

December 3, 2015
Revised 12/7/2015
Revised 12/15/2015

TOWN OF RYE
HEALTH REGULATION

RE: ONSITE WASTEWATER TREATMENT SYSTEM PUMP-OUT AND INSPECTION
PARSONS CREEK WATERSHED

1. Authority.

This regulation is adopted by the Town of Rye Health Officer pursuant to RSA 147:10 and RSA 147:1. It has been approved by the Rye Board of Selectmen pursuant to RSA 147:1.

2. Intent/Purposes.

Bacteria sampling indicates that high concentrations of bacteria exist at multiple locations within Parsons Creek. Parsons Creek flows to the coastal beaches in Rye, representing a health and safety risk to the recreational waters of both the creek itself and Rye's beaches.

This ordinance is necessary to help protect public health and the surface water quality of Parsons Creek and its receiving waters by requiring timely pumping and maintenance of septic tanks. The purposes of this regulation are:

1. To establish a management program for septic tanks in the Parsons Creek Watershed to promote proper operation of Onsite Wastewater Treatment Systems. This regulation requires septic tanks to be pumped out at least once every three years in order to minimize malfunctions of Onsite Wastewater Treatment Systems.
2. To manage Onsite Wastewater Treatment Systems in the Parsons Creek watershed in such a way as to protect public health and welfare and the environment and to provide for a means of educating owners/operators in the characteristics of such systems and the proper procedures for altering, operating and maintaining them.
3. To develop a program to establish and maintain records of Onsite Wastewater Treatment Systems in the Parsons Creek Watershed.
4. To promote and assure the proper management and maintenance of Onsite Wastewater Treatment Systems through time.

This regulation promotes the adequacy of Onsite Wastewater Treatment Systems in the Parsons Creek Watershed thereby improving the water quality of Parsons Creek and protecting public health by reducing human contact with sewage and related pathogens.

3. Applicability.

This regulation applies to all Onsite Wastewater Treatment Systems located wholly or in part within the Parsons Creek Watershed. The Parsons Creek Watershed is depicted on [insert description of map to be used to depict watershed]. Said map is incorporated by reference into this regulation.

4. Pumping of Onsite Wastewater Treatment Systems.

A. Septic tanks which shall be pumped out at least once every three (3) years.

B. Exceptions. Owners of residential properties occupied by two (2) or fewer persons and owners of properties used only seasonally may apply to the building inspector for a waiver of the three (3) year requirement.

1. The building inspector may grant a waiver allowing less frequent pumping if, after review of water consumption records he/she determines that less frequent pumping would not be inconsistent with the intent of this regulation. In no case shall a waiver allow pumping at intervals less frequent than seven (7) years.
2. Waivers shall not be granted for non-residential properties or for any property located within an Impaired Surface Water Quality Zone. The Impaired Surface Water Quality Zones are:
 - Concord Point
 - West side of Parsons Creek from Ocean Boulevard to the creek's low tide confluence with the ocean
 - Highland Park Avenue
 - West side of Ocean Boulevard from Highland Park Avenue to Marsh Road
 - Appledore Avenue
 - Parsons Road from Marsh Road to Starbord Way
3. Property owners who have been denied a waiver under § 4 B (1) may appeal to the Health Officer.

4. The building inspector shall maintain a list of approved proprietary Advanced Onsite Wastewater Treatment Systems. Such systems shall be pumped out and maintained at a frequency specified by the manufacturer, which may be more or less frequent than three (3) years.

5. Administration.

- A. This regulation shall be administered by the building inspector or by such other person as the board of selectmen may designate.
- B. Prior to the effective date of this regulation the owners of all developed properties within the Parsons Creek Watershed shall be provided with written notice of the requirements of this regulation.
- C. Property owners who have had their septic tanks pumped within three (3) years prior to the effective date of this regulation shall be requested to provide the building inspector with documentation of such pumping. Property owners who do not provide such documentation shall be presumed to have not pumped their septic tank within three years prior to the effective date of this regulation.
- D. Property owners who have their septic tank pumped out after the effective date of this regulation shall provide the building inspector with three (3) business days advance notice of the date and approximate time of the pumping and the name and telephone number of the person or company doing the pumping. Such notice may be by telephone or email communication. Pursuant to RSA 128:5-a, the building inspector or his/her designee may enter the property to witness the pumping and to obtain information about the location of the septic tank and leachfield and their adequacy.
- E. If the building inspector does not witness the pumping, the property owner shall provide the building inspector with documentation of the pumping, including receipts from the company which did the pumping, the approximate number of gallons of septage pumped and the approximate location of the septic tank. Such information shall be provided within ten (10) days of the pumping.
- F. The building inspector may establish reporting forms and waiver application forms necessary to administer this regulation.
- G. No statement contained in this ordinance may be construed to interfere with any additional requirements that may be imposed by the building inspector.

7. Enforcement.

This regulation may be enforced by the building inspector, the board of selectmen or the board of selectmen's designee. Enforcement may include court action to recover fines and injunctive relief.

No statement contained in this ordinance may be construed to interfere with any additional requirements that may be imposed by the building inspector.

8. Violation.

Any property owner within the Parsons Creek Watershed found to be violating any provision of these regulations shall be sent written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof.

Any person who violates this ordinance shall be guilty of a violation and subject to a fine of \$100 for the first seven-day period the violation continues beyond the time specified for corrective action. Each day of non-compliance thereafter constitutes a separate violation subject to a fine of \$50 per day for the continuing violation up to a maximum of \$1000.

Failure of a property owner to comply with this ordinance shall be sufficient cause for the building inspector to withhold building permits and plumbing permits until the violation is corrected.

10. Severability. Should any section or provision of this regulation be held to be invalid or unconstitutional such holding shall not affect, impair or invalidate any other section or provision of this regulation, and to such end all sections and provisions of this regulation are declared to be severable.

11. Effective Date: June 1, 2016

Adopted by Health Officer: _____
Gail A. Snow, M.D. Date

Approved by Board of Selectmen: [insert date]

Recorded by Town Clerk: [insert date]