

**RYE SEWER COMMISSION
PUBLIC HEARING NOTICE**

CODIFICATION OF SEWER ORDINANCES

The Rye Sewer Commission will hold a public hearing at 8:00 a.m. on February 11, 2020 at the Rye Beach Village District Building, 830 Central Road, Rye Beach, NH, 03871 on the adoption of the codification of the Sewer Use Ordinance and the Sewer User Charge Ordinance. The two ordinances have not changed in substance, but will be incorporated into the new user friendly Town Code as Chapter 129 if the town voters adopt the new code at the March 10, 2020 town meeting. Copies of the ordinance adopting Chapter 129 are posted at the Rye Town Hall; at the Rye Village District Building; and on the town website. Copies of the complete Chapter 129 are available at the Selectmen's Office at the Rye Town Hall and at the Sewer Commission Office at the Village District Building.

Lee Arthur, Administrator
Rye Sewer Commission
January 23, 2020

**Adoption of Code
Board of Sewer Commissioners**

§ 1-16. Adoption of codified ordinances.

The Sewer Use Ordinance and the Sewer User Charge Ordinance adopted July 15, 1993, as renumbered, revised and codified as Chapter 129, Sewers, Article I, Sewer Use, and Article II, Sewer User Charges, of the Code of the Town of Rye, are hereby approved and adopted.

§ 1-17. Continuation of existing provisions.

The provisions of Chapter 129, insofar as they are substantively the same as those of the ordinances in force immediately prior to the enactment of Chapter 129 by this ordinance, are intended as a continuation of such ordinances and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior ordinances.

§ 1-18. Severability of Code provisions.

Each section of Chapter 129 and every part of each section is an independent section or part of a section, and the holding of any section or a part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof. If any provision of Chapter 129 or the application thereof to any person or circumstances is held invalid, the remainder of the chapter and the application of such provision to other persons or circumstances shall not be affected thereby.

§ 1-19. Severability of ordinance provisions.

Each section of this ordinance is an independent section, and the holding of any section or part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.

§ 1-20. Changes in previously adopted ordinances.

- A. In compiling and preparing the ordinances for publication as Chapter 129 of the Code of the Town of Rye, no changes in the meaning or intent of such ordinances have been made, except as provided for in Subsection B hereof. Certain other minor nonsubstantive changes were made to correct spelling and grammatical errors. It is the intention of the Board of Sewer Commissioners that all such changes be adopted as part of Chapter 129 as if the ordinances had been previously formally amended to read as such.
- B. The amendments and/or additions as set forth in Schedule B attached hereto and made a part hereof are made herewith, to become effective upon the effective date of this ordinance. (Chapter and section number references are to the ordinances as they have been renumbered and appear in the Code.)

§ 1-21. When effective.

This ordinance shall take effect upon passage and publication as required by law, provided the March 10, 2010 Town Meeting adopts the Code of the Town of Rye.

§ 1-22. Incorporation of provisions into Code.

The provisions of this ordinance are hereby made part of Chapter 1 of the Code of the Town of Rye, to be titled "General Provisions, Article II, Adoption of Code by Board of Sewer Commissioners."

Schedule B
(As Referenced in § 1-20B)

Note: Added text is underlined. Deleted text is struck out or in brackets.

Chapter 129, Sewers.

The definition of "floatable oil" in § 129-2 is amended as follows: "A wastewater shall be considered free of floatable ~~fat~~ oil if it is properly pretreated and the wastewater does not interfere with the collection and/or treatment system."

The definition of "POTW or Publicly Owned Treatment Works" in § 129-2 is amended as follows: "A wastewater treatment works which is ~~caused~~ owned by a state or a municipality."

The definition of "properly shredded garbage" in § 129-2 is amended as follows: "Garbage that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch (1.27 centimeters) in any dimension."

The definition of "Sewer Commission" in § 129-2 is amended to "Sewer Commissioners."

Throughout Chapter 129 references to "NHWSPCD" are amended to "Water Division" and the definition of "NHWSPCD" in § 129-2 is amended to read as follows: "Water Division – The Water Division of the New Hampshire Department of Environmental Services, or its successor agency."

Section 129-4B(3)(b) is amended as follows: "In amplification of building and/or plumbing code provisions, the materials and procedures set forth in appropriate specifications of the American Society of for Testing and Materials (ASTM) and the ~~Water Pollution Control~~ Environment Federation (~~WPCF~~ WEF) Manual of Practice No. 9 shall apply."

Section 129-5F(1) is amended to change "floatable grease" to "floatable oil."

Section 129-6C(1)(b) is amended as follows: "Plans and specifications for sewerage consisting of more than a single building connection to an existing sewer or where a manhole is required at the sewer

connection or where a pumping station serving more than a single dwelling and external to the building is required shall be submitted to the NHWSPCD for approval."

Section 129-8B(2) is amended to change "shall be fined in the amount not to exceed \$10,000 per day of such violation" to "shall be subject to a civil penalty not to exceed \$10,000 per day of such violation."

Section 129-8B(3) is amended to change "by release of such violation" to "by reason of such violation."

Section 129-15C(1) is amended as follows: "The OMR charge shall recover the amount of revenue necessary to meet the expenses for operation, maintenance and replacement of the wastewater facilities (including administrative expenses) which are appropriated in the sewer fund budget and which are not ~~derived~~ derived by revenue from other sources."

Section 129-15E is amended to delete the following:

It is anticipated that the first live connections to the wastewater facilities constructed with funds appropriated at the November 1989 Special Town Meeting will occur in 1991. Accordingly, the first quarterly sewer bills will be assessed on or about ____ 1991. At that time all properties connected or planned to be connected to the portion of the wastewater facilities constructed pursuant to the 1989 appropriation will be assessed quarterly Capital Recovery and OMR Charges, even though some properties may not yet be connected.