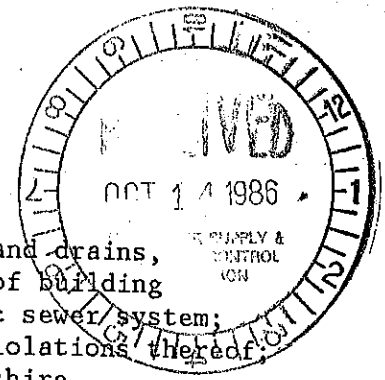


SEWER ORDINANCE FOR THE TOWN OF MILTON



An ordinance regulating the use of public and private sewers and drains, private wastewater disposal, the installation and connection of building sewers, and the discharge of waters and wastes into the public sewer system; setting charges for the use of; and providing penalties for violations thereof in the Town of Milton, County of Strafford, State of New Hampshire.

Be it ordained and enacted by the Board of Selectman of the Town of Milton, State of New Hampshire as follows:

ARTICLE I  
DEFINITIONS

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

- Sec. 1 Biochemical oxygen demand (BOD) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20°C, expressed in milligrams per liter.
- Sec. 2 "Building drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.
- Sec. 3 "Building sewer" shall mean the extension from the building drain to the public sewer or other place of disposal, also called house connection.
- Sec. 4 "Combined sewer" shall mean a sewer intended to receive both wastewater and storm or surface water.
- Sec. 5 "Commercial user" shall mean all retail stores, restaurants, office buildings, laundries, and other private business and service establishments.
- Sec. 6 "Domestic wastewater or sanitary sewage" shall mean normal water-carried household and toilet wastes or waste from sanitary conveniences, excluding ground, surface or storm water.
- Sec. 7 "Easement" shall mean an acquired legal right for the specific use of land owned by others.
- Sec. 8 "Flotable oil" is oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of flotable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

  X   No exception or deviation

  1   Exception or deviation noted on accompanying documents

  10/24/86    
Date

- Sec. 9 "Garbage" shall mean the animal and vegetable waste resulting from the handling, preparation, cooking and serving of foods.
- Sec. 10 "Governmental user" shall include legislative, judicial, administrative, and regulatory activities of federal, state and local governments.
- Sec. 11 "Industrial wastes" shall mean the wastewater from industrial processes, trade or business as distinct from domestic or sanitary wastes.
- Sec. 12 "Institutional user" shall include social, charitable, religious, and educational activities such as schools, churches, hospitals, nursing homes, penal institutions, and similar institutional users.
- Sec. 13 "May" is permissive (see "shall," Sec. 26).
- Sec. 14 "Natural outlet" shall mean any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake or other body of surface or groundwater.
- Sec. 15 "Operation and maintenance" shall mean those functions that result in expenditures during the useful life of the treatment works for materials, labor, utilities, and other items which are necessary for maintaining the treatment performance for which such works were designed and constructed. The term "operation and maintenance" includes replacement as defined in Sec. 21.
- Sec. 16 "Person" shall mean any individual, firm, company, association, society, corporation or group.
- Sec. 17 "pH" shall mean the logarithm of the reciprocal of the hydrogen-ion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen-ion concentration of  $10^{-7}$ .
- Sec. 18 "Properly shredded garbage" shall mean the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch (1.27 centimeters) in any dimension.
- Sec. 19 "Public sewer" shall mean a common sewer controlled by a governmental agency or public utility.
- Sec. 20 "private wastewater disposal system" shall mean a wastewater disposal system other than a public or community system, which receives either human excreta or liquid wastes, or both, from one or more premises. Included within the scope of this definition are septic-tank-soil-absorption systems, privies, chemical-type toilets, composting toilets and such other types as may be prescribed in regulations by the Health Officer.

- Sec. 21 "Replacement" shall mean expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.
- Sec. 22 "Residential User" shall mean any contributor to the treatment works whose lot parcel or real estate or building is used for domestic dwelling purposes only.
- Sec. 23 "Sanitary sewer" shall mean a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions together with minor quantities of ground, storm and surface waters that are not admitted intentionally.
- Sec. 24 "Sewage" is the spent water of a community. The preferred term is "wastewater," Sec. 34.
- Sec. 25 "Sewer" shall mean a pipe or conduit that carries wastewater or drainage water.
- Sec. 26 "Shall" is mandatory (see "may," Sec. 13).
- Sec. 27 "Slug" shall mean any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works.
- Sec. 28 "Storm drain" (sometimes termed "storm sewer") shall mean a drain or sewer for conveying water, groundwater, subsurface water or unpolluted water from any source.
- Sec. 29 "Superintendent" shall mean the superintendent of wastewater facilities, in the Town of Milton; or his authorized deputy, agent or representative.
- Sec. 30 "Suspended solids" shall mean total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater or other liquids, and that is removable by laboratory filtering as prescribed in "Standard Methods" for the Examination of Water and Wastewater" and referred to as nonfilterable residue.
- Sec. 31 "Town" shall mean the Town of Milton, New Hampshire.
- Sec. 32 "Unpolluted water" is water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.
- Sec. 33 "Useful life" shall mean the estimated period during which a treatment works will be operated.

- Sec. 34 "Wastewater" shall mean the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water and stormwater that may be present.
- Sec. 35 "Wastewater facilities" shall mean the structure, equipment and processes required to collect, carry away and treat domestic and industrial wastes and dispose of the effluent.
- Sec. 36 "Wastewater treatment works" shall mean an arrangement of devices and structures for treating wastewater, industrial wastes and sludge. Sometimes used as synonymous with "waste treatment plant" or "wastewater treatment plant" or "water pollution control plant".
- Sec. 37 "Watercourse" shall mean a natural or artificial channel for the passage of water either continuously or intermittently.

ARTICLE II  
USE OF PUBLIC SEWERS REQUIRED  
WITHIN SEWER SERVICE AREA

- Sec. 1 It shall be unlawful for any person to place, deposit or permit to be deposited in an unsanitary manner on public or private property within the Town of Milton, or in any area under the jurisdiction of said Town, any human or animal excrement, garbage or objectionable waste.
- Sec. 2 It shall be unlawful to discharge to any natural outlet within the Town of Milton, or in any area under the jurisdiction of said Town, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.
- Sec. 3 Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of wastewater within the sewer service area.
- Sec. 4 The owner(s) of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the Town, is hereby required at the owner(s)' expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance within ninety (90) days after date of official notice to do so, provided that said public sewer is within three hundred (300) feet of such houses, buildings or properties and provided that said public sewer is within 100 feet of any portion of the property line of said property measured on a straight line from the sewer to the property line with such straight line measurements running only through the public way.

- Sec. 5 Small commercial structures of less than one hundred fifty (150) square feet of interior space, such as permanent kiosks and booths, with not more than one (1) person employed therein shall not be required to install water closets (toilets) or lavatories (sinks) within the structure, provided that said facilities are available within a nearby structure on a permanent basis by an agreement in writing. Establishments selling food of any kind shall have lavatories. The maximum distance of travel from the person's usual working place to the facilities shall not exceed two hundred fifty (250) feet or five hundred (500) feet if entirely under cover.

ARTICLE III  
PRIVATE WASTEWATER DISPOSAL

- Sec. 1 At such time as a public sewer becomes available to a property served by a private wastewater disposal system, as provided in Article II, Section 4, a direct connection shall be made to the public sewer within ninety (90) days in compliance with this ordinance, and any septic tanks, cesspools, and similar private wastewater disposal facilities shall be cleaned of sludge and filled with suitable material.

ARTICLE IV  
BUILDING SEWERS AND CONNECTIONS

- Sec. 1 No unauthorized person(s) shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent.
- Sec. 2 There shall be only one class of building sewer permits for service to residential, institutional and commercial establishments discharging only domestic wastewater. Establishments producing industrial wastes shall not be allowed to connect to the sewer system. The owner(s) or his agent shall make application on a special form furnished by the Town. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgement of the Superintendent. A permit and inspection fee of fifteen (\$15) dollars shall be paid to the Town at the time the application is filed.
- Sec. 3 All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner(s). The owner(s) shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- Sec. 4 A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the front building sewer may be extended to the

rear building and the whole considered as one building sewer, but the Town does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.

- Sec. 5 Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent, to meet all requirements of this ordinance.
- Sec. 6 The size, slope, alignment, materials or construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate sections of the New Hampshire Water Supply and Pollution Control Commission Standards of Design for Sewerage and Waste Treatment Systems shall apply.
- Sec. 7 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, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
- Sec. 8 No person(s) shall make connection of roof downspouts, foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
- Sec. 9 The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town, and to the requirements set forth in appropriate sections of the New Hampshire Water Supply and Pollution Control Commission Standards of Design for Sewerage and Waste Treatment Systems. Record drawing of the installation shall be submitted to the Superintendent. All such connections shall be made gastight and watertight and verified by proper testing. The Superintendent shall make all sewer connections and shall lay, relay and repair all sewer service pipes, lying or being within the boundaries of any public street. Nothing in the foregoing shall prevent the Superintendent from contracting the work to private contractors, or permitting the property owner to do such work himself with the specific consent of the Superintendent and to Town specifications. The cost of such work shall be charged to the owner of property so served. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.
- Sec. 10 The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the Superintendent or his representative.

- Sec. 11 All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Any person owning pipes laid in the streets or highways of the Town, desiring to relay or repair the same, or install a new service connection, shall, before digging up any ground where the same are laid, notify the Superintendent of their purpose, and the Superintendent shall have supervision of the same and shall be responsible for the street or highway so dug up being restored to as good as condition as it was in previously, the expense of such supervision to be assumed by said person. Sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Superintendent.
- Sec. 12 Any person proposing a new discharge into the system or a substantial change in the volume or character of pollutants that are discharged into the system shall notify the Superintendent at least 60 days prior to the proposed change or connection. Proposed new discharges from residential or commercial sources involving loading exceeding 20 population equivalents must be approved by vote of the sewer Commissioners and more than 50 population equivalents must be approved by the New Hampshire Water Supply and Pollution Control Commission.
- Sec. 13 The following is an excerpt from the regulations of the New Hampshire Water Supply and Pollution Control Commission: 'Except for special reasons, the Commission will approve plans for new systems, extensions or replacement sewers only when designed upon the separate plan, in which rain water from roofs, streets and other areas, and groundwater from foundation drains are excluded.'

#### ARTICLE V USE OF THE PUBLIC SEWERS

- Sec. 1 No person(s) shall discharge or cause to be discharged any unpolluted waters such as storm-water, groundwater, roof runoff, subsurface drainage or cooling water to any sewer.
- Sec. 2 Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process water requires an NPDES permit prior to discharge to a storm sewer or natural outlet.
- Sec. 3 No person(s) shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:
- (a) Any gasoline, benzene, naptha, fuel oil, or other flammable or explosive liquid, solid or gas.
  - (b) Any waters containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any waste treatment process, constitute a hazard to humans or animals, or

create any hazard in the receiving waters or the wastewater treatment plant.

- (c) Any waters or wastes having a pH lower than 5.5 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater works.
- (d) Solid or viscous substances in quantities or of such size, capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities such as, but not limited to, ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

Sec. 4

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

- (a) Wastewater having a temperature higher than 150° Fahrenheit (65° Celsius), or wastewater sufficiently hot to cause the influent at the regional wastewater treatment facilities to exceed 104°F (40°C).
- (b) Wastewater containing more than 25 milligrams per liter of petroleum oil, nonbiodegradable cutting oils, or product of mineral oil origin.
- (c) Wastewater from industrial plants containing flatable oils, fat or grease.
- (d) Any garbage that has not been properly shredded (see Article I, Section 18). Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.



- (e) Any waters or wastes containing heavy metals, solvents, and similar objectionable or toxic substances to such degree that any such material discharged to the public sewer or exceeds the limits established by the Superintendent, the WSPCC or EPA for such materials.
- (f) Any waters or wastes containing odor-producing substances exceeding limits which may be established by the Superintendent.
- (g) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable state or federal regulations.
- (h) Quantities of flow, concentrations, or both which constitute a "slug" as defined herein (see Article I, Section 27).
- (i) Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment process employed, or are amenable to treatment only to such a degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- (j) Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.
- (k) Wastewater with any of the following constituents at concentrations greater than those indicated below for a twenty-four (24) hour composite average in milligrams per liter (mg/L):

Cadmium	0.11
Total Chromium	1.0
Chromium VI	0.1
Copper	2.0
Lead	0.15
Nickel	1.0
Silver	0.17
Total Cyanide	0.25
Zinc	2.0
Arsenic	0.01
Iron	5.0
Sodium	500
Chlorides	500
Mercury	.06
Manganese	0.5
Sulfate	250
Sulfide	2.6
Sulfite	2.0
Beryllium	0.01
Boron	2.0

Selenium	1.0
Phenols	0.1
Total Toxic Organics	5.0

(1) Industrial Wastes.

Sec. 5 If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which contain the substances or possess the characteristics enumerated in Section 4 of this Article, and which in the judgement of the Superintendent may have a deleterious effect upon the wastewater facilities, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent 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 added cost of handling and treating the wastes.

If the Town permits the pretreatment or equalization of waste flows, the design and installation of the pretreatment facilities shall be subject to the review and approval of the town and the WSPCC, and subject to the requirements of all applicable codes, ordinances and laws. Such facilities shall not be connected until said approval is obtained in writing. Plans and specifications for a proposed treatment facility shall be the result of the design of a professional engineer. Such approval shall not relieve the owner of the responsibility of discharging treated waste meeting the requirement of this ordinance.

Sec. 6 Grease, oil, and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing flutable grease in excessive amounts, as specified in Section 4(c), or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors the owner(s) shall be responsible for the proper removal and disposal by the appropriate means of the captured material and shall maintain records of the dates, and means of disposal which are subject to review by the Superintendent. Any removal and hauling of the collected materials not performed by owner(s) personnel must be performed by currently licensed waste disposal firms.

Sec. 7 No person shall discharge or cause to be discharged any industrial wastes into a public sewer.

- Sec. 8 The Superintendent may require a user of sewer services to provide information needed to determine compliance with this ordinance. These requirements may include:
- (1) Wastewater discharge peak rate and volume over a specified time period.
  - (2) Chemical analyses of wastewaters.
  - (3) Information on raw materials, processes and products affecting wastewater volume and quality.
  - (4) Quantity and disposition of specific liquid, sludge, oil, solvent, or other materials important to sewer use control.
  - (5) A plot plan of sewers of the user's property showing sewer and pretreatment facility location.
  - (6) Details of wastewater pretreatment facilities.
  - (7) Details of systems to prevent and control the losses of materials through spills to the municipal sewer.
- Sec. 9 All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, or with the EPA approved methods published in the Code of Federal Regulation, Title 40, Part 136 (40 CFR 136). Sampling methods, location, times, durations and frequencies are to be determined on an individual basis subject to approval by the Superintendent.
- Sec. 10 No statement contained in this article shall be construed as preventing any special agreement or arrangement between the Superintendent and any industrial concern whereby an industrial waste of unusual strength in character may be accepted by the Superintendent for treatment, provided that such agreements do not contravene any requirements of existing federal or state laws, and/or regulations promulgated thereunder, and are compatible with any user charge system in effect, and do not waive applicable national categorical pretreatment standards.
- Sec. 11 Septic tank waste (septage) will not be accepted into the sewer system at any point.
- Sec. 12 It shall be illegal to meet requirements of this Sewer Ordinance by diluting wastes in lieu of proper treatment.

ARTICLE VI  
PROTECTION FROM DAMAGE

- Sec. 1 No person(s) shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the wastewater facilities. Any person(s) violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

ARTICLE VII  
POWERS AND AUTHORITY OF INSPECTORS

- Sec. 1 The Superintendent and other duly authorized employees of the Town, bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing pertinent to discharge to the community system in accordance with the provisions of this ordinance.
- Sec. 2 While performing the necessary work on private properties referred to in Article VII, Section 1, above, the Superintendent or duly authorized employees of the Town, shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the Town employees, and the Town shall indemnify the company against loss or damage to its property by Town employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by the negligence or failure of the company to maintain safe conditions as required in Article V, Section 8.
- Sec. 3 The Superintendent and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all private properties through which the Town holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the wastewater facilities lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

ARTICLE VIII  
PENALTIES

- Sec. 1 General Penalties. Any person found to be violating any provision of this ordinance except Article VI shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The penalty for the violation of any of the provisions of this ordinance shall be, wherever applicable, the termination of all sewer services

to the offending party, such termination shall continue in full force and effect until the condition causing such termination is removed or remedied and the Town reimbursed for all its charges or expense on account thereof. The Town may, after informal notice to the person discharging wastewater to the public sewer, immediately halt or prevent any such discharge reasonably appearing to present an imminent endangerment to the health and welfare of person, or any discharge presenting, or which may present, an endangerment to the environment, or which threatens to interfere with operation of the public sewer or wastewater treatment facilities. Action which may be taken by the Town includes ex parte temporary judicial injunctive relief, entry on private property to halt such discharge, blockage of a public sewer to halt such discharge, or demand of specific action by the person.

- Sec. 2 Any person who shall continue any violation beyond the time limit provided for in Article VIII, Section I shall be fined in the amount not exceeding \$100 for each violation in the case of an individual, and \$500 for each violation in the case of a corporation or unincorporated association. Each day in which any such violation shall continue shall be deemed a separate offense. Ref: RSA 47:17 (Supp), RSA 252:8, RSA 31:39 (Supp).

#### ARTICLE IX USER CHARGES

Charges for the users of the Milton wastewater collection, treatment and disposal facilities are based on the operation, maintenance and replacement costs for the facilities. The proceeds of such charges so derived will be used for the purpose of operating and maintaining the public wastewater facilities.

- Sec. 1 The Monies collected for operation, maintenance and replacement shall be deposited in a non-lapsing fund designated as the "Operation, Maintenance, and Replacement Fund." Year-end balances in the operation, maintenance and replacement fund shall be used for no other purposes than those designated. Monies which have been transferred from other sources to meet temporary shortages in the operation, maintenance and replacement fund shall be returned to their respective accounts upon appropriate adjustment of the user charge rates for operation, maintenance and replacement. The user charge rates shall be adjusted such that the transferred monies will be returned to their respective accounts within six months of the year in which the monies were borrowed.
- Sec. 2 Each user shall pay for the services provided by the Milton wastewater facilities based on their use of the facilities as determined by the Equivalent Dwelling Unit method.
- Sec. 3 For institutional and commercial users, not listed in Sec. 5 below, user charges will be based on equivalent dwelling units derived from measured or estimated wastewater contribution. A single unit is equivalent to the flow rate of 240 gallons per day.

Sec. 4 The minimum charge shall be for 1 unit. Should an institutional or commercial user wish to depart from the following rate guidelines, they may have a water meter installed at the owner's expense to establish alternative rates based on water use where the Sewer Commissioners determine an alternative rate based on 240 gallons per day as a user equivalent. Where fractional units result they shall be rounded off to the next highest unit.

Sec. 5 The schedule of units shall be as follows:

For each single family house, apartment, trailer, or other single family dwelling unit,

1 unit per dwelling unit.

Boarding Houses and Tourist Homes,

0.2 units per rental room.

Motels,

0.4 units per rental unit.

Restaurants,

0.15 units per seat.

Taverns,

0.08 units per seat.

Schools,

0.1 units per student and faculty.

Service Stations,

2.0 units per set of pumps.

Offices,

0.1 unit per employee.

Self-service Laundries,

1 unit per machine.

Retail Stores,

1.5 units per each 25 feet of frontage.

Sec. 6 For those users whose wastewater has a greater strength than normal domestic sewage, a surcharge in addition to the normal user charge will be collected. The high strength waste surcharge will be equal to 0.1% of the annual user rate charge for each mg/l of suspended solids over 300 mg/l and 0.2% of the annual user rate charge for each mg/l of BOD over 300 mg/l.

Sec. 7 Any user which discharges any toxic pollutants which cause an increase in the cost of managing the treatment works, or any user which discharges any substance which, singly or by interaction with other substances, causes identifiable increases in the cost of operation, maintenance or replacement of the treatment works, shall pay for such increased costs. The wastewater shall not include materials that

violate the provisions of Section 4 of Article V of the sewer ordinance. The charge for each such user shall be determined by the Milton Sewer Commission.

Sec. 8 The rate per unit shall be determined annually by the Milton Sewer Commission. Where a single building sewer serves a user with several commercial type uses the annual charge shall be calculated by adding the charges for each type of use. The charge rate per equivalent dwelling unit shall be determined using the following formula:

Annual charge rate is equal to Estimated Operation and Maintenance Costs plus the replacement costs divided by the estimated number of equivalent user units.

NORMAL WASTEWATER - EQUIVALENT DWELLING UNIT

Flow - 240 gallons per day  
BOD - 300 mg/l (0.6 pounds per day)  
TSS - 300 mg/l (0.6 pounds per day)

SAMPLE CALCULATION FOR HIGH STRENGTH WASTEWATER

Use a wastewater with double normal wastewater strength or 300 mg/l greater than normal.

BOD = 0.2% x annual user charge x mg/l over normal  
TSS = 0.1% x annual user charge x mg/l over normal

SAMPLE CALCULATION OF SURCHARGE

BOD = 0.002 x annual user charge x 300 = 0.6 x annual user charge  
TSS = 0.001 x annual user charge x 300 = 0.3 x annual user charge

Total surcharge = 0.9 x annual user charge

Sec. 9 All users shall be billed quarterly. Payments are due within 30 days of receipt of bill and shall be committed to the Tax Collector of the Town of Milton. Any payment not received within 30 days shall be delinquent.

Sec. 10 A late payment penalty of 1 percent of the user charge bill will be added to each delinquent bill for each month or portion thereof it is delinquent. When any bill is more than 3 months in default, sewer service to such premise shall be discontinued until such bill is paid.

Sec. 11 When any bill, including interest and penalty, remains unpaid for one year after the date due, such bill shall be recorded in the land records of Strafford County by the Milton Sewer Commission and shall constitute a lien on the property. If such lien remains unpaid for a period of one year after the date of recording, such property shall be subject to public sale by the Milton Sewer Commission.

- Sec. 12. Any user who feels his user charge is unjust and inequitable may make written application to the Milton Sewer Commission requesting a review of the user charge. Said written request shall, where necessary, show the actual or estimated flow and/or strength of his wastewater in comparison with the values upon which the charge is based, including how the measurements or estimates were made.
- Sec. 13 Review of the request shall be made by the Milton Sewer Commission and if substantiated, the user charges for that user shall be recomputed based on the revised flow and/or strength data and the new charges shall be applicable to the next billing period.
- Sec. 14 The Milton Sewer Commission will review the user charges annually and revise the rates as necessary to ensure that adequate revenues are generated to pay the costs of operation and maintenance including replacement and that the system continues to provide for the proportional distribution of operation and maintenance including replacement costs among users and user classes.
- Sec. 15 The Milton Sewer Commission will notify each user at least annually of the rate being charged for operation and maintenance including replacement of the treatment works.
- Sec. 16 All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner(s).

#### ARTICLE X VALIDITY

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

#### ARTICLE XI ORDINANCE IN FORCE

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



Sec. 2 Passed and adopted by the Selectman of the Town of Milton, State of New Hampshire on the \_\_\_\_\_ day of \_\_\_\_\_, 1986 by the following vote:

Ayes \_\_\_\_\_ : namely \_\_\_\_\_

Nays \_\_\_\_\_ : namely \_\_\_\_\_

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 1986.

(Signed) \_\_\_\_\_

Attest \_\_\_\_\_

Signed \_\_\_\_\_, (Clerk)

MILTON SEWER COMMISSION  
MILTON, NEW HAMPSHIRE  
RESIDENTIAL OR COMMERCIAL BUILDING SEWER APPLICATION

To the Milton Sewer Commission:

The undersigned, being the \_\_\_\_\_ of the  
(owner, owner's agent)  
property located at \_\_\_\_\_, does hereby  
(number) (street)  
request a permit to install and connect a building sewer to serve the  
\_\_\_\_\_ at said location.  
(residence, commercial building, etc.)

1. The following indicated fixtures will be connected to the proposed building sewer:

<u>Number</u>	<u>Fixture</u>	<u>Number</u>	<u>Fixture</u>
_____	Kitchen sinks	_____	Water Closets
_____	Lavatories	_____	Bath tubs
_____	Automatic clothes washers	_____	Showers
_____	Urinals	_____	Garbage grinders

Specify other fixtures \_\_\_\_\_

2. The maximum number of persons who will use the above fixtures is \_\_\_\_\_.
3. The name and address of person or firm who will perform the proposed work is \_\_\_\_\_.
4. Plans and specifications for the proposed building sewer are attached hereunto as Exhibit "A".

In consideration of the granting of this permit, the undersigned agrees:

1. To accept and abide by all provisions of Ordinance No. \_\_\_\_\_ of the Town of Milton, and of all other pertinent ordinances or regulations that may be adopted in the future.
2. To maintain the building sewer at no expense to the Town.
3. To notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer, but before any portion of the work is covered.

Date: \_\_\_\_\_

Signed: \_\_\_\_\_  
(applicant)

\$ \_\_\_\_\_ inspection fee paid.

Application approved and  
permit issued:

Date: \_\_\_\_\_

\_\_\_\_\_  
(address of applicant)

\_\_\_\_\_  
(Town Clerk)

Signed: \_\_\_\_\_  
(Superintendent)