

Lee

TOWN OF RYE
SEWER USER CHARGE ORDINANCE

ENACTED March 11, 1991

AMENDED August 28, 1991

REVISED AND ENACTED November 30, 1992

REVISED July 15, 1993

TOWN OF RYE

SEWER USER CHARGE ORDINANCE

TABLE OF CONTENTS

ARTICLE & SECTION	Page
I AUTHORITY, PURPOSE AND APPLICABILITY	1
§ 100 Authority	1
§ 101 Purpose	1
§ 102 Applicability	1
II DEFINITIONS	2
III ASSESSMENT AND COLLECTION OF SEWER USER CHARGES	3
§ 300 Quarterly Sewer Bills	3
§ 301 Payment	3
§ 302 Interest	3
§ 303 Liens	3
§ 304 Collection of Delinquent Charges	3
§ 305 Waivers	3
IV METHOD OF DETERMINING SEWER USER CHARGES	5
§ 400 General	5
§ 401 Capital Recovery Charge	5
§ 402 OMR Charge	6
§ 403 Un-metered Properties	8
§ 404 Initial Quarterly Assessment	8
§ 405 Revenue Recovery Targets During Start-Up	8
§ 406 Annual Notification of Rates	8
§ 407 Miscellaneous	9
V SEPARATE ACCOUNTING OF SEWER USER CHARGE FUNDS	10
VI HOOK-UP FEES	11
§ 600 General	11
§ 601 Amount of Hook-Up Fee	11
§ 602 Use of Hook-Up Fee Revenues	11
VII ABATEMENTS	12
VIII AMENDMENT	13
IX SEVERABILITY	14
X EFFECTIVE DATE	15
APPENDIX	
APPENDIX OF SEWER USER CHARGE ORDINANCE DEFINITIONS	A-1
A - LIST OF SEWER CHARGES AND FEES	

ARTICLE I

AUTHORITY, PURPOSE AND APPLICABILITY

§ 100 AUTHORITY

This ordinance is enacted by the Board of Sewer Commissioners pursuant to RSA 149-I:24 and RSA 149-I:7,8. The Town of Rye adopted the provisions of RSA Chapter 149-I at the March 23, 1983 Town Meeting.

§ 101 PURPOSE

The purpose of this ordinance is to assess sewer user rents against all properties which use the wastewater facilities of the Town of Rye.

§ 102 APPLICABILITY

This ordinance applies to all properties which use the wastewater facilities of the Town of Rye.

ARTICLE II

DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as set forth in the Appendix to this ordinance entitled "Appendix of Sewer User Charge Ordinance Definitions."

ARTICLE III

ASSESSMENT AND COLLECTION OF SEWER USER CHARGES

§ 300 QUARTERLY SEWER BILLS

On or about January 1, April 1, July 1 and October 1 of each year the Sewer Commissioners shall assess sewer user charges against each property which use the wastewater facilities. Quarterly sewer bills shall be sent to the persons who are known to be the owners of such properties at the time of billing.

§ 301 PAYMENT

Sewer user charges shall be due and payable no later than thirty (30) days from the date of the quarterly sewer bill.

§ 302 INTEREST

Delinquent accounts shall be charged interest at the maximum rate allowed by New Hampshire law.

§ 303 LIENS

In accordance with RSA 38:22, sewer user charges create a lien upon the real estate where sewer services were furnished.

§ 304 COLLECTION OF DELINQUENT CHARGES

304.1 By Warrant: As authorized by RSA 30:22 II(b), the Sewer Commissioners may commit delinquent sewer bills to the Tax Collector for collection. In such case, the Tax Collector shall have the same rights and remedies and be subject to the same liabilities in relation thereto as are provided by RSA Chapter 80.

304.2 By Enforcement of Lien: Alternatively, as authorized by RSA 38:22 II(c), the Sewer Commissioners may record a Notice of Lien in the Rockingham County Registry of Deeds and may bring an action to enforce the lien.

§ 305 Waivers

305.1: Any property that is granted a waiver for sewer connection would be exempted any cost recovery payment until such time as they hook up to the sewer.

305.2: Any costs resulting from a waiver will be placed on the tax base.

This amendment shall be effective upon enactment.
(Adopted November 26, 1992)

ARTICLE IV

METHOD OF DETERMINING SEWER USER CHARGES

§ 400 GENERAL

Sewer user charges shall be determined and assessed by the methods described herein. The sewer bill shall identify the amount of each specific charge (i.e. Capital Recovery Charge, OMR Charge). The Sewer Commissioners shall prepare an itemized list of all sewer charges and fees which shall be kept current and which shall be attached hereto as Appendix A.

§ 401 CAPITAL RECOVERY CHARGE

401.1 Municipal Budget Policy: The Sewer Commissioners shall apportion net expenses for principal and interest from the bonded indebtedness for the wastewater facilities between the municipal budget and the sewer fund budget in accordance with the then current policy of the Town. The net expenses shall be the expenses remaining after receipt of grant reimbursement from the State of New Hampshire.

401.2 Purpose of Capital Recovery Charge: The capital recovery charge shall recover the amount of revenue necessary to meet the net expenses for principal and interest for bonded indebtedness which are appropriated in the sewer fund budget. Each sewer bill shall itemize the separate charges for principal and interest, respectively.

401.3 Determination of Capital Recovery Rate: On or about April 1 of each year, the Sewer Commissioners shall determine a quarterly capital recovery rate, as follows:

- A. The net expense for principal and interest from bonded indebtedness which is appropriated in the annual sewer fund budget shall be reduced by the total amount of capital recovery charges billed during the January Quarter.
- B. The amount resulting from Step A, above, shall be divided by three (3) to determine the portion of the total capital recovery charges which must be recovered during each of the remaining three quarters of the fiscal year.
- C. The amount resulting from Step B, above, shall be divided by the sum of the front footages of all

lots benefitted by public sewers in order to determine the quarterly capital recovery rate per front foot. However, no lot shall be assigned (or assessed) a front footage less than 50 feet nor greater than 170 feet.

401.4 Quarterly Capital Recovery Charge: Each property served by the wastewater facilities shall be assessed a quarterly capital recovery charge per the following formula:

CRC: $FF \times C$

CRC: Quarterly capital recovery charge per property

FF: Frontage of a lot in feet. If less than 50 feet, an FF of 50 shall be used. If more than 170 feet, an FF of 170 shall be used.

C: Capital recovery charge rate as determined by Section 401.3.

401.5 Adjustment to Capital Recovery Rate: The intent of Sections 401.3 and 401.4 is to establish a system that recovers capital expenses in quarterly increments of reasonably uniform amounts. In order to accomplish this intent, the Sewer Commissioners may adjust the capital recovery rate which was established on April 1 prior to assessing the capital recovery charge for any subsequent quarter.

§ 402 OMR CHARGE

402.1 Purpose of OMR Charge: 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 dard by revenue from other sources. Such expenses include the fee paid to the Town of Hampton for the treatment of wastewater.

402.2 Determination of OMR Charge: On or about the first of each quarter the Sewer Commissioners shall establish the OMR rate to be used for the quarterly sewer billing. The OMR rate shall be a charge per cubic foot (or multiple thereof) of water consumption as metered by the Hampton Water Works (hereinafter "Hampton WW").

A. Hampton Water Works Consumption Data: The Hampton WW meters year-round customers in Rye quarterly,

during the first two weeks of February, May, August and November. Seasonal customers are metered once annually, at the time of shutoff.

B. Determination of Quarterly OMR Recovery Target:

1. On or about March 15 of each year the Sewer Commissioners shall establish quarterly targets for the amount of monies to be recovered by the OMR Charge in each of the subsequent three (3) quarterly sewer billings. The quarterly targets shall be based on the approved sewer fund budget as adjusted for the amount billed for the First Quarter. The intent of establishing the targets shall be to achieve a uniform level of quarterly recovery.

2. On or about December 15 of each year the Sewer Commissioners shall establish the quarterly target for the First Quarter of the next fiscal year. Since the budget for the next fiscal year will not yet be approved, the quarterly target shall be either:

(a) the amount recovered in the immediately previous First Quarter; or

(b) the target for any one of the three immediately previous quarters.

C. Determination of OMR Rate: In order to determine the quarterly OMR Rate the Sewer Commissioners shall study Hampton WW historical consumption data for at least the immediately previous five quarters and choose a rate per cubic foot of water consumption (or multiple thereof) which, when applied per Paragraph D below, will recover the quarterly target.

D. Application of OMR Rate: The quarterly OMR Charge shall be assessed to sewer users as follows:

1. Year-Round Customers: Based on the most recent quarter of metered water consumption.

2. Seasonal Customers: Based on one-fourth of the most recently metered annual water consumption.

§ 403

UNMETERED PROPERTIES

Properties which do not have water meters shall be assessed an OMR Charge that is equitably comparable to the OMR Charges for similar uses.

§ 404

INITIAL QUARTERLY ASSESSMENT

404.1 Properties in Current, Project Area: It is anticipated that the first live connections to the waste water 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 waste water 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.

404.2 Properties in Future Project Areas: If the Town approves the construction of additional wastewater facilities, all properties which will be connected to the approved project shall be assessed Capital Recovery Charges beginning with the quarterly billing that next follows Town approval of the project. OMR for such properties shall not be assessed until such time as the first property benefitted by the newly authorized project is connected to the wastewater facilities. The Sewer Commissioners may thereafter assess OMR against all such properties based on a fair and equitable phase-in schedule.

§ 405

REVENUE RECOVERY TARGETS DURING START-UP

During the start-up period of operation of the waste water facilities, the determination of costs and budgeting thereof may be difficult. Hence, the Sewer Commissioners may vary the requirements of this article with respect to establishing revenue recovery targets, provided that the establishment of initial quarterly targets is reasonable and equitable and is designed to eventually achieve reasonably consistent levels of quarterly revenue recovery.

§ 406

ANNUAL NOTIFICATION OF RATES

The Sewer Commissioners shall annually notify each user of the rates being charged for each charge that is assessed hereto.

MISCELLANEOUS

407.1 Higher Than Normal Strength Waste: Any user who produces higher than normal strength waste may be required to pay the additional cost of treating that waste.

407.2 Cost of Infiltration and Inflow: The cost of pumping and treating infiltration and inflow shall be paid by users as part of the OMR Charge.

ARTICLE V

SEPARATE ACCOUNTING OF SEWER USER CHARGE FUNDS

The revenues collected from sewer bills shall be placed in a separate fund called the Sewer Fund. The fund shall have separate accounts for Capital Recovery and OMR funds, respectively. Expenditures from each account shall be only for the purposes set forth in Sections 401.2 and 402.1, respectively.

Fiscal year-end balances in each account shall be used for no other purposes than those specified for the account. Monies which have been transferred from the General Fund to meet temporary shortages in an account shall be returned to the General Fund within six (6) months of the close of the fiscal year in which such monies were borrowed. Fiscal year-end deficits in an account shall be eliminated through the collection of user charges in the subsequent fiscal year. If the Town utilizes a consolidated cash management system, each account shall be credited with its pro-rated share of interest earnings from the investment of municipal cash reserves.

As required by federal regulations, the Sewer Commissioners shall annually budget an amount for replacement costs. Such funds shall be placed in a separate replacement reserve fund which shall be established and managed in accordance with State Law.

ARTICLE VI

HOOK-UP FEES

§ 600

GENERAL

Sewer assessments shall not be made against vacant lots or parcels served by sewers, even though such lots or parcels may increase in value because of the availability of wastewater facilities. However, when a vacant lot is improved and connected to the wastewater facilities, a Hook-up Fee shall be paid ~~concurrently with and in addition to the Permit Fee.~~ *AMENDED -*

§ 601

AMOUNT OF HOOK-UP FEE

The Hook-Up Fee is intended to recover an amount that is equitably comparable to the capital recovery charges that would have been paid had a property been connected to the system in 1991, when the system started up.

The Hook-Up Fee shall be the summation of the capital recovery charges that would have been assessed against a property for all prior quarters, compounded at a quarterly interest rate of 2.5%.

Each quarter, the Sewer Commissioners shall post the current hook-up fee per front foot and per 100 front feet and shall amend Appendix A accordingly.

§ 602

USE OF HOOK-UP FEE REVENUES

Revenues from Hook-up Fees shall be separately accounted for and utilized only to defray capital expenses on bonded indebtedness of the wastewater facilities.

ARTICLE VII

ABATEMENTS

The Sewer Commissioners may abate all or part of a sewer use assessment upon a determination that the assessment does not fairly represent the proportionate burden of costs which the property should bear.

Abatements shall be granted only upon written application made within sixty (60) days of the date of the fourth quarter sewer bill of each year. The Sewer Commissioners may establish procedures for the processing, hearing and review of abatement applications, which are similar to the procedures used to process property tax abatement applications.

ARTICLE VIII

AMENDMENT

This ordinance maybe amended by the Sewer Commissioners only after a public hearing on the amendment. Notice of such hearing shall be posted in two public places and published in the Portsmouth Herald at least ten (10) days prior to the hearing (not counting either the hearing date or the date of notice). Said notice shall summarize the content of the proposed amendment and shall indicate where the full text of the proposed amendment may be inspected.

ARTICLE IX

SEVERABILITY

Should any section or provision of this ordinance be declared invalid by any court or other authority of competent jurisdiction, such holding shall not affect, impair or invalidate any other section or provision which can be given effect without such invalid part or parts, and, to such end, all sections and provisions of this ordinance are hereby declared to be severable.

ARTICLE X

EFFECTIVE DATE

This ordinance shall be effective upon passage and all ordinances in conflict herewith are hereby repealed.

CERTIFICATION

We the undersigned Selectmen hereby certify this 16th day of September, 1991 that the foregoing ordinance is the Sewer User Charge Ordinance enacted on March 11, 1991, as amended on August 28, 1991.

John Coffey, Chairman

Herbert Drake

Paula Snyder

Henry Cavaretta

Donald Stevens

**APPENDIX OF SEWER USER CHARGE
ORDINANCE DEFINITIONS**

CAPITAL RECOVERY CHARGE: A charge designed to recover a fair share of the capital cost of the wastewater facilities. In this ordinance the capital recovery charge is all or part of the annual principal and interest expense necessary to retire the bonds issued by the Town for the construction of the wastewater facilities. See Appendix A.

HOOK-UP FEES: A fee charged to a sewer user at the time a property is connected to the wastewater facilities. See Appendix A.

MAY: Is permissive. See "SHALL."

OMR CHARGE: A charge designed to recover a fair share of the operational, maintenance and replacement costs of the wastewater facilities. See Appendix A.

PERMIT FEE: A fee charged to a sewer user at the time the user makes application to connect to the wastewater facilities. It is established by the sewer use ordinance and designed to recover the reasonable costs of reviewing and processing permit applications and inspecting connections and/or the installation of building sewers and building services. See Appendix A.

PERSON: Any individual, firm, company, association, society, corporation, group, partnership, municipality, governmental subdivision or other entity. Person includes the plural, "persons."

SEWER COMMISSIONERS: The Board of Sewer Commissioners of the Town of Rye.

SEWER USER: Any person who owns an improved property which is connected to the wastewater works or which will be connected upon completion of construction of the wastewater facilities.

SHALL: Is mandatory. See "MAY."

TOWN: The Town of Rye, New Hampshire.

WASTEWATER: The spent water of a community which may be a combination of the liquid and water-carried waste from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water and storm water that may be present.

WASTEWATER FACILITIES: Include conduits and structures for the purpose of collection, treating and disposing of domestic and/or industrial or other waste waters and shall include all collection and intercepting sewers, pumping stations and force mains, treatment and disposal works and all appurtenances connected therewith.

APPENDIX A

LIST OF SEWER CHARGES AND FEES

1. License
Permit Fee: *AMENDED - DELETED* *delete annual* \$ 100.00
2. Hook-Up Fee: (Effective April 1, 1995 - June 30, 1995)
- A. Front Foot Charge \$ 21.00
B. 50 Front feet \$1,049.96
100 Front Feet \$2,099.91
170 Front Feet \$3,570.01
3. Capitol Recovery Charge:
Per Front Foot: .54
Per 100 Front Feet: 5.40
4. O.M.R. CHARGE:
Per 100 cu. Feet of H2O Consumption: .034 cu.ft.
5. SECONDARY METER \$1,000
PERMIT FEE

SEWER COMMISSIONERS:

Leon H. Valley
Leon H. Valley, Chairman

N. Anthony Jackson
N. Anthony Jackson, Vice-Chairman

Laurence A. Tosi
Laurence A. Tosi, Commissioner

APPENDIX A

LIST OF SEWER CHARGES AND FEES

PERMIT FEE: _____

HOOK-UP FEE: _____

Per Front Foot: _____

Per 100 Front Feet: _____

CAPITAL RECOVERY CHARGE:

Per Front Foot: _____

Per 100 Front Feet: _____

OMR CHARGE:

Per 100 Cubic Feet
of Water Consumption: _____

Date of Effectiveness of Above Rates: _____

RYE SEWER COMMISSIONER'S ORDINANCE

Re-Adopting Sewer User Charge Ordinance

1. Pursuant to the authority of RSA 149-I:19, the Board of Sewer Commissioners of the Town of Rye hereby re-adopts the Rye Sewer User Charge Ordinance, enacted by the Rye Board of Selectmen on March 11, 1991, as amended, except as noted herein.
2. Said ordinance is hereby amended to replace the word "Selectmen" with the words "Sewer Commissioners" at each place in the text of the ordinance where the word "Selectmen" is found.

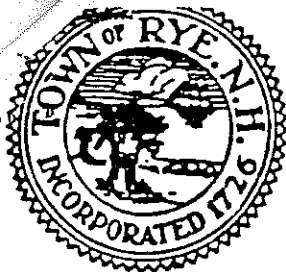
Date: 7/15/93

Board of Sewer Commissioners


Larry A. Tosi, Jr., Chairman


George Page, Co-Chairman


Leon Valley



OFFICE OF SELECTMEN

TOWN OF RYE

10 Central Road
Rye, N.H. 03870-0429
(603) 964-5523

March 27, 1992

Mr. Jack Squires
31 Big Rock Road
Rye, NH 03870

RE: Cost Figures - Rye Sewer Project

Dear Jack:

Here are the latest figures from our engineers, State of NH, and the federal government. In the Jenness Beach Precinct (Contracts 5 & 6), 66 properties pay the minimum charge, i.e. less than 60' frontage. Thirty (30) properties pay maximum charge, i.e. greater than 170'. Two hundred and seventy nine (279) properties pay according to actual foot front rounded up to the nearest 10' interval i.e., a property with 73' frontage would pay for 80' frontage. A property with 79' frontage would pay for 80' frontage. Anyone who wishes to pay in full the capital cost can do so this year ONLY before December 31, 1992 at a rate of \$66 per foot frontage. They would pay no more charges except the operation and maintenance of approximately \$130-\$150 per year which is based on water consumption. The rates listed are the closest we can derive at this time. They are very representative of the actual charges for the next 20 years.

Because of one more federal payment coming late this year which will be applied to next year's payment the charges are as follows:

1992	2.67 foot front
1993	4.15 " "

HIGHEST PAYMENT YEAR

1994	6.60 foot front	2004	4.68 foot front
1995	6.41 " "	2005	4.49 " "
1996	6.25 " "	2006	4.29 " "
1997	6.02 " "	2007	4.10 " "
1998	5.82 " "	2008	3.89 " "
1999	5.63 " "	2009	3.70 " "
2000	5.43 " "	2010	3.49 " "
2001	5.24 " "	2011	3.28 " "
2002	5.06 " "	2012	3.08 " "
2003	4.87 " "		

The Town of Rye will establish a 10% contingency account of the annual payment to insure its ability to cover the annual bond and interest payment.

PS
not
changed
T.C.
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Page Two

RE: Cost Figures - Rye Sewer Project
March 27, 1992

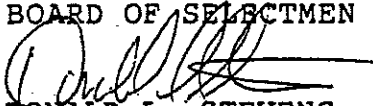
Anyone in the sewer project area that would like to know the TOTAL cost of the sewer to them over the twenty year period may take the property frontage increasing to the nearest 10' increment and multiply by \$100.

EXAMPLE: A property on Gray Court with 70' frontage would pay \$7,000 over the 20 year term, OR if this person preferred, they could pay up front costs of 70 feet x \$66 foot front equals \$4,620 and have no further payments.

Hopefully, you have been able to follow my computations; however, if you have any questions, please don't hesitate to contact me.

Sincerely,

BOARD OF SELECTMEN



DONALD L. STEVENS
Chairman

DLS/jct

147:8 Toilets; Drains. No person shall occupy, lease to any other person, or permit any other person to occupy, a building or any part of a building as a dwelling house, office, store, shop, theater, public hall, sleeping apartment or tourist cabin, unless such building shall have readily accessible adequate toilet and lavatory facilities, properly ventilated and constructed, and kept in proper sanitary condition; and unless said building shall be provided with suitable drains or sewers for conveying waste water and sewage away from the premises into some public sewer, if there be one within 100 feet thereof, and if not, for conveying it away underground or in some other manner that will not be offensive. The phrase "public sewer", as used in this chapter, shall be understood to mean any sewer constructed and maintained by taxation, or any sewer which is open for general use upon the payment of a rental, license or other fee. Notwithstanding the provisions of this section, privies (outhouses not conveying sewage by water) may be allowed if such facilities are first approved by the local municipal health officials as to location and construction of the facilities. At the option of the local municipal health officials, further approval may be required by the water supply and pollution control commission, prior to the construction of such facilities. Nothing in this section shall prohibit cities, towns, or village districts, by ordinance or by regulation under RSA 147:1, from increasing the 100-foot distance contained in this section, or from granting waivers to the requirement of connection to the public sewer for properties with adequate alternative sewage disposal systems which comply with applicable state and local regulations, designed by a designer licensed in New Hampshire and approved for construction by the New Hampshire department of environmental services after January 1, 1985.

HISTORY

Source. 1869. S:1. GL 111:7. 1881. 89:1. PS 103:8. 1907. 106:1. PL 140:8. RL 165:8. 1947. 49:1. RSA 147:8. 1973. 93:1. 1985. 198:1. 1992. 17:1, eff. June 1, 1992.

Amendments—1992. Added "or from granting waivers to the requirement of connection to the public sewer for properties with adequate alternative sewage disposal systems which comply with applicable state and local regulations, designed by a designer licensed in New Hampshire and approved for construction by the New Hampshire department of environmental services after January 1, 1985" at the end of the fifth sentence.

147:11 Discontinuance: Penalty.

CROSS REFERENCES

Procedure for collection of nuisance abatement costs. see RSA 147:7-b.
Requirements of notice or order. see RSA 147:7-a.

147:13 Offensive Matter.

CROSS REFERENCES

Procedure for collection of nuisance abatement costs. see RSA 147:7-b.



TOWN OF RYE
APPLICATION FOR WAIVER

THE TOWN OF RYE SEWER USE ORDINANCE SECTION 301.4 PROVIDES
FOR WAIVERS FROM CONNECTING TO THE PUBLIC SEWER AND STATES:

301.4 Pursuant to RSA 147:8 (copy attached), the
Selectmen may waive the requirement that a property be
connected to the public sewer subject to a determination
that the requirements established for such waivers by RSA
147:8 have been met. Such waivers shall require an
application, and the burden of proving compliance with the
statute shall be on the applicant.

Property Owner's Name

Map #

Lot #

Address

New System Installation Date. MUST BE AFTER JANUARY 1, 1985

Please include the following documents with this
application:

1. Sub-surface disposal system design.
2. A copy of the State of N.H. WSPCC approval for
construction.
3. A copy of the N.H. WSPCC approval for operation.
4. A list of any waivers granted by the State of
N.H. WSPCC or the Town of Rye, Board of
Adjustment for construction of this system.

OWNER'S SIGNATURE

Approved

Disapproved

CHAIRMAN, BOARD OF SELECTMEN