

Barrington Septic Ordinance

I. Authority

This ordinance is adopted pursuant to New Hampshire RSA [147:1](#) in order to protect water quality, prevent nuisances, health hazards, and pollution in Barrington's water bodies.

Further, pursuant to New Hampshire RSA [485-A:29](#), IV, towns and cities may enforce regulations that are more stringent than state standards, provided that they are consistent with the state's public health and environmental protection goals.

II. Purpose

The purpose of this regulation is to protect our water resources from the damaging effects of inadequate septic systems or the improper disposal of wastewater.

III. Definitions

Estimated Seasonal High-Water Table (ESHWT) - the level at which the uppermost soil horizon contains 2% or more distinct or prominent redoximorphic features that increase in percentage with increasing depth. Redoximorphic is defined as the features with soil wetness that are formed by the processes of reduction, translocation, oxidation of iron and manganese oxides, or a combination of any of these processes.

Health Officer - the individual appointed by the Select Board who is responsible for protecting and promoting public health within the Town of Barrington and is subject to the provisions and requirements of [RSA 128](#).

Individual sewage disposal system (ISDS) - any wastewater disposal and treatment system that receives sewage. The term does not include a holding tank, privy or dry toilet, cesspool, or a system regulated under [Env-Wq 700](#).

NHDES - New Hampshire Department of Environmental Services.

Reference Line - is the edge of the water body at its full volume, from which setbacks, such as the limits of the protected shoreland, are determined.

Seasonal Dwelling - a dwelling which has historically been occupied for not more than six (6) consecutive months during a given calendar year.

Shoreland Water Quality Protection Act (RSA 483-B) - establishes buffers known as "protected shoreland" located along public waters (waterbodies).

<https://www.des.nh.gov/sites/g/files/ehbemt341/files/documents/2020-01/consolidated-list.pdf>

Public waters include:

- Lakes, ponds, and impoundments greater than 10 acres;
- Year-round flowing waters (streams and rivers) of fourth order or higher;
- Designated rivers and river segments.

IV. Applicability

This regulation applies to all properties within the Town of Barrington where any part of the septic system is located within the 250' buffer from the reference line of waterbodies which are subject to the Shoreland Water Quality Protection Act (SWQPA).

These provisions do not absolve property owners from the State of New Hampshire's regulation of wastewater management permitting requirements under NH [RSA 485-A](#) and Administrative Rules [Env-Wq 1000](#) that establish the technical and permitting standards for septic systems enforced by the NHDES.

V. Regulations

1. All septic systems within 250' of the reference line of waterbodies shall be pumped every 3 years. Grease traps for restaurants within the area shall be pumped 2 times per year or as required by manufacturer or state regulations. Owners shall be required to submit proof of pumping to the Health Officer.
2. Any ISDS older than 10 years shall be inspected every 6 years or sooner if evidence of failure is suspected.
3. Discharge from garbage disposals, sump pumps, water treatment backwash, foundation drains, area drains, roof drains, and other ground or surface water drainage systems shall not discharge into any ISDS wastewater disposal system unless the system has been designed to support it.
4. Conversion of Seasonal Dwellings: Prior to conversion or expansion, the owner at a minimum shall comply with [Env-Wq 1004.22](#). No person shall convert any structure, which here-to-date has been maintained and/or occupied as a seasonal dwelling (such as a camp or cottage) to year-around residential use prior to installation of an approved wastewater disposal system conforming to the requirements of this ordinance and which has received a valid "Approval for Operation" number issued by NHDES.
5. The construction of new cesspools and lagoons is not permitted. Any existing cesspools, lagoon or holding tanks shall be inspected and replaced with a state approved septic system, if found in failure, that meets the standards of NHDES.
6. The contents of chemical or mechanical toilets shall be disposed of properly in a location approved by NHDES.
7. Septic system pumping and maintenance shall not require a local permit. This ordinance, however, does not absolve the property owner from obtaining other state or federal permits.
8. If any requirement of this ordinance is found to be more stringent than the New Hampshire Code of Administrative Rules, the requirement of this ordinance shall prevail.

VI. Requirements for Replacement of Septic Systems

Installation of a replacement NHDES approved ISDS shall be required when a septic system is in failure. A septic system is in failure when a subsurface or waste disposal system does not properly contain or treat sewage or causes the discharge of sewage on the ground surface or directly into surface waters, or the effluent disposal area is located less than 2 feet above the ESHWT.

VII. Waivers

Homeowners may seek a waiver to extend the pumping requirement to 5 years if the use is tied to an approved recreational use RV or camper. Air B&Bs are not eligible for this waiver.

VIII. Septic System Evaluations and Certification Requirements

The property owner is responsible for hiring a New Hampshire credentialed septic system evaluator and engage a New Hampshire licensed designer and installer to perform replacements.

IX. Fines and Penalties

1. Any property owner who is found to be in violation of any part of these regulations shall receive written notification via the Health Officer stating the details of the violation. The property owner will have 180 days to correct any deficiencies.
2. Violations of these regulations may result in an assessment of civil penalties pursuant to RSA [676:17](#) and [RSA 31:39c](#). In addition, the Town of Barrington may petition the Superior Court for an injunction and the reimbursement of attorney fees.
3. Any permits may be withheld for non-compliant properties.

X. Fees

All costs associated with compliance of this ordinance shall be the responsibility of the property owner. See the Town of Barrington fee schedule for all applicable fees.

XI. Penalties and late fees

Late Fee - A 30 day grace period for receipt submissions shall incur a \$15 Late Fee. Submissions beyond 30 days will be assessed a \$15 per month late fee.

Violations and Penalties – In accordance with NH RSA 676:17, any person who violates any provisions of this Ordinance, or any provision or specification of any decision issued by any local administrator or land use board acting in an authorized manner, shall be guilty of a misdemeanor or potentially a felony, and shall be subject to a civil penalty not to exceed two hundred and seventy-five dollars (\$275) for the first offense and five hundred and fifty dollars (\$550) for subsequent offenses for each day that such violation is found to continue after the conviction date or after the date on which the violator receives written notice from the Town about the violation, whichever is sooner. Each day that a violation continues shall be a separate offense.

XII. Effective Date

These regulations shall go into effect 30 days after adoption by the Select Board.