

CHAPTER IX – SEWER USER CHARGE ORDINANCE
(Proposed May 7, 2007)

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GENERAL PROVISIONS – Purpose and Policy

This Ordinance combined with the Town’s Sewer Use Ordinance are the rules and regulations of the Town. The Sewer Use Ordinance should be consulted for additional regulations concerning these facilities.

It is determined and declared to be necessary and conducive to the protection of the public health; safety, welfare and convenience of the people of the Town to collect charges from all users of the wastewater facilities. The proceeds of charges so derived will be used only for the purpose of operating and maintaining and paying down the debt service of the public wastewater facilities.

ARTICLE I - DEFINITIONS

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

- Section 1: Access Fee. A fee paid at the time of application for a sewer permit to cover past and future capital costs for wastewater facilities.
- Section 2: Biochemical Oxygen Demand, (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20⁰C, expressed in milligrams per liter.
- Section 3: Biosolids. The organic solid or semi-solid material by-product of the wastewater treatment processes, formerly referred to as sludge.
- Section 4: Commercial User. All retail stores, restaurants, office buildings, laundries, and other private business and service establishments.
- Section 5: Commercial Unit. A single commercial user, including a commercial user who is in a common building with other commercial or residential users.
- Section 6: Connection Fee. The cost to cover the administration and inspection of sewer connections for new users, or existing users that have had a change of ownership or use.
- Section 7: Domestic Wastewater or Sanitary Sewage. The normal water-carried household and toilet waste from sanitary conveniences, excluding ground, surface or storm water, and industrial waste.

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ARTICLE I – DEFINITIONS (Cont'd.)

- Section 8: Enterprise Fund. A system of finance similar to a business system where the cost of operation is paid for solely by user fees. The Town financial management system.
- Section 9: Industrial User. Any contributor who discharges industrial wastes to the sanitary sewer of the Town.
- Section 10: Industrial Waste. Any liquid, gaseous or solid waste substance resulting from any process of industry, manufacturing, trade or business or from development of natural resources.
- Section 11: Infiltration /Inflow (I/I). Seepage from the ground or flow from surface sources respectively, that occur in the system.
- Section 12: May. Means permissive (see "shall,").
- Section 13: Operation and Maintenance. Those functions that result in expenditures during the useful life of the wastewater facilities for materials, labor, utilities and other items which are necessary for managing and maintaining the facilities to achieve the capacity and performance for which the facilities were designed and constructed. The term operation and maintenance includes replacement as defined herein.
- Section 14: Meter or Water Meter. A water measuring and recording device which is approved by the Town and furnished and installed at the user's expense.
- Section 15: Replacement. Expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary to maintain the capacity and performance for which the facility was designed and constructed.
- Section 16: Residential Unit. A single family home, an apartment, a condominium, a townhouse, mobile home, etc.
- Section 17: Residential User. Any contributor to the facility whose lot, parcel, real estate, or building is used for domestic dwelling purposes only.
- Section 18: Sewage. See wastewater.
- Section 19: Sewer. A pipe or conduit that carries wastewater.
- Section 20: Shall. Means mandatory (see "may,").
- Section 21: Suspended Solids or TSS. The total suspended matter that floats on the surface of, or is suspended in water, wastewater or other liquid, and that is removable by laboratory filtering.

Title IV – Health, Safety & Welfare

Section 22: Town. The local authority for matters concerning wastewater facilities.

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ARTICLE I– DEFINITIONS (Cont'd'.)

Section 23: Useful Life. The estimated period during which the facility will be operated.

Section 24: User Charge Fee. A charge levied on the users of a facility for the cost of operation maintenance, replacement and debt service.

Section 25: Wastewater. The spent water of the community. It may be a combination of the liquid and water carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any unpolluted water which may be present. Also referred to as sewage.

Section 26: Wastewater Treatment Plant or Works, or Wastewater Treatment Facilities, WWTF or Facility. An arrangement of devices and structures for transporting, and treating wastewater and biosolids of the Town. Also referred to as publicly owned treatment works, POTW. The terms include all sewers and components located in Londonderry, Manchester, and Derry involved in the handling of the Town of Londonderry's wastewater and its byproducts.

ARTICLE II - FUND MANAGEMENT

Section 1: The revenues collected, as a result of the user charges levied, shall be deposited in a separate non-lapsing account known as the SEWER FUND.

Section 2: This fund will be managed as an enterprise fund where excess funds may be retained from year to year.

Section 3: Fiscal year-end balances in the SEWER FUND shall be used for no other purpose than those designated. Monies which have been transferred to or from other sources to meet temporary shortages in funds shall be returned to their respective accounts upon appropriate adjustments. The user charge rates will be revised as necessary such that monies transferred will be returned to the respective accounts within six months of the fiscal year end.

Section 4: The Town shall 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, maintenance and replacement as required by the Code of Federal Register (CFR) 35.2140(a)(b), and that the system continues to provide for the proportionate distribution of operation and maintenance including replacement cost among all users.

Section 5: The Town shall maintain a financial management system to account for all revenues and expenditures as required by CFR 35.2140(c)

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ARTICLE III - RATES AND CHARGES

- Section 1. All users shall pay a fee for the services provided, these fees will consist of a minimum charge, to cover some of the fixed cost of the facility, including debt service, and a charge for the proportionate use of the facility based on a water meter reading, or other equitable system established by the Town.
- Section 2. Each user shall pay a user charge fee for operation, maintenance and replacement including debt service at a rate indicated in Appendix A.
- Section 3: All industrial users contributing wastewater with strength greater than 224 mg/L in BOD and/or 280 mg/L TSS shall prepare and file with the Town, a report that shall include pertinent data relating to the wastewater characteristics, including the methods of sampling and measurement to obtain these data. These data along with the rate in Appendix A 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 samples. Should these sample results be substantially different from those submitted by the user, as determined by the Town, the user charge for that user shall be revised for the next billing period. The cost for treating other wastewater components may be charged in a similar manner as indicated in Appendix A.
- Section 4. Any user who discharges any substance which causes an increase in the cost of treating the wastewater or resulting biosolids, or any user who discharges any substance which singly or by interaction with other substances causes identifiable increases in the cost of treatment shall pay for such increase costs. The charge for such treatment will be determined by the Town.
- Section 5. The user charge fees will include the cost of pumping and treating any Infiltration /Inflow that exists within the system.

ARTICLE IV - COLLECTION PROCEDURES

- Section 1. All charges for services furnished shall create a lien upon the real estate where such services are furnished.
- Section 2. All users shall be billed quarterly. Bills shall be mailed at the end of the quarter. Payment is due within thirty days after the billing date. Payments received after the thirty day period shall be considered delinquent.
- Section 3: Interest at the rate of twelve percent (12%) per annum shall be charged on all sewer bills not paid within thirty (30) days to the billing date.
- Section 4. Any customer failing to pay sewer charges due within the calendar year will be subject to the lien process in the same manner as unpaid taxes. Upon the recording of the lien by the tax collector, interest on delinquent bills shall be increased to eighteen percent (18%) per annum.

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ARTICLE V - CONNECTION PROCEDURES

- Section 1: An application for sewer connection shall be submitted by the owner of the property whenever a new connection to the sewer is requested, or a change in use or ownership of the property occurs. (See Appendix B for sample form)
- Section 2: A Connection Fee shall be required at the time of filing the application for sewer connection. The current fee shall be according to the schedule in Appendix A.
- Section 3: An Access Fee shall be required at the time the application for sewer connection is filed with the Town. For a proposed change of use to an existing user, the Access Fee shall be based on the incremental increase in flow for the new use. The Access Fee schedule is presented in Appendix A.
- Section 4: The owner shall be responsible for all costs of the installation and will comply fully with the SEWER USE ORDINANCE in force.
- Section 5: The Town may permit a private entity (developer) to extend sewer service to a subdivision with no cost or obligation to the Town. All local approvals must be obtained prior to approval of the application for sewer connection for the development. The Town may credit Connection Fees and Access Fees for the construction of the wastewater facilities by the developer as allowed by Resolution 2005-21 "Amending the Municipal Code Relative to a Policy Crediting Connection Fees for the Construction of Wastewater Facilities." In Resolution 2005-21, connection fees shall mean both Connection Fee and Access Fee.
- Section 6: The developer shall 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 Town.

ARTICLE VI - APPEAL PROCEDURE

- Section 1: Any user who feels his user charge is unjust may make written application to the Town requesting an abatement of the charges. The application shall be submitted within thirty days of receipt of the bill. This request shall show the actual or estimated flow and /or strength of the wastewater in comparison to the values set by this ordinance to include any other estimates or measurements that have been made. This action does not relieve the user from paying bills when they come due.
- Section 2: The application for abatement shall be reviewed by the Town.
- Section 3: If the Town neglects or refuses to grant an abatement, any person aggrieved may apply by petition to the Superior Court for relief at any time within ninety (90) days after the notice of the assessment, and not afterwards.

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ARTICLE VII - ORDINANCE IN FORCE

This ordinance shall be in full force and effect from and after its passage, approval, recording and publication as provided by law. Be it hereby resolved that the Town of Londonderry, New Hampshire hereby passes the foregoing Sewer User Charge Ordinance this day of _____, 2007.

Chairman _____

Councilor _____

Councilor _____

Appendixes:

- A - Rate Schedule
- B - Sample Application for Connection
- C - Overdue Notice
- D - Copy Lien Notice
- E - Table 1008-1 Unit Design Flow Figures

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APPENDIX A

RATE SCHEDULE

The following charges are set for the users of the Town of Londonderry's wastewater facilities

Connection Fee: \$ 200 - If the connection includes a new sewer service pipe
\$50 - If an existing sewer service pipe is to be used (transfer of property or change of use)

Access Fee:	Properties Developed after Availability of <u>Municipal Sewer</u>	<u>Existing Units</u>
Residential Unit:	\$3,467.00	\$ 500.00
Commercial/Industrial:	\$16.51/GPD	\$3.00/GPD (North Londonderry) \$8.00/GPD (South Londonderry)

GPD = gallons per day

User Charge Fee:

Residential: Flat rate of \$96.00 per quarter per residential unit

Commercial: \$ 2.52 per 100 CF, with a minimum quarterly charge of \$96.00 for usage of 3,810 cubic feet or less per quarter. For commercial users without a water meter, water usage will be calculated using Table 1008-1 Unit Design Flow Figures, included in Appendix E.

Industrial: \$ 2.52 per 100 CF, with a minimum quarterly charge of \$ 187.20 for usage of 7,430 cubic feet or less per quarter. Industrial users are also subject to fees for high strength waste, outlined below.

High Strength Waste:

\$ 0.1757 per pound of BOD per quarter for the portion of BOD concentration over 224 mg/l

\$ 0.1757 per pound of TSS per quarter for the portion of TSS concentration over 280 mg/l

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APPENDIX B

APPLICATION FOR SEWER CONNECTION, TOWN OF LONDONDERRY, NH

NAME OF OWNER: _____

ADDRESS: _____

TELEPHONE NO. _____

LOCATION OF PROPERTY TO BE CONNECTED _____

TAX MAP NUMBER¹ _____ LOT NUMBER¹ _____

TYPE OF SERVICE REQUESTED: RESIDENTIAL _____ COMMERCIAL _____

INDUSTRIAL² _____ OTHER _____

FOR COMMERCIAL AND INDUSTRIAL USERS:

ESTIMATE OF AVERAGE DAILY WASTEWATER FLOW _____ GPD

NAME OF CONTRACTOR _____

I WILL COMPLY WITH THE REQUIREMENTS OF THE TOWN SEWER USE ORDINANCE AND USER CHARGE ORDINANCE.

DATE _____ SIGNATURE (OWNER) _____

CONNECTION FEE³ PAID \$ _____ RECEIVED BY _____

ACCESS FEE⁴ PAID \$ _____ RECEIVED BY _____

RECEIPT # _____

APPROVED BY _____ (Department of Public Works)

¹ Tax Map Number and Lot Number are referred as the permit number

² Additional information and fees may be required for an industrial permit, see the Town's Industrial Wastewater Discharge Permit Application.

³ See Sewer User Charge Ordinance for details regarding Connection Fees.

⁴ See Sewer User Charge Ordinance for details regarding Access Fees.

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APPENDIX C

OVER DUE NOTICE

THE TOWN OF LONDONDERRY DOES HEREBY NOTIFY

Name of Owner: _____

Address: _____

Property: _____

Tax map number: _____ Lot Number: _____

Amount Due: _____ Amount Overdue: _____

Interest: _____

You are requested to remit the above amount as soon as possible or contact the office of the
_____ at address _____ in writing
within 15 days.

None payment of the amount in arrears may result in a lien being placed against the property.

Signed: _____

Date: _____

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APPENDIX D

NOTICE OF LIEN

THE TOWN OF LONDONDERRY, NEW HAMPSHIRE HEREBY GIVES NOTICE
OF PENDING LIEN TO:

NAME (OWNER): _____

ADDRESS _____

The Town of Londonderry, by and through its Town Council and pursuant to RSA 38:22 II(a), does hereby state that a lien has been placed against the property described below and owned by the individuals above mentioned.

Amount of charges: _____

Date of imposition of lien: _____

Description of property: Tax map _____ Lot number _____

The above mentioned owner is hereby on notice that this lien is placed to the benefit of the Town as a consequence of sewer fees not paid in accordance with regulations adopted by the Town.

DATE _____

Councilor: _____ Witness: _____

Councilor: _____ Witness: _____

Councilor: _____ Witness: _____

STATE OF NEW HAMPSHIRE
COUNTY OF ROCKINGHAM

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APPENDIX E

Table 1008-1 Unit Design Flow Figures
 (in Gallons per Day Per Person unless otherwise noted)

<u>USE</u>	<u>Design Flow</u>	
AIRPORTS		5
BARS, LOUNGES		20 GPD/Seat
BED & BREAKFASTS		60
CAMPS	Campground with Central Comfort Station (Figure 3 people/site)	25 plus 12 GPD dump station
	Recreational Campgrounds With 3-way hookups	90 GPD/Site
	Construction Camps (Semi-permanent)	50
	Day Camps (no meals served)	15
	Day Camps, meals served	15 plus 3 GPD/person/meal
	Dining Facility Only	3 GPD/person/meal
	Juvenile Camps	25 GPD/person plus 3 GPD/person/meal
CATERERS –	Function Rooms	12 GPD/patron
CHURCHES –	Sanctuary Seating	3
	Church Suppers	12
COUNTRY CLUBS – PRIVATE	Dining Room	10 GPD/seat
	Snack Bar	10 GPD/seat
	Locker & Showers	20 GPD/locker
DENTISTS		200 GPD/Chair plus 35 GPD/Staff Member
DOCTOR’S OFFICES		250 GPD/Doctor
DOG KENNELS		50 GPD/kennel
DWELLINGS, PER BEDROOM – (2 bedroom minimum system)		150 GPD/Bdrm
	Rooming Houses – With Meals	60
	Rooming Houses – Without Meals	40
FACTORIES (Exclusive of Industrial Waste)		
	Industry Without Cafeteria or Showers	20
	Industry With Cafeteria, No Showers	25
	Industry With Cafeteria and Showers	35
	Warehouses	35

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APPENDIX E (Cont'd.)

Table 1008-1 Unit Design Flow Figures

(in Gallons per Day Per Person unless otherwise noted)

FIRE STATIONS	Without full-time employees; Without floor drains or food preparation	5
GYMS -	Participant Spectator	10 3
HAIRDRESSERS		150 GPD/Chair plus 35 GPD/Operator
HOSPITALS (Per Bed Space)		200 GPD/Bed
HOTELS AND MOTELS –		
	If plan shows that only one Double bed can be accommodated	100 GPD/Room
	All other	200 GPD/Room
INSTITUTIONS OTHER THAN HOSPITALS (per Bed Space)		135 GPD/Bed
LAUNDROMATS, COIN-OPERATED		500 GPD/Machine plus toilet waste
MANUFACTURED HOUSING PARKS (per site)		Figure on basis of bedrooms
MOTELS, see HOTELS		
NURSING HOMES (Per Bed Space)		125
OFFICE BUILDINGS –	Without Cafeteria With Cafeteria Unspecified Office Space	15 20 15 GPD/100 square feet
PICNIC PARKS –	Toilet Waste Only With Bathhouses, Showers and Toilets	5 10
RESTAURANTS –	Eat in, plus toilet and kitchen waste Eat in, paper service, plus toilet And kitchen waste Kitchen waste only Bars and lounges Function Rooms	40 GPD/Seat 20 GPD/Seat 3 20 GPD/Seat plus 35 GPD/Employee 12
SCHOOLS -	Boarding Day, Without Gym, Cafeteria or Showers Day, Without Gyms or Showers, with Cafeteria	100 10 15

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APPENDIX E (Cont'd.)

Table 1008-1 Unit Design Flow Figures

(in Gallons per Day Per Person unless otherwise noted)

SERVICE STATIONS		75 GPD/Island, plus flows from Bays, if any.
	With Bays	125 GPD/Bay
SHOPPING CENTERS, STORES		
	Dry Goods	5 GPD/100 square feet
	Supermarkets w/Meat Dept. w/o Garbage Grinder	7.5 GPD/100 square feet
	Supermarkets w/Meat Dept. w/Garbage Grinder	11 GPD/100 square feet
	Dry Goods Stores in Shopping Centers	100 GPD
SKATING RINKS, see GYMS		
SKI AREAS –	Without Cafeteria	10
	With Cafeteria in Warming Hut	15
SWIMMING POOLS (Public or Private with Guests)		1000 GPD/800 square ft
TENNIS COURTS	250 GPD/Court	
THEATERS		3 GPD/Auditorium Seat
TOWN HALLS –	Total Seating Capacity	5
TOWN OFFICES –	Office Employees	15
	Transients	5
TRAVEL TRAILER PARKS, see CAMPS		
WORKERS – Construction (At temporary camps)		50
	Day, at Schools and Offices	
	Without Cafeterias	15