



TOWN OF HOPKINTON, NEW HAMPSHIRE

RULES & REGULATIONS – SEWER ORDINANCE

ORDINANCE NO: 07-07

An Ordinance regulating the use of public and private sewers and drains, the installation and connection of building sewers, and the discharge of waters and wastes into the public sewer system; and providing penalties for violations thereof; in the Town of Hopkinton, County of Merrimack and State of New Hampshire.

Pursuant to RSA 252, and every other authority enabling the Board of Selectmen of Hopkinton to enact and ordain the following rules and regulations which are also adopted by the Health Officer of Hopkinton and approved by the Board of Selectmen pursuant to RSA 147, and are as follows:

ARTICLE I

Definitions

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

- Section 1 "BOD" (denoting Biochemical Oxygen Demand) shall mean the quantity of Oxygen utilized in the biochemical oxidation of organic matter under Standard laboratory procedure in five (5) days to 20 C, expressed in Milligrams per liter.
- Section 2 "Building Drain" shall mean that part of the lowest horizontal piping of a Drainage system which receives the discharge from waste and other pipes inside the walls of the building and conveys it to a point five (5) feet (1.5 meters) outside the inner face of the building wall.
- Section 3 "Building Sewer" shall mean the extension from the building drain to the Public sewer or other place of disposal.
- Section 4 "Easement" shall mean an acquired legal right for the specific use of land owned by others.
- Section 5 "Floatable 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.
- Section 6 "Garbage" shall mean solid wastes from domestic and commercial preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

- Section 7 "Grit" shall mean heavy inorganic matter such as stones, gravel, cinders, sand, silt, ashes or other inert materials.
- Section 8 "Industrial Wastes" shall mean the liquid wastes from industrial manufacturing processes, trade or business as distinct from sanitary sewage.
- Section 9 "Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.
- Section 10 "Person" shall mean any individual, firm, company, association, society, corporation or group of other legal entity.
- Section 11 "pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter solution.
- Section 12 "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 one-half (1/2) inch 1.27 centimeters) in dimension.
- Section 13 "Public Sewer" shall mean a sewer in which all owners of abutting properties shall have equal rights, and is controlled by public authority.
- Section 14 "Sanitary Sewer" shall mean a sewer which carries sewage or polluted wastewater and to which storm, surface and groundwater are not intentionally admitted.
- Section 15 "Sewage" shall mean a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface and stormwaters as may be present. the preferred term is "Wastewater".
- Section 16 "Sewage Treatment Plant" or "Wastewater Treatment Plant" shall mean Any arrangement of devices and structures used for treating sewage.
- Section 17 "Sewage Works" shall mean all facilities for collecting, pumping, treating And disposing of sewage.
- Section 18 "Sewer" shall mean a pipe or conduit for carrying sewage or wastewater.
- Section 19 "Shall" is mandatory; "May" is permissive.
- Section 20 "Slug" shall mean 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 fifteen (15) minutes, more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation, and may adversely affect the collection system and/or Performance of the wastewater treatment works.

- Section 21 "Storm Drain" (sometimes termed "Storm Sewer") shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.
- Section 22 "Suspended Solids" shall mean 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.
- Section 23 "Watercourse" shall mean a channel, in which a flow of water occurs, either continuously or intermittently.
- Section 24 "Chairman" shall mean the CHAIRMAN OF THE BOARD OF SELECTMEN for the Town of Hopkinton, or his/her authorized representative, agent or deputy.
- Section 25 "Town of Hopkinton" shall mean the area of the Town of Hopkinton, in its entirety, present and future boundaries, within Merrimack County, State of New Hampshire.
- Section 26 "Town" shall mean the Board of Selectmen, acting for the residents of the Town of Hopkinton, for which this ordinance applies.
- Section 27 "Unpolluted Water" is water not containing any pollutant limited or prohibited by the effluent standards established by the Commission, EPA, or the Town, or water whose discharge will not cause any violation of receiving water quality standards.
- Section 28 "Domestic Wastewater or Sanitary Sewage" shall mean normal water-carried household and toilet wastes or waste from sanitary conveniences, excluding ground, surface or stormwater.
- Section 29 "District" shall mean the Sewer District, as created and defined in Article II.
- Section 30 "Commission" shall mean the State of New Hampshire Department of Environmental Services.
- Section 31 "EPA" shall mean the United States Environmental Protection Agency.
- Section 32 "NPDES" shall mean the National Pollutant Discharge Elimination System.
- Section 33 "Unit(s)" shall be defined and determined in the same manner as in the latest edition of the Town's General Description and Guidelines for the Billing System".
- Section 34 "Floor Drain" a permanently installed pipe inside a building to remove incidental water from commercial operations, not a foundation or storm drain.
- Section 35 "Toxic Material" any substance prohibited by the Town of Hopkinton Sewer Ordinance.

Section 36 "Tank or Trap (as used with floor drain)" a special vault which vents gases
And is designed to capture solid and floating materials in water.

ARTICLE II

Sewer District Defined

- Section 1** Within the Town of Hopkinton, a Sewer District is created. This ordinance shall apply only to the area within the Sewer District.
- Section 2** The Sewer District shall include all properties abutting a public sewer and such other properties as the Town shall designate.
- Section 3** All persons required to connect to a public sewer under Article III shall be within the Sewer District.
- Section 4** All persons who discharge wastes to a public sewer shall be within the Sewer District.

ARTICLE III

Use of Public Sewers Required

- Section 1** Pursuant to the provisions of RSA 147 and 252 and any other authority thereto enabling, any Person benefited, improved, served or accommodated by any public sewer, or to which any public sewer is available at the time of construction of the public sewer, or any person who thereafter erects a building with sewage facilities on land having frontage on a public sewer, and the building sewer is within 100 feet of the public sewer, shall connect to the sewer, in such a manner as the Town may require, within forty-five (45) days after notice to such Person from the Town to make such connection, for the purpose of discharge of all Sewage and Industrial Wastes from that Person into the public sewer, subject to such limitations and restrictions as shall be established by the Town in the future. Each such person shall, within the same time limit, cease and desist from all further discharge of Sewage an/or Industrial Wastes into any other conduit or pre-existing system whether privately or publicly owned.
- Section 2** All Sewage and Industrial Wastes from any Persons after connection of such Person with a public sewer as required under Article III, Section 1, shall be conducted into a public sewer, subject to such limitations and restrictions as shall be established herein or otherwise may be established by the Town in the future.
- Section 3** No person shall place or deposit or permit to be placed or deposited upon public or private property within the District, any Sewage or Industrial Wastes in violation of Article III, Section 1.

Section 4 No person shall discharge or permit to be discharged to any natural outlet Within the District, any Sewage or Industrial Wastes in violation of Article III, Section I, except where suitable treatment has been provided which is satisfactory to the Town and the New Hampshire Department of Environmental Services.

Section 5 No privy, vault, cesspool, sinkhole, septic tank or similar receptacle shall be used and maintained at any time by any Person who has been connected to a public sewer or which shall be required under Article III, Section 1 to be connected to a public sewer.

Section 6 No privy, vault, cesspool, sinkhole, septic tank or similar receptacle at any Time shall be connected with a public sewer.

ARTICLE IV

Building Sewers and Connections to Public Sewer System

Section 1 No person 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 Town. 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 Board at least 45 days prior to the proposed change or connection.

Section 2 No person shall be permitted to connect to the Public Sewer unless required to do so under Article III.

Section 3 There shall be two (2) classes of building sewer permits: (a) for residential and commercial services, and (b) for service to establishments producing industrial wastes. In either case the owner or his agent shall make application on a special form furnished by the Town. This permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Town. A permit and inspection fee of twenty-five (25) dollars for a residential or commercial building sewer permit and fifty (50) dollars for an industrial building sewer permit shall be paid to the Town at the time the application is filed. A permit may at any time be revoked and annulled by the Town for such cause as the Town may deem sufficient, and all parties in interest shall be held to have waived the right to claim damages on account of such revocation, provided said revocation shall be annulled on compliance with the provisions of these rules and regulations.

Section 4 All cost and expense incidental to the installation and connection of the Building sewer shall be borne by the owner. The owner shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

- Section 5 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 building sewer from the front building may be extended to the rear building and the whole considered as one building sewer if approved in writing by the Town.
- Section 6 Old building sewers may be used in connection with new buildings only when they are found, on examination and tested by the Town to meet all requirements of this ordinance.
- Section 7 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 requirements of the Commission Standards of Design, or the building and plumbing code or other applicable rules and regulations of the Town, so long as the more stringent specifications apply.
- Section 8 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, at the owner's expense.
- Section 9 No person shall have or make connection of roof downspouts, exterior foundation drains, areaway drains, other sources of surface runoff, groundwater, or cooling water and unpolluted wastewater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
- Section 10 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, or the procedures set forth in Commission Standards of Design, so long as the more stringent specifications apply. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures must be approved by the Town before installation.
- Section 11 The applicant for the building sewer permit shall notify the Town when the Building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the representative of the Town.
- Section 12 All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town, all at the Owner's expense.

Section 13 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 Board at least 45 days prior to the proposed change or connection. Proposed new discharges from residential or commercial sources involving substantial piping with manholes, flow exceeding 5,000 GPD, or which are considered to be an industrial discharge must be approved by the New Hampshire Department of Environmental Services.

Section 14 The following is an excerpt from the regulations of the 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 IV A

Floor Drain Connections

Section 1 Floor drains may be connected to the sanitary sewer system only after proper application to the Town of Hopkinton and approval by the Hopkinton Board of Selectmen. Floor drain connections will only be allowed at commercial locations. Plans and specifications must be submitted with applications. All floor drain connection proposals must conform to all other conditions contained in the Hopkinton Sewer Ordinance.

Section 2 No direct, continuous feed, connection of floor drains is allowed. All floor drain connections will be through a tank, which can be isolated from the wastewater system by valves, and contains a trap for grit and floatables.

Section 3 The Town of Hopkinton and/or duly authorized personnel shall be permitted to inspect all approved floor drain connection installations. Only the design and materials which are approved with the application shall be used in the installation.

Section 4 A monitoring and testing schedule will be considered by the Town of Hopkinton and/or duly authorized personnel as part of the application review process. Frequency of testing and effluent limits may be incorporated as conditions to the approval. All testing will be implemented at the owner's expense. Additional testing may be required if at any time it is deemed appropriate by the Town of Hopkinton.

Section 5 All floor drain connection applications will be submitted to the Hopkinton Board of Selectmen for review and approval.

Section 6 Any floor drain discharge system shall be used only in accordance with the stated purpose described in the application. No discharge to the floor drain system by outside entities will be allowed. Any change in the

character of floor drain discharge will require reapplication to the Town of Hopkinton. The Town of Hopkinton will also require reapplication if ownership of the property is transferred.

Section 7 The owner of any floor drain discharge system is responsible for containing any spill of potentially toxic material and immediately notifying the Town of Hopkinton. The owner is responsible for all cleanup costs involved with the floor drain discharge system as well as any costs incurred to clean up contaminated discharges which are allowed into the wastewater collection system and associated facilities.

Section 8 All owners of floor drain discharge systems are subject to the penalties included in Article VIII A of the Hopkinton Sewer Ordinance.

Section 9 The Town of Hopkinton reserves the right to terminate approval for floor drain discharge systems when it is determined that: the application, or the Hopkinton Sewer Ordinance requirements have been violated, or an imminent threat to the wastewater treatment facility exists.

ARTICLE V

Use of the Public Sewers

Section 1 No person shall discharge or cause to be discharged without an NPDES Permit, any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

Section 2 Stormwater and all other unpolluted drainage shall be discharged to drains or such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the Town. Industrial cooling water or unpolluted process water requires an NPDES Permit prior to being discharged to a storm sewer, if available, or to a natural stream or watercourse. Unpolluted industrial cooling water or process waters also require an NPDES Permit prior to being discharged to a storm sewer, or natural outlet.

Section 3 No person shall discharge or cause to be discharged any of the following described water or wastes to any public sewers:

- a. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid.
- b. 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 receiving waters of the sewage treatment plant, including but

not limited to cyanides in excess .50 mg/1 CN in the wastes discharged to the public sewer.

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 treatment facilities.

d. Solid or viscous substances in quantities or of such size capable or causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinder, 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.

Section 4

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

a. Wastewater having a temperature higher than 150 Fahrenheit (65 Celsius).

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 floatable oils, fat or grease.

d. Any garbage than has not been properly shredded. 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 iron, chromium, copper, zinc and similar objectionable or toxic substances to such degree that any such material discharged to the public sewer exceeds the limits established by the Commission, EPA or the Town for such materials.
- f. Any waters or wastes containing odor-producing substances exceeding limits which may be established by the Town.
- g. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Town in compliance with applicable state or federal regulations.
- h. Quantities of flow, concentrations, or both which constitute a "slug" as defined herein.
- i. Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes 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.

Section 5

Industrial Wastes: The quantity and quality of all industrial wastes which can be properly taken into the sewage system and treated at the sewage treatment works, in addition to the sanitary sewage from the Town of Hopkinton shall be determined by the Town in accordance with NHWS & PCC regulations. The Town may regulate by appropriate rules and regulations the flow of industrial wastes into the sewage system. The Town shall have the right to require an applicant, owner or contributor of industrial waste to install and maintain at its own expense, such regulating, metering devices and pretreatment works as may be needed to control, measure, record and accept the flow of industrial wastes from his premises into the sewage system.

Section 6

If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which water contain the substances or possess the characteristics enumerated in Section 4 of this Article, and which in the judgment of the Town, may have deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Town may:

- a. Reject the wastes,
- b. Require pretreatment to an acceptable condition for discharge to the public sewers,

- c. Require control over the quantities and rates of discharge, and/or
- d. Require payment to cover the added cost of handling and treating the wastes.

If the Town 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 Town and Commission; and subject to the requirements of all applicable codes, ordinances and laws. No construction of such facilities shall be connected until said approval is obtained in writing. Plans and specifications for the proposed pretreatment 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 ordinance.

Section 7 Grease, oil and sand interceptors shall be provided when, in the opinion of the Town, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Town and shall be located as to be readily and easily accessible for cleaning and inspection, and shall be installed and maintained by the owner at his expense in an efficient, operational condition at all times.

Section 8 Where 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 his expense.

Section 9 When required by the Town, the owner of any property serviced 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 accessibly and safely located, and shall be constructed in accordance with plans and approved by the Town and the Commission. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all time.

Section 10 The Town may require a user of sewer services to provide information needed to determine compliance with this ordinance. These requirements may include:

- a. Wastewaters 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. Quality 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.

Section 11 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, 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, and at the option of the Town, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. The particular analyses involved will determine whether a twenty-four (24) 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 24 hour composites of all outfalls whereas PH's are determined from periodic grab samples.

All industries discharging into a public sewer shall perform such monitoring of their discharges as the Town or duly authorized employees of the Town may require including installation, use and maintenance of monitoring equipment, keeping records and reporting the results of such monitoring to the Town. Such records shall be made available upon request by the Town to other agencies having jurisdiction over discharges to the receiving waters.

Section 12 No statement contained in this article shall be construed as preventing any special agreement or arrangement between the Town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Town for treatment, subject to payment therefore, by the industrial concern, provided that such agreements do not contravene and requirement of existing Federal laws and are compatible with any User Charge and industrial cost recovery system in effect.

Section 13 It shall be illegal to meet requirements of this Sewer Ordinance by diluting wastes in lieu of proper treatment.

ARTICLE VI

Protection from Damage

Section 1 No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is a part of the sewage works. Any person violating this provision shall be subject to prosecution under appropriate local ordinances or the Laws of the State of New Hampshire.

ARTICLE VII

Powers and Authority of Inspectors

Section 1 The Town and/or its duly authorized personnel bearing proper credentials and identification shall be permitted to enter all properties at reasonable times and subject to reasonable notification of the occupant(s) for the purposes of inspection, observation, measurement, sampling and testing in accordance with provisions of this ordinance.

Section 2 While performing the necessary work on private properties referred to in Article VII, Section 1 above, the Town or duly authorized personnel 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 any of the Town personnel and the Town shall indemnify the company against loss or damage to its property by Town personnel 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 negligence or failure of the company to maintain safe conditions as required in Article V, Section 9.

Section 3 The Town and other duly authorized personnel 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 purpose of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works 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

Public Sewer Extensions and Additions

Extensions of public sewers may be made upon petition of prospective users or by mandate from the Town for reasons of public safety, health, or welfare and subject to the terms and in accordance with the terms and conditions of Article IV of this Ordinance.

- Section 1 The Town will extend its public sewers only in highways, streets, roads and state highways which are maintained by the Town and/or State, and dedicated to public use. Exceptions to this requirement may be made with the approval of the Board of Selectmen if they determine it is in the best interest of the Town.
- Section 2 The kind and size of sewer installed will be determined by the Town in accordance with standards of the Commission and conditions surrounding the extension, including the possibility of future expansion.
- Section 3 An extension petition shall be signed by either a majority or two-thirds majority of all persons owning land having frontage on the proposed extension as provided in Article VIII, Section 4. The extension, if granted, shall be laid along the entire frontage owned by the petitioner(s). Petitions will be presented for action to the Town at a regular meeting. The Town shall have sixty (60) days within which to act on the petition. If, in the discretion of the Town, a controversy exists between owners who would be affected by the extension, or if the public interest would be served, the Town may hold one or more public hearings on the proposal.
- Section 4 If the petition is signed by a majority of the persons owning land having frontage on the proposed extension, the petition shall contain an agreement by the petitioner(s) to pay for the entire cost of public sewer extension and all costs of connection to the extension for all existing buildings on the extension regardless of whether the owners thereof have petitioned for such an extension. If the petition is signed by a two-thirds majority of such person, the petition shall contain an agreement by the petitioner(s) to pay for the entire cost of the public sewer extension. In such case, the costs of connection shall be paid individually by all persons required to connect to the system under Article III, Section 1, regardless of whether that person is a petitioner. The costs of the Public Sewer Extension and connections (when paid by the petitioner(s)) shall be shared proportionately by petitioner(s) based on frontage along the extension. Each petitioner will be required to sign a contract which shall be binding on the petitioner, his heirs, executors, administrators or assigns agreeing to pay the costs required by this Article which shall become a lien on the property.
- Section 5 Persons who own land fronting on the extension and wish to subdivide that land shall provide a subdivision plan of their frontage which has been approved by the proper authority of the Town and shall pay for their entire share of each lot before or when it is sold or transferred.
- Section 6 All public sewer extensions shall be installed by the Town, either by its own employees or by Contract, as the Town may determine. In the event that the work is done by a party other than the Town, the Town may require a bond in a reasonable amount to guarantee full performance. The cost is to be borne by the user in accordance with Section 4 above. In the event additional users are connected to any extension made under Section 4 above, or a re-extension of an already existing extension is

requested, within five years after the date of installation of the original extension, a recalculation will be made on the basis of the user density thereby established. If the user density is increased thereby proportionate and equitable charges will be made to new user and adjustments will be made to the original users. If the user's density is decreased thereby, then such an extension shall be considered as a new and separate extension and will be subject to Section 4 above. In the event that construction of a public sewer will result in expenses to connect and repair an existing public sewer, the Town will require the petitioner(s) to pay such expenses in accordance with Section 4 above.

Section 7 All public sewer extensions installed to service new residential, commercial or industrial developments that are in full compliance with Article IV of this Ordinance shall be made by the Town only after the developer has entered into contract with the Town for full payment of the extension requested.

Section 8 The Town may refuse to grant any extension of public sewer lines if in their discretion the extension would place an undue burden on the sewage treatment facility having in mind the capacity of the system and the orderly development of the Town as a whole, the area to be serviced is too remote, has sufficient land area and soil capacity to accommodate the wastes, the extension would utilize an excessive amount of power, resources, place undue pressure on development, or other items effecting the welfare of the Town, or any reasonable grounds which make the extension inadvisable.

Section 9 Additions to the system shall be defined as any unit added to the sewer system. Before an additional unit can be added to the system, official application and approval must be obtained from the Town. The Town can require proper reporting of these units. Failure by a user to complete the survey form in a timely manner or incorrect reporting is subject to the penalties contained in Article VIII A.

Section 10 As extensions and additions are made to the Public Sewer System, capital cost recovery charges shall be made on a per unit basis to be applied against the debt that the Town incurred in constructing the sewer system. The charge will be applied to all new units (additions and extensions) coming on to the system after the enactment of this Section. The charge shall be at the rate of \$800 per unit. Such payment shall be made before the extension or addition is connected to the system. Additional units within the structural limit of a single family residence as it exists on the date of the enactment of this Section shall be exempted from the capital cost recovery charges if it remains a single family residence.

For the businesses and schools whose number of units is based on the number of people occupying the structure, the assessing of the capital cost recovery charge shall be at the sole discretion of the Board of Selectmen.

*The Capital Recovery Fee Schedule will provide for a 50% reduction in the fee for sewer service connections for a development that meets the definition of Affordable Housing under Section IVI of the Town of Hopkinton Zoning Ordinance.

Once a capital recovery charge has been made, it shall not be refundable for any reason.

ARTICLE VIII A

Penalties

- Section 1 Any person who violates any portion of this ordinance shall be subject to a Civil penalty not to exceed \$10,000.00 per day for such violation (Ref: RSA 149-I).
- Section 2 Any person violating any of the provisions of this ordinance shall become liable to the Town for any expense, loss, or damage occasioned the Town by reason of such violation.

ARTICLE IX

Validity

- Section 1 All ordinances or parts of ordinances in conflict herewith are hereby repealed.
- Section 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 X

Ordinance in Force

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

This Ordinance shall take effect upon its passage. Passed and approved this 14th day of March, 1984.

Ordinance adopted at Town Meeting as Article 5, March 14, 1984

Ordinance amended (Article VIII, Section 10) at Special Town Meeting, September 16, 1986

Ordinance amended (Article VIII, Section 10) at Town Meeting, March 13, 1991

Ordinance amended (Articles I, II, III, IV, IV A and VIII A) at Board of Selectmen Meeting, April 23, 1996

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