

## **CHAPTER 17 STORM DRAINAGE REGULATIONS**

### 1700 Purpose

The rules and regulations herein set forth for the maintenance and operations of the Exeter Municipal Drainage System are established by the Selectmen of the Town of Exeter, as necessary or desirable for the efficient operation of said Exeter Drainage System and for the protection of the health and safety of the people of Exeter.

### 1701 Definitions

Unless the context specifically and clearly indicates other, the meaning of terms and phrases used in the ordinance shall be as follows:

**Building Drain** - Shall mean the connecting pipe between the tap at the Town Main, or appurtenance, and the building owner's source of drainage water and shall include all the owner's pipe fittings and couplings necessary to make the connection (including those portions located in the public right-of-way).

**Director** - Shall mean the Public Works Director for the Town of Exeter.

**E.P.A.** - Shall mean the United States Environmental Protection Agency.

**Easement** - Shall mean an acquired legal right for the specific use of land owned by others.

**Natural Outlet** - Shall mean any outlet of surface or groundwater into a watercourse, river, pond, ditch, lake aquifer or other body of surface or groundwater.

**Owner** - Shall mean any person(s) vested with ownership, legal or equitable, sole or partial, or possession of any improved property.

**Person** - Shall mean any individual, partnership, company, association, society, corporation or other legal entity.

**Pollutant** - Shall include, but not be limited to, the materials identified in Sections 1506 "Restrictions on Discharge to Sewers of the Town's Ordinances."

**Receiving Waters** - Shall mean any watercourse, river, pond, ditch, lake, aquifer, or other body of surface or groundwater receiving discharge of storm water.

**Storm Drain (sometimes termed "Storm Sewer")** - Shall mean a drain which is intended to carry storm and surface waters and drainage, but not waste water and industrial wastes (other than unpolluted cooling water).

**Town** - Shall mean the Town of Exeter, Rockingham County, New Hampshire, a municipality of the State of New Hampshire, acting by and through its Selectmen, or in appropriate cases, acting by and through its authorized representatives.

**Unpolluted Water** - Is water of quality equal to or better than the effluent criteria in effect, or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and waste water treatment facilities provided by the Town of Exeter.

1702 Use of Municipal Storm Drain System

Upon application and approval by the Director, or his designee, owners may connect or discharge unpolluted water into the Town Storm Drain System. Owners must submit an "Application for Storm Drainage Work," pay an entrance fee, and have a licensed "Utility Pipe Layer" complete all work in strict conformance with the Public Works Department's "Standard Specifications for Construction of Public Utilities in Exeter, New Hampshire."

1702.1 No person shall place, deposit or discharge any pollutant into the storm drain system.

1702.2 No person, corporation or firm shall discharge any storm drain water into the storm drain system in an amount that the system cannot adequately handle.

1702.3 Each building drain, including connection to the structures service, will initially be constructed by the owner at his expense and such owner shall indemnify and save harmless the Town, its officers, agents, and employees from all loss or damage that may be occasioned directly or indirectly, as a result of construction of a building drain on his premises, or as a result of its connection to the drain system. After initial construction of the building drain, the owner shall thereafter be obligated to pay all costs and expense of operation, repair and maintenance, and of reconstruction (if needed) of the building sewer, beginning at the main of the storm drain system and ending at the building.

1703 Powers and Authority of Inspectors

Duly authorized employees of the Town, bearing proper credentials and identification, shall be permitted to enter all properties and buildings that are connected to the storm drain system for the purposes of inspection, observation, measurement, sampling and testing of the building drain or of discharges to the storm drain system.

1709 Enforcement

The Town, upon being informed of a possible violation of this ordinance or on its own initiative, shall make, or cause to be made, an investigation of facts and an inspection of the premises where such violations may exist. When investigation reveals evidence of any violation, the Town shall give written notice, either hand

delivered or by certified mail with receipt acknowledged, of such violation of the owner and to the occupant of such premises. The Town shall demand in such notice that such violation be abated within some designated reasonable time. If, after such notice and demand, such violation has not been abated within the time specified, the Town shall institute appropriate action to prevent, correct, restrain or abate any violation of the ordinance. The Town, or its agents, has the authority to enter the premises, cause the violation to be abated and recover any direct or indirect expenses thereby incurred.

#### 1710 Penalties

Any person, firm or corporation violating any provisions of Chapter 1700 shall be guilty of a violation and shall be fined for each occurrence or each day the violation continues in an amount of \$1,000 per day maximum (but not to exceed \$10,000 per occurrence). Each day in which any such violation shall continue, shall constitute a separate violation.

to cut forest products over an area of two (2) acres or greater must submit a "Plan of Cut" to the Town of Exeter Planning Department. The Plan of Cut must be prepared by a professional forester registered with the Town of Exeter. A list of registered foresters may be found at the Exeter Planning Department office.

The Planning Department will review the Plan of Cut, and, at their discretion, request review by an appropriate person or agency at the expense of the applicant, determine the amount of the bond to be posted, and make its recommendations to the Exeter Board of Selectmen.

- (c) Bond: All cutting operations of two (2) acres or greater will be required to post a bond in the amount sufficient to cover the estimated yield tax due to commencement of the operation.
- (d) Town Cut Permit: All operations in compliance with a, b, and c above will be issued a "Town Cut Permit" to be posted in full view upon the site of the operation. Such permit shall be valid for one (1) year from the date of issuance.
- (e) Report of Cut: Pursuant to RSA 79:11, a "Report of Cut" must be filed with the Town of Exeter immediately upon the completion or termination of the cutting referred to in the "Notice of Intent to Cut."
- (f) Statement of Compliance: The professional forester must file a "Statement of Compliance" upon the completion or termination of cutting which states that the original, or Town-approved amended Plan of Cut, was correctly executed. To insure compliance, the forester should monitor and supervisor the cutting. Any noncompliance should be reported to the Town.
- (g) List of Registered Foresters and Loggers: Any forester and/or logger who wishes to operate within the town limits of Exeter must register with the Planning Department. A record will be kept of each operation by the Town. Any forester or logger found to be in deliberate violation of this ordinance will be removed from the list and shall not be permitted to operate within the town limits for a period of one (1) year. At that time, the offending party may re-apply for inclusion in the list.

#### 2004 Enforcement

- (a) The Town of Exeter and its agents shall administer and enforce this ordinance, and shall have the right to stop any operation in violation of its provisions.
- (b) Officials responsible for the enforcement of this ordinance may enter upon any lands for which a Town Cut Permit has been issued or upon which they believe may have an operation in violation of this ordinance, for the purposes

of inspection.

2010 Penalties

If any person shall violate the provisions of this ordinance, he shall be guilty of a misdemeanor, and subject to any and all applicable state and local penalties.