

## CHAPTER 245 SEWERS

[HISTORY: Adopted by the City Council of the City of Franklin 5-5-1986 as Title Four, Chs. XXVII through XXXVIII of the 1986 Code; amended in its entirety 10-1-2007 by Ord. No. 03-08. Subsequent amendments noted where applicable.]

### GENERAL REFERENCES

Solid waste — See Ch. 257.

Water — See Ch. 289.

Site plan review — See Ch. 402.

Subdivision of land — See Ch. 403.

§ 245-1 Definitions and word 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 State Plumbing Code, and supplements thereto, established by the New Hampshire Department of Environmental Services or as defined herein.

**BACKWATER VALVE:** A device placed in the building sewer that will prevent the backflow of sewage from an interceptor, major interceptor or collection system into a habitable structure.

**BOARD:** The Board for the Examination and Licensing of Plumbers.

**BOD (denoting "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:** 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 feet (1.5 meters) outside the inner face of the building wall.

**BUILDING SEWER:** The extension from the building drain to the service connection.

**CHEMICAL OXYGEN DEMAND (COD):** A measure of the oxygen equivalent of that portion of the organic matter in a sample that is susceptible to oxidation by a strong chemical oxidant. (See Standard Methods, latest edition.)

**CITY:** The City of Franklin, Merrimack County, New Hampshire, its agents, officers and representatives.

**COMMERCIAL DISCHARGE:** Nonindustrial 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.

**COMMUNITY:** Any City or town that is included as part of and is served by the Winnepesaukee River Basin Project Treatment Works and includes but is not limited to the following: Laconia, Franklin, Meredith, Gilford, Tilton, Belmont, Northfield, Sanbornton, and Center Harbor.

**CONTRACTOR:** Either an individual, partnership or corporation and the proper agents and representatives thereof.

**COOLING WATER:** The clean wastewater from air-conditioning, industrial cooling, condensing and similar apparatus and from hydraulically powered equipment. Cooling water shall include only water which is sufficiently clean, uncontaminated and unpolluted and may be discharged, without treatment or purification and with written permission of the DES, into any natural open stream or watercourse.

**DES:** The New Hampshire Department of Environmental Services.

**DIVISION:** The Division of Water Supply and Pollution Control of the Department of Environmental Services.

**DOMESTIC WASTEWATER:** Normal water-carried household and toilet wastes or waste from sanitary conveniences, excluding ground-, surface or stormwater.

**EPA:** The Federal Environmental Protection Agency.

**FLOOR DRAIN:** A permanently installed pipe inside a building to remove incidental water from commercial operations, not a foundation drain.

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

**GREASE:** Volatile and nonvolatile residual fats, oils, fatty acids, soaps, waxes, mineral oils and other similar materials.

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

**IMPROVED PROPERTY:** Any property located within the jurisdiction upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure sanitary sewage or industrial wastes shall be or may be discharged.

**INDUSTRIAL ESTABLISHMENT:** Any room, group of rooms, building or other enclosure used or intended for use in the operation of one business enterprise for manufacturing, processing, cleaning, laundering or assembling any product, commodity or article or from which any process waste, as distinct from sanitary sewage, shall be discharged.

**INDUSTRIAL WASTES:** Any liquid, gaseous or solid waste substance resulting from any process of industry, manufacturing, trade or business or from development of any natural resources and shall exclude sanitary sewage as described herein.

**INSPECTOR:** The person or persons duly authorized by the City to inspect and approve the installation of building sewers and their connection to the sewage collection system.

**INTERCEPTOR:** A channel or sewer which serves to collect the flow from the sewage collection system.

**INTERCEPTOR, MAJOR:** A channel or sewer which serves to collect the flow from the sewage collection system and is owned and maintained by the state.

**INTERFERENCE:** A discharge which, alone or in conjunction with a discharge from other sources, inhibits or disrupts the publicly owned treatment works (POTW), its treatment processes or operations, or its biosolids processes, use or disposal and which is a cause of a violation of any requirement of the WRBP's National Pollutant Discharge Elimination System (NPDES) permit or of the prevention of biosolids use or disposal by the WRBP.

**NATIONAL CATEGORICAL PRETREATMENT STANDARD or CATEGORICAL PRETREATMENT STANDARD:** Any regulations containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Clean Water Act (33 U.S.C. § 1347) which applies to a specific category of industrial users and which are found in the Code of Federal Regulations, 40 CFR, Subchapter N, Parts 401 through 471.

**NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM:** An EPA program which provides permits for the discharge of wastewater issued pursuant to Section 402 of the Clean Water Act (33 U.S.C. § 1342).

**NATURAL OUTLET:** Any outlet into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

**OTHER WASTES:** Garbage, municipal refuse, decayed wood, sawdust, shavings, bark, lime, ashes, offal, oil, tar, chemicals and other substances harmful to human, animal, fish or aquatic life.

**PERSON:** Any individual, partnership, company, association, society, corporation or other legal entity.

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

**PRETREATMENT:** The application of physical, chemical and biological processes 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.

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

**PUBLIC SEWER:** A sewer in which all owners of abutting properties have equal rights and which is controlled by public authority.

**SANITARY SEWAGE:** A combination of the water-carried household and toilet wastes from residences, business buildings, institutions and industrial establishments, together with such groundwater infiltration, surface and storm waters as may be present.

**SANITARY SEWER:** A sewer which carries sewage and to which storm-, surface and ground waters are not intentionally admitted.

**SERVICE CONNECTION:** That part of the sewer system extending from a sewer to the property line, or if the sewer is located on a right-of-way or if no such service connection shall be provided, then "service connection" shall mean that portion of or place in a sewer which is provided for connection of any building sewer.

**SEWAGE TREATMENT PLANT:** Any arrangement of devices and structures used for treating sewage.

**SEWER:** A pipe or conduit for carrying sewage.

**SEWERAGE:** A system for the collection and pumping of sewage.

**SEWER COLLECTION SYSTEM:** Each and all of the common lateral sewers within a publicly owned treatment system which are primarily installed to receive wastewaters directly from facilities which convey wastewater from individual structures or from private property and which include service connection Y-fittings designed for connection with those facilities.

**SLUG:** Any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average twenty-four-hour concentration or flow during normal operation.

**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., the American Water Works Association and the Water Pollution Control Federation.

**STATE:** The State of New Hampshire.

**STATE PLUMBING CODE:** As defined under RSA 329-A.

**STORM DRAIN (sometimes termed "storm sewer"):** A conduit which carries storm- and surface waters and drainage, sanitary sewage and industrial wastes other than cooling water.

**SUPERINTENDENT:** That individual employed by the State of New Hampshire who is responsible for the operation and maintenance of the treatment works or his or her authorized deputy, agent or representative.

**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 laboratory filtering.

**TRAPS:** Intercepting devices, grease traps, oil separators or grit removal chambers located at the source and placed in the building drain prior to discharge to the sewage collection system.

**TREATMENT WORKS:** Any device or system used in the storage, treatment, recycling or reclamation of sanitary sewage or industrial waste, as those terms are defined herein. It shall mean the sewage collection system, interceptor sewers, pumping stations, sewage treatment plant and appurtenant facilities essential to the operation of the entire system.

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

**WRBP:** The Winnepesaukee River Basin Program operated by the New Hampshire Department of Environmental Services (DES).

- B. The word "shall" is mandatory; "may" is permissive.

***§ 245-2 Connection to public sewer required.***

- A. Pursuant to RSA 147:8, any improved property to which public sewer is available at the time a building permit is issued for a new structure shall be required to connect to the public sanitary sewer system. Any improved property with a septic system which has access to the public sewer system shall be required to connect to the public sewer upon failure of the septic system, within 90 days after notice is given to the owner to make such connection by the City or DES.
- B. Each connection shall collect all the sanitary sewage and industrial wastes from such improved property, subject to the limitations of this chapter and any limitations and restrictions established by the City in the future. At the same time connection is made, the owners will cease all further discharge of sanitary sewage or industrial wastes into any other conduit or preexisting system, whether privately or publicly owned.
- C. A public sewer shall be considered available to a parcel of improved property if any portion of the sewage collection system is within 250 feet of any part of any structure on the property which contains plumbing. No new structure required by this chapter to be connected to a public sewer shall be occupied until such connection is made.
- D. Any person proposing a new discharge or a substantial change in the volume or character of pollutants that are being discharged into the treatment works shall notify the City at least 60 days prior to the proposed change and/or connection. Proposed new discharges which serve more than one building or that require a manhole at the connection, and for any proposed sewage pumping station that serves more than one

building or has a capacity in excess of 50 gallons per minute, or any increase in commercial and industrial discharge must be approved by the City and DES. Connection to the public sewer shall be allowed for the purpose of discharging all sewage, commercial discharges, and industrial discharges from improved property into the sewage collection system, subject to limitations and restrictions as established in these rules, Franklin Construction Standards, and the WRBP Sewer Use Rules (Env-Ws 1200 or Env-Wq 700).

- E. All sanitary sewage and industrial wastes from any improved property, after connection of such improved property to a public sewer as required under Subsections A through C, 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 from time to time.
- F. No person shall place or deposit or permit to be placed or deposited upon public or private property within the City's jurisdiction any sanitary sewage, garbage or industrial wastes in violation of Subsections A through C. No person shall discharge or permit to be discharged to any natural outlet within the City's jurisdiction any sanitary sewage, garbage or industrial wastes in violation of Subsections A through C, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter and where DES approval has been given.
- G. 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 Subsections A through C 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.
- H. No privy vault, cesspool, sinkhole, septic tank or similar receptacle shall at any time be connected with a public sewer.

### **§ 245-3 *Private wastewater disposal systems.***

- A. Where a public sanitary sewer is not available under the provisions of § 245-2 above, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this section.
- B. Prior to construction of any private wastewater disposal system, the owner will first obtain a permit from the City and construction approval from the City and DES Water. The application for the City permit shall be made on a form furnished by the City, which the applicant shall supplement by any plans, specifications, and other information as deemed necessary by the sewer inspector. A permit and inspection fee shall be paid to the City at the time the application is filed.
- C. A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the City and/or DES. DES and the City shall be allowed to inspect the work at any stage of construction, and in any event, the applicant for the permit shall notify DES and the City when the work is ready for final inspection and before any underground portions are covered.

- D. The type, capacities, location, layout and installation (including inspection) of a private wastewater disposal system shall comply with all requirements of the DES, Water, and the City. No permit shall be issued for any new private wastewater disposal system employing subsurface disposal facilities where a lot area is less than is required by subplot size requirements of the DES, Water. No septic tank or cesspool shall be permitted to discharge to any natural outlet.
- E. At such time as a public sewer becomes available to a property served by a private wastewater disposal system, as provided in Subsection D above, a direct connection shall be made to the public sewer within 90 days in compliance with this chapter, and any septic tanks, cesspools and similar private wastewater disposal facilities shall be cleaned of sludge and filled with suitable material.
- F. 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 should any quantity of industrial waste be discharged to a private wastewater disposal facility.
- G. No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the Health Officer.

**§ 245-4 Building sewers and connections.**

- A. A separate and independent building sewer shall be provided for every building on an improved property, except where one building stands at the rear of another and no private or public sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway. In such instance, the building sewer from the front building may then be extended to the rear building and the whole considered as one building sewer. This modification shall require the approval of the City in writing.
- B. 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.
- C. The size, slope, alignment, materials of construction, methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench of a building sewer shall all conform to the requirements of the building and plumbing code, Franklin Construction Standards or applicable rules and regulations of the City.
- D. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sewage carried by such building drain shall be lifted, at the owner's expense, by means approved by the City and discharged from the building.
- E. No person shall connect roof downspouts, exterior or interior foundation drains, areaway drains or other sources of surface runoff or groundwater or building floor drains to a building sewer or building drain which in turn is connected directly or indirectly to a sanitary sewer. No person shall remove a cleanout cap from any drain, vent, waste pipe or fixture for purposes of allowing water, surface or subsurface, by sump pump or by gravity flow, to enter into the sanitary sewer. No person shall obstruct the free flow of air through any drain or soil pipe.

- F. The connection of the building sewer into a public sewer shall conform to the requirements of the State Plumbing Code or other applicable codes, ordinances or rules and regulations of the City.
- G. It shall be the responsibility of the owner of any improved property to make the entire connection from the sewage collection system to any structure to be served. The City may choose to perform the actual tap to the sewer main after the line is uncovered, and the owner of the property to be served shall reimburse the City for the full cost of the work. During the construction of new sewer lines, the City may choose to build service connections to avoid disturbance of an improved roadway or for any other reason. No building sewer shall be connected to such service until the City is reimbursed the full cost of such connection.
- H. It shall be the responsibility of the owner of any property connected to the public sewer to maintain that connection from the structure to the sewer main, including any trenches or excavations associated with such maintenance.
- I. If the owner of any improved property located within the City's jurisdiction which is benefited, improved, served or accommodated by any public sewer or to which any public sewer is available shall, after 90 days' notice from the City, in accordance with §§ 245-2 and 245-3 of this chapter, fail to connect such improved property as required, he or she shall be subject to the actions and penalties prescribed in RSA 147:7-b and RSA 147 and regulations issued pursuant thereto, or the City 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.

***§ 245-5 Building sewer permits; fee; inspections.***

- A. There shall be two classes of building sewer permits: for residential, commercial and institutional services, and for service to establishments producing industrial wastes. In either case, the owner or his or her 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 in accordance with Chapter 160 of the City of Franklin Municipal Code 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 integral part thereof and for each industrial unit, structure, facility or part thereof.
- B. No person shall uncover, connect with, make any opening into or use, alter or disturb in any manner any public sewer or any part of the sewage collection system, service connection or building sewer without first obtaining a permit, in writing, from the City. In the event that a connection must be made to a sewer, it will first be necessary to obtain a permit, in writing, from the DES and the City. Any costs shall be borne by the owner, where applicable. Said costs shall be paid to the City at the time the connection process is complete. Where excavation in a public street is involved, a digging permit must be obtained from the appropriate agency.



- C. 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.
- D. Industrial establishments shall obtain an industrial discharge permit from the City and, following City approval, from WRBP in compliance with Env-Wq 1200.
- E. Persons that discharge commercial wastewater, defined herein, shall obtain a commercial discharge permit from the City. After City approval, commercial discharges shall obtain approval from WRBP in compliance with Env-Wq 1200, if required.

#### **§ 245-6 Tests.**

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, bedding, and testing are specified by the Franklin Construction Standards. The applicant for the building sewer permit shall notify the City at least 24 hours before the building sewer and the connection to the public sewer is ready for inspection. The connection and testing shall be made under the supervision of the agent authorized by the City.

#### **§ 245-7 Prohibited connections to sanitary sewer.**

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 sanitary sewer.

#### **§ 245-8 Building sewer maintenance; excavations; unsatisfactory conditions.**

- A. No building sewer shall be covered until it has been inspected and approved by the City. If any part of a building sewer is covered before being inspected and approved, it shall be uncovered for inspection at the cost and expense of the owner of the improved property to be connected to the public sewer.
- B. Every building sewer of any improved property shall be maintained in a sanitary and safe operating condition by the owner of such improved property.
- C. 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.
- D. If any person shall fail or refuse, upon receipt of a notice from the City, in writing, to remedy any unsatisfactory condition with respect to a building sewer within 45 days of receipt of such notice, the City 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 land of the property owner to do whatever is necessary to remedy the unsatisfactory condition.

- E. The City reserves the right to exclude or adopt, from time to time, rules and regulations as it shall deem necessary and proper relating to connections with a public sewer and the sewage collection system. Such additional rules and regulations shall not violate any state or EPA regulations or statutes.

**§ 245-9 Disposal of septic tank wastes.**

- A. Septic tank and holding tank wastes will be accepted into the treatment works at designated receiving structures within the treatment works area, provided that such wastes do not violate any of the terms or conditions of this chapter or any other special requirements established by the DES or the City.
- B. Permits to use such facilities and assessment of fees for such use shall be under the jurisdiction of the DES or its duly authorized representatives.
- C. The sewage treatment plant Superintendent, acting in behalf of the WRBP, shall have authority to limit the disposal of such wastes, if such disposal would interfere with the treatment plant operation.
- D. Procedures for the disposal of such wastes shall be in conformance with the operating policy of the Winnepesaukee River Basin Sewage Treatment Plant Superintendent, and disposal shall be accomplished under his or her supervision unless specifically permitted otherwise.

**§ 245-10 Restrictions on discharges.**

- 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.
- B. Stormwater and unpolluted drainage shall be discharged to storm drains, if available, or to a natural outlet approved by the City. Industrial cooling water or process waters require a National Pollutant Discharge Elimination System (NPDES) permit prior to discharge to a storm sewer or natural outlet.
- C. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:
  - (1) Any gasoline, benzene, naphtha, fuel, oil or other flammable or explosive liquid, solid or gas which may cause a fire hazard in the POTW. Any substance with a closed cup flash point of 1,400° F. or 600° C. as defined in CFR 261.21.
  - (2) Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the treatment works or its receiving waters.

- (3) Any waters or wastes having a pH lower than 5.5 or higher than 9.5 having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.
- (4) 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 sewer system, such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, in-ground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

D. No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely, in the opinion of the WRBP, the DES and/or the City, that such wastes can harm either the treatment works, sewage treatment process or equipment, have an adverse effect on the receiving stream or can otherwise endanger life, limb, public property or constitute a nuisance. The City, WRBP, or DES may set limitations lower than the limitations established in the regulations below if, in its opinion, more severe limitations are necessary to meet the above objectives. In forming such opinion as to the acceptability of these wastes, the WRBP, the DES or the City will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant and other pertinent factors. The substances prohibited are, but are not limited to:

- (1) Any liquid or vapor having a temperature higher than 150° F. (65° C.).
- (2) 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 exceeds the local limits for the discharge of wastewater containing aluminum, arsenic, cadmium, chloride, chromium, copper, cyanide, iron, lead, manganese, mercury, molybdenum, nickel, selenium, silver and zinc, are found in the "WRBP Sewer Use Rules" Env-Ws 1200, National Categorical Pretreatment Standard, or limits established by the Superintendent, WRBP, DES or the EPA for such materials.
- (3) Any water or wastes containing fats, wax, grease, or oils, whether emulsified or not, in excess of 250 mg/l for animal/vegetable origin and 50 mg/l for petroleum oil, nonbiodegradable oils, or products of mineral origin which may solidify or become viscous at temperatures between 32° F. and 150° F. (0° C. and 65° C.).
- (4) Any waters or wastes containing strong acid, iron, pickling wastes or concentrated plating solutions.
- (5) Any waters or wastes containing objectionable or toxic substances or wastes exerting an excessive chlorine requirement to such degree that any such material received in the composite sewage at the sewage treatment plant exceeds the limits established by the EPA or the state for such materials.

- (6) Any waters or wastes containing phenols or other taste- or odor-producing substances in such concentrations as to exceed limits which may be established by the WRBP or the City as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal or other public agencies or jurisdiction for such discharge to the receiving waters.
- (7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the WRBP or the City in compliance with applicable state or federal regulations.
- (8) Any water or wastes having a pH in excess of 9.5.
- (9) Material which exerts or causes:
  - (a) Unusual concentration of inert suspended solids (such as, but not limited to, fuller's earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
  - (b) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solution).
  - (c) Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the WRBP treatment works.
  - (d) Unusual volume of flow or concentration of wastes, or both, constituting slugs as defined herein.
- (10) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to receiving waters.

E. 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 Subsection D of this section and which in the judgment of the WRBP, DES or City may have a deleterious effect upon the treatment works, processes, equipment or receiving waters or which otherwise create a hazard to life or constitute a public nuisance, the WRBP, the DES, or 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; or
- (4) Require payment to cover the added cost of handling and treating the wastes.

- F. If the City 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 City, WRBP, and DES 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 requirements of this chapter.
- G. Grease, oil, or sand trap shall be installed when, in the opinion of the City or WRBP, they are necessary to prevent grease, oil, and sand from entering the City sewers, except that such interceptors shall not be required for private living quarters or dwelling units. All traps (interceptors) shall be of a type and capacity approved by the City and DES and shall be located so as to be readily and easily accessible for cleaning and inspection. The property owner shall be responsible for the proper removal and disposal of all captured materials in accordance with all applicable local, state, and federal requirements.
- H. Where pretreatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his or her expense.

***§ 245-11 Monitoring discharges; right of entry.***

- A. When required by the DES or the City, any property owner served by a building sewer carrying industrial wastes shall install a suitable control manhole, together with such necessary meters and other appurtenances, in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the DES and the City. The manhole shall be installed by the owner at his or her expense and shall be maintained by him or her so as to be safe and accessible at all times.
- B. All industries discharging into a public sewer shall perform such monitoring of their discharges as the DES or the City may reasonably require, including installation, use and maintenance of monitoring equipment, keeping records and reporting the results of such monitoring to DES and the City. Such records shall be made available upon request by DES to other agencies having jurisdiction over discharges to the receiving waters.
- C. The DES or the City, through its duly authorized employees and officials, bearing proper credentials and identification, shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this chapter.
- D. 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 Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, or with the EPA approval methods published in the Code of Federal Regulations, Title 40, Part 136 (40 CFR 136) and shall be determined at the control manhole provided or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole from the building

sewer in the public sewer to which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to obtain a sample which is representative of the wastes discharged to the treatment works. (The particular analyses involved will determine whether a twenty-four-hour composite of all outfalls of a premise 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 pHs is determined from periodic grab samples.)

#### ***§ 245-12 Special agreement for industrial wastes.***

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

#### ***§ 245-13 Information to determine compliance.***

The Superintendent and/or Municipal Services Director may require a user of sewer services to provide information needed to determine compliance with this chapter. These requirements may include:

- A. Wastewater discharge peak rate and volume over a specified time period.
- B. Chemical analyses of wastewaters.
- C. Information on raw materials, processes and products affecting wastewater volume and quality.
- D. Quantity and disposition of specific liquid, sludge, oil, solvent or other materials important to sewer use control.
- E. A plot plan of sewers of the user's property showing sewer and pretreatment facility location.
- F. Details of wastewater pretreatment facilities.
- G. Details of systems to prevent and control the losses of materials through spills to the municipal sewer.

#### ***§ 245-14 Diluting wastes.***

It shall be illegal to meet requirements of this chapter by diluting wastes in lieu of proper pretreatment.

#### ***§ 245-15 Right of refusal.***

The City reserves the right to prohibit any person from installing building sewers, septic tanks, leaching fields or any other facilities for the handling or disposing of sanitary sewage or industrial wastes if in the past said person has refused to abide by this 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.

**§ 245-16 Sewer charges.**

- A. The following charges (also known as "sewer rents") are established so as to assure an equitable means of distributing the cost of operation and maintenance of the wastewater collection and treatment works within the City and any operation and maintenance costs associated with the Winnepesaukee River Basin Program (WRBP) assessed to the City. A service connection fee shall be charged for each individual unit connecting to an existing public sewer (see Chapter 160 of the City of Franklin Municipal Code). Each individual user or user class within the City is required to pay in proportion to the user's contribution to the total wastewater loading on the treatment works.
- B. The funds received from the collection of sewerage charges and all other receipts resulting from the operation of the sewerage system shall be deposited with the City Treasurer and shall be accounted for in the Sanitary Sewerage Fund. This fund, when appropriated by the City Council, shall be available for the payment of the costs of managing, constructing, operating, repairing and maintaining the sewerage system and payment of fees or charges for services purchased by the system. It is the intent of the City that the sewerage system be financed by user charges. Nothing shall limit the City from requiring or accepting funds or services of any form, provided that such requirement or acceptance is not in conflict with any state or federal law or regulation.
- C. Sewer charges shall be billed to premises periodically at the same time water bills are rendered (or would be rendered in the case where the premise does not receive water service for the affected premises). Bills shall be rendered by the Tax Collector to the property owner, and all such bills shall become a lien on the property served in accordance with Chapter 149, I, II, of the New Hampshire Revised Statutes Annotated.
- D. The minimum bill shall be based on the number of connections to the public sewer. Each connection shall be considered a single unit. Minimum bills will be specified in terms of fees per unit.
- E. The charges associated with the volume of wastewater generated shall be calculated from measurements of the amount of water consumed which could be discharged to the sewerage system. Unless specifically agreed to by the City, all water consumed in a premise will be considered to have been discharged to the sewerage system. In the case of commercial and industrial concerns, arrangements may be made to measure water which is consumed but cannot be discharged to the sewerage system. The City will not allow abatements of sewer charges when water is used to fill swimming pools, water lawns or any other purpose not specifically addressed in a commercial/industrial arrangement in writing with the City.
- F. Water consumed shall be measured by approved water meters on the source or sources of water supply for a premise. Where a premise received water from the Municipal Services Department, the meter readings or estimates of that Department shall be used. Where a private source of supply to a premise exists, the water supplied shall be measured by a water meter supplied by the City and installed at the owner's expense.

Meters on private supplies shall conform to the standards of the Municipal Services Department for installation and operation. Flat rate fees for unmetered customers are also available for alternative billing purposes.

- G. The City shall have the right to enter the premises to read and inspect meters.
- H. In case of a meter stopping or failing to register, the quantity of water used shall be estimated from the amounts used during periods when the meter was registering accurately. The accuracy of the meter will be tested in the same manner and for the same fee as provided for meter tests in the regulations and ordinances for the Municipal Services Department.
- I. In the event that a premises discharges wastes into the sewerage system which contain unduly high concentrations of BOD or suspended solids or substances which add to the normal operating costs of the treatment works or sewerage system, the City may impose surcharges to regular charges in proportion to the additional demand placed on the system.
- J. If any charges are not paid within 30 days after the billing date, such unpaid charges shall be subject to a service charge of 1 1/4% per month, 15% per annum. If the charges are not paid within 30 days after the billing date thereof, all services furnished by the system may be discontinued after proper notice, upon the discretion of the Tax Collector. Overdue accounts will be notified. A late payment fee of \$5 will be assessed to all accounts to which a disconnect notice is forwarded. Service discontinued shall not be restored until all charges owed, interest, penalties and costs incurred have been paid in full.
- K. Charges for services.
  - (1) Fees to be charged in accordance with Chapter 160 of the City of Franklin Municipal Code.
  - (2) Sewer charges per 100 cubic feet, beginning with fiscal year 1995-1996, will be set annually, by ordinance, by the City Council as part of the budget adoption process.
  - (3) The charge for disconnecting a service shall be charged in accordance with Chapter 160 of the City of Franklin Municipal Code.
- L. The appropriate City authority will review the user charge system every two years to ensure that:
  - (1) There is proportional distribution of costs among the users or user classes;
  - (2) There is sufficient revenue provided for adequate operations, maintenance and replacement funds; and
  - (3) Excess revenues collected from a class of users are applied to the costs of operation and maintenance attributable to that class for the next year and adjusted accordingly.



### **§ 245-17 Violations and penalties.**

- A. Any person found to be violating any provision of this chapter, except § 245-9, 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.
- B. The City 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 persons 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. Actions which may be taken by the City include 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.
- C. Any person who shall continue any violation beyond the time limit provided for in Subsection A above 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. Reference RSA 47:17 (supp), RSA 149-I:6 and RSA 31:30 (supp).
- D. Any person violating any of the provisions of this chapter shall become liable to the City for any expense, loss or damage occasioned the City by reason of such violation.

### **§ 245-18 When effective; prior ordinance.**

This chapter is a revision and amendment to the City of Franklin's prior Sanitary Sewer Ordinance. All amendments and changes contained herein shall be effective as of the date of passage. Nothing in this revision shall be construed as a reduction in requirements or a lessening of standards in reference to any property or situation to which the prior ordinance is applicable, unless specifically stated herein.