

**CHAPTER 177
SEWER USER CHARGE ORDINANCE**

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[HISTORY: Adopted by the Board of Selectmen of the Town of Peterborough 6-2001. Amendments noted where applicable.]

ARTICLE I

Purpose of Ordinance**§ 177-1 Purpose of.**

An ordinance establishing user charges in the Town of Peterborough, New Hampshire to provide funds needed to pay for operation and maintenance expenses associated with the Town of Peterborough, New Hampshire's wastewater treatment works.

WHEREAS, the Town of Peterborough, New Hampshire has constructed wastewater treatment works; and
WHEREAS, it is the Town of Peterborough's intent to establish proportionate user charges that places the costs of abatement directly on the sources of pollution, conserves potable water, and maintains financial self-sufficiency, and

WHEREAS, the Town of Peterborough must pay the operation and maintenance expenses associated with the said treatment works and charge the users of said treatment works accordingly:

NOW, THEREFORE, BE IT ORDAINED BY THE Board of Selectmen, of the Town of Peterborough, New Hampshire, that the following user charges are established.

§ 177-2 Reason for.

It is determined and declared to be necessary and conducive to the protection of the public health, safety, welfare and convenience of the Town of Peterborough to collect charges from all users who contribute wastewater to the Town's treatment works. The proceeds of such charges so derived will be used for the purpose of operating and maintaining the public wastewater treatment works.

ARTICLE II

Definitions**§ 177-3 Definitions.**

Unless the context specifically indicates otherwise, the following terms and phrases as used in this ordinance shall have the meanings hereinafter designated:

"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 degrees Centigrade, expressed in terms of weight and concentration milligrams per liter (mg/l)

"Commercial User" shall mean any user not defined under residential user and shall include multi-family dwellings, retail stores, restaurants, office buildings, laundries, and other private business and service establishments, industrial users and institutional users.

"Governmental User" shall include legislative, judicial, administrative, and regulatory activities of Federal, State, and local governments.

"Industrial User" shall mean a user of the publicly owned treatment works services who makes an indirect discharge of industrial wastewater.

"Institutional User" shall include social, charitable, religious, and educational activities such as schools, churches, hospitals, nursing homes, penal institutions, and similar institutional users.

"Normal Domestic Wastewater" shall mean Wastewater that has a BOD concentration of not more than 200 mg/l and a suspended solids concentration of not more than 250 mg/l and an ammonia nitrogen concentration of not more than 25 mg/l.

"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 managing and which such works were designed and constructed. The term *operation and maintenance* includes replacement as defined.

"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.

"Residential User" shall mean a single family or duplex building which is used for domestic dwelling purposes only.

"Septage" shall mean the liquid, solid, sludge, or scum pumped from chemical toilets, vaults, septic tanks, or cesspools.

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

"Suspended Solids (SS)" shall mean total suspended matter that either floats on the surface of, or is in suspension

in water, wastewater, or other liquids and is removable by laboratory filtering, and referred to as a non-filterable residue.

“Town” shall mean the Town of Peterborough acting by and through its Board of Selectmen.

“Treatment Works” shall mean any devices and systems for the storing, treatment, recycling and reclamation of municipal sewage, domestic sewage or liquid industrial wastes. These include intercepting sewers, outfall sewers, sewage collection systems, pumping, power, and other equipment and their appurtenances; extensions improvement, remodeling, additions and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment (including land for composting sludge, temporary storage of such compost and land used for the storage of treated wastewater in land treatment systems before land application); or any other method or system for preventing, abating, reducing, storing, treating, separating or disposing of municipal waste or industrial waste, including waste in combined storm water and sanitary sewer systems. Sometimes used as synonymous with “waste treatment plant”, or “wastewater treatment plant”, or “water pollution control plant”, or “wastewater treatment facility”, or “Publicly Owned Treatment Works (POTW)”.

“Useful Life” shall mean the estimated period during which a treatment works will be operated.

“User Charge” shall mean that portion of the total wastewater service charge, which is levied in a proportional and adequate manner for the cost of operation, maintenance and replacement of the wastewater treatment works.

“Water Meter” shall mean a water volume measuring and recording device, furnished and/or installed by a user and approved by the Town of Peterborough.

“Accessibility Fee” shall mean a fee paid at the time of application for a sewer permit.

ARTICLE III

Financial Management Systems

§ 177-4 Revenue.

The revenues collected, as a result of the user charges levied, shall be deposited in a separate non-lapsing fund known as the Peterborough Sewer Users Fund.

§ 177-5 Fiscal Year-End Balances.

Fiscal year-end balances in the Sewer Users 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 Sewer Users Fund, shall be returned to their respective accounts upon appropriate adjustment of the user charge rates for operation, maintenance, and replacement. The user charge rate(s) shall be adjusted such that the transferred monies will be refunded to their respective accounts within six months of the fiscal year in which the monies were borrowed.

ARTICLE IV

User Rates

§ 177-6 Payment Determination.

Each user shall pay for the services provided by the Town of Peterborough based on his use of the treatment works as determined by water meter readings (or other appropriate methods) acceptable to the Town of Peterborough.

§ 177-7 Quarterly User Charges (Residential).

For residential users, quarterly user charges will be based 90% of actual water usage.

§ 177-8 Quarterly User Charges (Commercial).

For commercial users, quarterly user charges will be based on actual water usage. If an industrial user has a consumptive use of water, or, in some other manner, uses water which is not discharged into the wastewater collection system, the user charge for that contributor may be based on readings of a wastewater meter(s) or separate water meter(s) approved by the Town and installed and maintained at the user's expense.

§ 177-9 User Charge Rate.

Each user shall pay a user charge rate for operation and maintenance including replacement of \$36.53 per 1000 cubic

feet of water.

§ 177-10 Users with Wastewater of Greater Strength.

(Reference is made to Appendix I of this ordinance.)

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 surcharge for operation and maintenance including replacement is:
\$0.35 per pound BOD \$0.21 per pound SS \$0.00 per pound Ammonia Nitrogen

§ 177-11 Users who Discharge Toxic Pollutants.

Any user which discharges any toxic pollutants (as defined in the Sewer Use Ordinance) which cause an increase in the cost of managing the effluent or the sludge from the Town's 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 charge to each user shall be as determined by the appropriate financial personnel and approved by the Peterborough Board of Selectmen.

§ 177-12 Application of Rates.

The user charge rates established in this article apply to all users of the Town of Peterborough treatment works.

§ 177-13 Wastewater Treatment Facility.

The Wastewater treatment facility shall receive septage as provided for in the Sewer Use Ordinance. A fee of \$0.65 per gallon of septage shall be levied for septage originating in the Town of Peterborough and Sharon. A fee of \$0.75 per gallon of septage shall be levied for septage originating outside of Peterborough and Sharon. These rates shall be reviewed annually by the Town and revised as necessary. Notice of any rate change shall be made by posting at the treatment facility and Town Hall for thirty (30) days prior to the effective date of change.

§ 177-14 Industrial Discharge Permit.

Any user whose waste strength is greater than 200 mg/l SOD, or 250 mg/l SS, or 25 mg/l ammonia nitrogen may be required to make application with the Town's Wastewater Treatment Facility for an Industrial Discharge Permit as provided for in the Peterborough Sewer Use Ordinance. This Permit shall include pertinent data relating to the wastewater characteristics, including the methods of sampling and measurement to obtain the data, and, the data shall be used to calculate the user charge for that user. The Town shall have the right to gain access to the waste stream and take its own samples. Should the Town do so and should the results be substantially different as determined by the Town from the data submitted by the user, the user charge for that user shall be reviewed for the next billing cycle/period.

§ 177-15 Measurements, Tests and Analysis.

All measurements, tests, and analysis of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with 40CFR, Part 136 and amendments thereto. Where 40 CFR, Part 136 does not contain sampling or analytical techniques for a pollutant in question, alternative methods must be approved by the Superintendent prior to their use.

§ 177-16 Annual Review of User Charges.

The Town will review the user charges at least 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. Any user charge rate change shall be filed and approved by the Town 90 days prior to the effective date of the proposed rate change.

Appendix A outlines the procedure used to revise the rates.

Appendix B provides the form used to announce the Notice of Hearing.

§ 177-17 Annual Notification Through Bills.

The Town through its wastewater treatment facility will notify each user at least annually, through its bills, of the rate being charged for operation and maintenance including replacement of the treatment works.

The treatment works shall include but not be limited to the wastewater collection system, related appurtenances and

extensions thereof, and the wastewater treatment facility, main pump station, and all improvements and expansion of said facilities. A complete description of treatment works can be found in Article II, Section 14.

§ 177-18Charges.

Charges shall be levied to offset costs associated with the Industrial Pretreatment

Program. The Town shall levy the following fees:

Industrial Inspections

Category I \$225 per inspection

Category II \$225 per inspection

Category III \$150 per inspection

Sampling

Composite \$75 per visit

Grab \$25 per visit

Industrial Discharge Permit

New or Renewal \$100

**ARTICLE V
Billing and Penalties**

§ 177-19Quarterly Billing.

All users shall be billed quarterly. Billings for any particular quarter shall be made within ten days after the end of the month. Payments are due within twenty days after the end of the month. Any payment not received within thirty days after the end of the month shall be delinquent.

§ 177-20Late Payment Penalty.

A late payment penalty of 1 percent (12% annual rate) of the user charge bill will be added to each delinquent bill for each thirty days or portion thereof of delinquency. When any bill is more than ninety days in default, water service to such premise shall be discontinued until such bill is paid.

§ 177-21Bills Unpaid for Over One (1) Year.

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 the Hillsborough County Register of Deeds by the Tax Collector and shall constitute a lien on the property. If such lien (including interest and penalty) remains unpaid for a period of one year after date of recordation, such property shall be subject to public sale by the Tax Collector.

Appendix C provides the Notice of Lien for unpaid sewer charges. If such lien (including interest and penalty) remains unliquidated for a period of one year after date of recordation, such property shall be subject to tax lien sale procedure as available through existing legislation.

**ARTICLE VI
Appeals**

§ 177-22Unjust and Inequitable Charges.

Any user who feels his user charge is unjust and inequitable may make written application to the Peterborough Board of Selectmen requesting a review of his user charge. Said written request shall, where necessary, show the actual or estimated average 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.

§ 177-23Review of Request.

The Board of Selectmen shall make review of the request, 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 cycle/period.

ARTICLE VII
Connection Procedures

§ 177-24 Application for Sewer Connection.

The owner of the property will submit an application for sewer connection whenever a new connection to the sewer is requested (see appendix B for sample form).

§ 177-25 Connection Fee.

A connection fee will be required at the time of filing this form. The connection fee will be:

<u>Size of Service</u>	<u>Cost of Connection</u>
4 inch	\$1500
6 inch	\$1500

§ 177-26 Responsibility and Compliance.

The owner will be responsible for all costs of the installation and will comply fully with the SEWER USE ORDINANCE in force.

§ 177-27 District Permission Granted to a Developer.

The District may permit a developer to extend sewer service to a subdivision with no cost or obligation to the District. All local approvals must be obtained prior to approval of the application for sewer connection for the development.

§ 177-28 District Deferment of Costs for Development.

The District may defer the cost of the connection fees for the development to offset the cost of the sewer extension until lots are sold.

§ 177-29 Developer will Provide a Bond.

The developer will provide a bond in the total amount of the sewer extension prior to the commencement of construction. Additional details will be documented in an agreement between the developer and the District.

ARTICLE VIII
Ordinance in Force

§ 177-30. Ordinance in Force.

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

§ 177-31. Adoption.

Passed and adopted by the Board of Selectmen on behalf of the Town of Peterborough, New Hampshire.

INTRODUCED the _____ day of _____, _____

FIRST READING: _____, _____

SECOND READING:: _____, _____

Yes _____, namely _____

No _____, namely _____

Approved this ____ day of _____

Signed: _____

Ordinance will be in force at
midnight on _____

Attest: