable to the City and/or the WRBP for any expense, loss or damage occasioned by the City or WRBP by reason of such violation.

§ 189-65. Penalties

Any person who is subject to the Env-Wq 1200 Rules shall be subject to the enforcement and penalty provisions as set forth in RSA 485-A:54.

These amendments shall take effect upon its passage.

Andrew Hosmer, Mayor

Passed and approved this _____ day of _____, 2022.

Stacy Anders, Acting City Clerk