

**Codes and Ordinances Committee**

Councilor Peter Lachapelle, Chair  
Councilor Steve Beaudoin  
Councilor Skip Gilman Councilor  
Councilor Ashley Desrocher  
Councilor Tim Fontneau



**CODES AND ORDINANCES COMMITTEE**

Of the Rochester City Council

**Thursday, July 7, 2022**

**31 Wakefield Street, Rochester, NH**

Council Chambers

**6:00 PM**

**Agenda**

1. Call to Order
2. Public Input
3. Acceptance of the Minutes
  - 3.1 May 5, 2022 *motion to approve* P. 3
4. Proposed Addition of Chapter 260A of the General Ordinances of the City of Rochester “Water Development Connection Fee” P. 11
  - 4.1 Amendment to Chapter 260-33 “Water Rate and fee Schedule” P. 15
5. Proposed Amendment to Chapter 200-7-T of the General Ordinances of the City of Rochester “Sewer Development Connection Fee” P. 17
  - 5.1 Amendment to Chapter 200-33 “Wastewater Rate and Fee Schedule” P. 21
6. Amendment to City Council Rules of Order Section 1.7 Public Hearings P. 23
7. **Discussion:** Animal Trapping and Bear Baiting
8. **Discussion:** Chapter 275-28.3 “Noise” P. 25
9. Other
10. Adjournment

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City Clerk's Office

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**Codes and Ordinances Committee**

Councilor Peter Lachapelle, Chair  
Councilor Steve Beaudoin Vice Chair  
Councilor Skip Gilman  
Councilor Ashley Desrochers  
(excused)  
Councilor Tim Fontneau



**Others Present**

Mayor Paul Callaghan  
Terence O'Rourke, City Attorney  
Deputy Fire Chief, Jarrod Wheeler  
Councilor Laura Hainey

**CODES AND ORDINANCES COMMITTEE**

Of the Rochester City Council

**Thursday, May 5, 2022**

**Council Chambers**

**6:00 PM**

**Minutes**

**1. Call to Order**

Chair Lachapelle called the Codes & Ordinances Committee meeting to order at 6:01 PM. Deputy City Clerk Cassie Givara took a silent roll call. All Councilors were present except for Councilor Desrochers, who was excused.

Councilor Beaudoin **MOVED** to **AMEND** the agenda to add the item "Other" at the end of the agenda, where it had been inadvertently removed from the agenda prior to publishing. Councilor Gilman seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. *\*"Other" was added as agenda item #8*

**2. Public Input**

There was no one present for public input.

**3. Acceptance of the Minutes**

**3.1 April 7, 2022 *motion to approve***

Councilor Beaudoin **MOVED** to accept the minutes of the April 7, 2022 Codes and Ordinances Committee meeting. Councilor Gilman seconded the motion. The **MOTION CARRIED** by a

unanimous voice vote.

**4. Proposed Amendment to Chapter 75-1 of the General Ordinances of the City of Rochester “Appointment and requirement of Fire Chief”**

Chair Lachapelle read the proposed amendment to the ordinance as follows (changes in red):

**§ 75-1 Appointment and requirements of Fire Chief.  
Upon appointment, the Fire Chief shall within six months establish residence within the City's boundaries, unless this requirement is waived by the City Manager...**

Chair Lachapelle referenced the memo distributed to the Committee from City Manager Cox in support of this amendment (*addendum A*) which outlines the reasons for this change. He stated that he agreed with the City Manager’s assertion that requiring that candidates for the position live in or relocate to Rochester can limit the field of qualified applicants and potentially discount candidates who would be best suited for the job.

Councilor Fontneau stated that he had received communication from several concerned residents and business owners regarding this proposed amendment and these constituents had requested the reasoning behind the proposed changes. Councilor Fontneau asked if the change is being implemented for a particular candidate who lives outside of the City. Chair Lachapelle stated that the City Manager does the interviewing and hiring of the Fire Chief, and he is not aware if there has been a narrowing of the field or if there is a certain candidate in mind.

Chair Lachapelle stated that it make sense to require the Fire Chief to live within a reasonable distance of the City, but not to require residence. Councilor Fontneau referenced the current amendment and clarified that there is no distance requirement as it is worded. Councilor Beaudoin agreed that there is concern with lack of stated distance in the ordinance and wondered if the hiring could be done in cooperation with City Council in a non-public session to protect confidentiality of candidates. He referenced the use of a municipal vehicle and the potential wear and tear of daily driving. Chair Lachapelle pointed out that current City Manager lives outside of the City of Rochester.

Councilor Hainey stated that she had also received communication from concerned citizens who questioned why this amendment was being proposed and questioned the timing of the change coming forward.

Chair Lachapelle stated that although the Fire Chief may be called to the scene of larger emergencies when he is off duty, he is not the first on the scene and there are firefighters at the stations who are first to respond. He reiterated that the amendment is primarily to open up the field to more qualified applicants.

Attorney O'Rourke stated that he had been able to reach the City Manager who was amenable to an amendment which would require the candidate hired to reside within a 20 mile limit of the City. Attorney O'Rourke stated that the recommendation could be kept as shown above, with the stipulation that the candidate hired could live outside the City if there was a waiver from the City manager; alternately, there could be a requirement that the hired candidate live within a 20-mile distance, bypassing the requirement for a waiver. Attorney O'Rourke suggested the verbiage: "Upon appointment, the Fire Chief shall within six months establish residence within **20-miles of the City's boundaries...**"

Councilor Beaudoin reiterated that he felt that the City Council should be involved with the hiring of the Fire Chief and the verbiage should indicate that the candidate is hired "by waiver of the City manager in consultation of the City Council" to allow the Council to weigh in on the candidates' qualifications and whether they meet the criteria. Attorney O'Rourke stated that this process would violate the City Charter, which states that the City Manager hires the Fire Chief. Councilor Beaudoin clarified that he did not want the City Council to make the decision on which candidate to hire, but rather to weigh in on whether the residency policy should be waived. He gave his reasoning on why this could be beneficial. Attorney O'Rourke stated that setting this precedent for City Manager hires could be a slippery slope and could bring into question whether the Council influenced the process and prevented the City Manager from making a particular hire. Councilor Fontneau cautioned against the Council coming between the City Manager and his staff regarding hires.

Deputy Fire Chief Jarrod Wheeler stated that he felt that a vested interest in the City was of equal or greater importance to the distance a candidate lives; the leader of the Fire Department should be immersed in the City.

Councilor Fontneau asked if the Fire Chief was the only position in the City that had this residency requirement. Chair Lachapelle stated that the City Manager has a residency requirement. However, this requirement can be waived by City Council. Councilor Fontneau briefly spoke about the ability of the Fire Chief to be able to respond to larger scale emergencies, but acknowledged that other fire personnel was well equipped and trained to handle these situations without the Chief. He expressed the importance of the Chief living within a reasonable distance of the City,

There was a discussion on whether "20 miles distance" should refer to a radius from the City center, or a 20-mile distance from the City boundary. Councilor Fontneau suggested that the requirement state that the candidate must live within a 2-mile radius from the downtown (Central) Fire Station.

Councilor Beaudoin reported that the previous Fire Chief had received over \$24,000 in overtime in 2021 and suggested that travel distance be taken into consideration because overtime could become a large factor. Deputy Chief Wheeler stated that the prior Fire Chief's overtime was resultant from COVID vaccine clinics and was reimbursed through grant funds; these overtime funds were not paid by the City.

Attorney O'Rourke read the suggested amendment as follows:

**§ 75-1 Appointment and requirements of Fire Chief.**

**Upon appointment, the Fire Chief shall within six months establish residence **within a 20-mile radius from the Fire Station located at 37 Wakefield Street** ~~the City's~~ **boundaries, unless this requirement is waived by the City Manager...****

Councilor Fontneau **MOVED** to recommend to City Council the amendment to Chapter 75-

1 as detailed above. Councilor Beaudoin seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

#### **5. Discussion: Code of Ethics and Conduct**

Chair Lachapelle stated that he wanted to take this item in a different direction and after further review had found that there are certain portions of the current code which he didn't think would pass Council approval. He reported that he would do further work on the code, bring it to the City Attorney for review, and eventually back to Codes & Ordinances for discussion and Council recommendation.

This item was kept in Committee.

#### **6. Discussion: City Council Rules of Order Section 4.7 “Public Input at Workshop or Committee Meetings” subsection 5 regarding two-way dialogue**

Councilor Beaudoin spoke about his experience both as a constituent speaking at public input during Council meetings, and as a State Representative during testimony during hearings. He stated that he felt it was beneficial to be able to ask and answer questions during these hearings and have an active dialogue. He stated that at the Rochester Council, constituents tend to feel “below” the Councilors, both socially and physically due to the arrangement of the dais to the public podium, and well as the lack of reaction and response from the councilors when the public speaks.

Chair Lachapelle stated that the configuration of the raised dais was due to the City Hall garage being directly beneath the Council Chambers, which caused the elevation of the Council seats. He reported that there had been discussion in the past on moving the chambers to the City Hall annex building as part of the renovation, but the project was cost prohibitive. Chair Lachapelle clarified that at the Committee level, there is opportunity for back-and-forth dialogue, and it frequently takes place during these meetings. He reiterated that the appropriate place for two-way dialogue is at Committee meetings; however, at City Council Workshops where there is impending City business on the agenda that needs to be handled, it is more appropriate to allow constituents to have their 5-minute of time during public input without a two-way dialogue with the potential to become lengthy.

Councilor Fontneau spoke about his experience at State-level hearings and City board meetings, and the benefit to allowing discussion between the board and the public. He supported the suggestion to allow a two-way dialogue between Councilors and constituents, but stated that it was important to place time parameters on that portion of the agenda, if approved. He also emphasized the importance of the Chair's role in maintaining decorum and preventing arguments or debate. Chair Lachapelle stated that he felt it was difficult for the Chair to maintain decorum and control during a meeting if this back and forth were to be allowed. The Chair also clarified the difference between the Planning Board interactions with speakers versus the City Council; with those appearing before the Planning Board being applicants who are looking for approval to build or open businesses within the City, whereas those speaking at City Council workshops are typically residents with concerns or complaints. Councilor Fontneau said it can be frustrating for the public to ask direct questions and potentially not get a response to their concerns.

Chair Lachapelle said that in the past, the Mayor or Deputy Mayor would make a clarification statement at the end of public hearings or public input if they had answers on items that had been addressed. The Council had handled this similarly at the past Regular Council meeting where City Staff gave statements and answers to items which had been brought up during the prior City Council workshop meeting. He suggested that this process should be followed moving forward in order to answer constituent questions and concerns.

Mayor Callaghan stated that it is his instinct to immediately address constituent questions and concerns. However, he reported that the responses that had been issued at the prior Council meeting had been thoroughly researched and had taken quite a bit of time to put together in order to deliver a measured and accurate response. He emphasized the importance of taking this time to research and provide accurate information to the public. Councilor Beaudoin agreed that the City's response to public input at the prior Council meeting had been well done and he suggested continuing with this practice, although with a more streamlined approach. He stated that dependent on the subject matter of the input, relevant City Staff or Council members could be assigned to provide the appropriate response.

Mayor Callaghan referenced the R.U.N. (Rochester United Neighborhoods) meetings, which police department staff had formerly conducted several times a year in each City Ward. He suggested if they were still holding these meetings that the Councilors from the respective wards could attend to answer constituents questions. Chair Lachapelle stated that he thought the RUN meetings had been discontinued during COVID but may be starting up again.

Chair Lachapelle spoke briefly about the engagement with the public that is possible at the committee level with a more relaxed atmosphere and suggested the committee meetings remain as-is.

Councilor Hainey stated that at the State level during testimony, the discussion was geared towards specific topics and the questions and dialogue were clarifying questions. However, at the City Council level the input being given by constituents can be more personal and subjective on items such as how or why the City is spending funds. She cautioned against starting back and forth discussions and giving answers without all the backup knowledge or information available.

Councilor Fontneau recommended that there be a policy established which would detail how responses would be given to constituents. Attorney O'Rourke cautioned against developing a formal policy and explained that it may use the City to have to respond to every question without exception, with some of these questions or comments being opinions and items which are outside Council's purview. He stated that it also put the Chair in a position to determine subjectively on whether or not the question is pertinent. Attorney O'Rourke reminded constituents that they are always able to contact their ward Councilors directly with questions and concerns, and the request would then be able to go through the proper channels to be addressed. He stated that every Councilor has the ability to have topics added to the agenda and this could alleviate some questions.

Councilor Beaudoin urged constituents to pay attention to the committee agendas and attend the meetings where there is the opportunity to have exchanges with Councilors and for these

discussions to result in recommendations and action.

This item was kept in committee.

**7. Discussion: Proposed addition of an additional “public input” at the close of Workshop meetings**

Councilor Beaudoin referenced a comment which had been by a constituent at the prior Workshop meeting in which the resident expressed difficulty or inability of some other residents to attend the meetings at the scheduled time and, if desired, to make it in time for public input which starts early in the agenda. He suggested if there was an opportunity for an additional public input item later in the agenda prior to adjournment, it would give these residents opportunity to have their voice heard. Mayor Callaghan reminded constituents that if they are unable to attend meetings directly, there is an option to submit public input online to be read at the meeting and included as an addendum to the packet online.

Councilor Fontneau said the benefit of a closing public input would be for constituents to respond and given feedback to particular items that had been discussed on the agenda. He expressed concern that if this was not the intention, there could be the same group of constituents speaking both at the beginning and end of the meetings about the same items which could lengthen the meetings greatly.

Councilor Beaudoin reiterated that although an earlier meeting start time may work for Councilors, it could be difficult for some residents. He stated that the City should be cognizant of not shutting out residents.

This item was kept in committee.

**8. Other**

Chair Lachapelle spoke about a discussion that had resulted from a noise disturbance at the past Council meeting and whether or not it was permissible by RSA 91-A (Right to Know) to close the doors to Council Chambers to prevent the disturbance. Attorney O’Rourke stated that he had a greater concern with how closing the doors to Chambers might violate fire code. Deputy Chief Wheeler stated that he would review the occupancy limit in the room and pointed out that there is no panic hardware installed on the Council Chambers door, which is a concern. He stated that there might need to be a crash bar installed to meet the fire code.

Chair Lachapelle reviewed a proposed amendment to the Rules of Order drafted by the City Attorney as follows:

**SECTION 1.8 OPEN DOOR**

Except in circumstances when the City Council is using Council Chambers for Non-Public Sessions or Non-Meeting, the door to Council Chambers shall remain open. However, if the Chair determines that noise or other distractions emanating from the rest of City Hall are interfering with the conduct of business, the Chair



may order the door to be closed. If the Chair does order the door closed, the door shall be immediately affixed with a sign stating “Meeting In Session, Open to the Public, Please Enter Quietly, Door to Remain Closed.” As soon as any interference with the conduct of City Council business has terminated, the door to Council Chambers shall be ordered open by the Chair.

Chair Lachapelle asked if there needed to be an answer from the fire department regarding code and hardware prior to a vote being taken. Attorney O’Rourke stated that a vote could be made to send the item to full Council and the Fire Department could supply and answer prior to the next Regular City Council meeting at which action would be taken on the item.

Councilor Haينة questioned whether this amendment to the Rules of Order would also apply to meeting locations outside of Council Chambers, such as the conference rooms in the Annex. She stated that at the meetings held in the Annex, the doors are regularly closed. Chair Lachapelle stated that this may be addressed by placing a sign on the exterior of the door stating that there is a meeting in progress and inviting the public to enter.

Mayor Callaghan pointed out that the door to Council Chambers has a combination key pad on the exterior and will lock automatically after being closed for a few seconds. There was a discussion on whether this lock could be overridden.

Councilor Gilman **MOVED** to recommend the addition to the City Council Rules of Order, section 1.8 “Open Door”, to the full Council. Councilor Beaudoin seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Chair Lachapelle reported that he had received complaints following the prior City Council meeting in regards to signage that was held up in the Council Chamber’s audience blocking the view of those further back. Chair Lachapelle said he had no issue with signs being displayed at a public meeting, and understood that they were positioned purposely to be seen on camera, but he felt the signs needed to be displayed in the back of the audience where their presence would not obstruct the view of others. Councilor Beaudoin stated he had received a similar complaint. Attorney O’Rourke stated he would research and review the policy of other Cities and come back to the next Council meeting with suggestions on how to handle the issue. Chair Lachapelle suggested that in the meantime the Mayor of Committee Chair could observe for such an obstruction and ask the party displaying signage to relocate, even if temporarily. Attorney O’Rourke confirmed that Chair has the authority to enforce decorum at a meeting.

This item was kept in Committee.

Councilor Fontneau stated that a constituent had contacted him with a question regarding a specific ordinance. This resident owned a single-family lot in the agricultural zone. When they tried to apply for a building permit for a single family home, they were informed that they would need to install sprinklers in the house. There was a brief discussion on the matter. Councilor Beaudoin confirmed that for rural homes, there is a requirement to install either sprinklers or a cistern on the property (due to lack of access to City water). Councilor Fontneau stated that he understood these requirements for new development, but questioned the requirement for a lot already on record. Councilor Beaudoin suggested the resident contact the State Fire Marshalls office. Deputy Chief Wheeler recommended the constituent reach out to Assistant Fire Chief

Wilder who manages code enforcement on the fire department side of the City and would have answers regarding the specific situation.

## 9. Adjournment

Chair Lachapelle announced that there would be no Codes & Ordinances meeting in June unless something urgent arises.

Chair Lachapelle **ADJOURNED** the Codes and Ordinances Committee meeting at 6:55 PM.

Respectfully Submitted,

Cassie Givara  
Deputy City Clerk

# Chapter 260A

## Water Development Connection Fee

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### §260A-1 Authority.

The City of Rochester is authorized pursuant to RSA 38:28 and RSA 38:37 to assess a Water Development Connection Fee on new connections and development to help meet the additional water system demands created by the new development including capital construction and improvement of the City's water system. Said fees are assessed on a capacity-buy in approach as set forth in §260-54 below.

### §260A-2 Definitions.

This Chapter incorporates by reference the Definitions found in the City of Rochester Water Ordinance, Chapter 260, §260-2, as amended.

### §260A-3 Purpose.

These regulations shall govern the assessment of connection fees upon new connections and development to the City's Public Water System to generate capital funds to maintain, improve and expand the water system to minimize the effect on existing customers in a fair and equitable manner.

### §260A-4 Water Development Connection Fee

The water development connection fee or assessment imposed pursuant to these provision upon new connections and development, including subdivisions, building construction and other land use changes, are based on a capacity-buy in approach, where new users are required to invest in the equity of the City's Public Water System at a rate that reflects prior investment of existing users per unit of total capacity to raise funds to meet the demands and impacts created by the new connections and development to the City's water treatment and distribution facilities, inclusive of the system defined herein as the Public Water System.

### §260A-5 Calculation of Fees

The water development connection fee is calculated as a per gallon per day charge by dividing the net equity in user paid capital assets by the capacity of the respective water system in gallons per day. The portion of the water system capacity assigned to any new user is determined based on New Hampshire Water Usage Unit Design Standards, as contained in Table 1008-1 in Env-Wq 1000 of the New Hampshire Code of Administrative Rules. The Code of Administrative Rules can be found at:

<https://www.des.nh.gov/sites/g/files/ehbemt341/files/documents/2020-01/Env-Wq%201000.pdf>

### §260A-6 Assessment and Collection of Fees

The water development connection fee will be assessed by the Department at the time of application for new connections pursuant to Article I, §260-4. The fees shall be collected at the time of application for connection in accordance with §260-4 above; however, the Department and applicant may establish an alternate, mutually acceptable schedule of payment of water development connection fees. If an alternate schedule for payment of fees is established, the Department may require the applicant to post surety, in the form of a cash bond, letter of credit or performance bond to guaranty future payment of the assessed impact fees. The Department and City reserve the right to annual review and amend the water development connection fees as necessary.

#### **§260A-7 Waivers**

A. An applicant may request a full or partial waiver of the water development connection fee assessments imposed by this ordinance from the Department. The amount of any such waiver shall not exceed the value of the land, facilities construction, or other contributions to be made by that person toward public capital facilities in lieu of a water development connection fee. The applicant must exclude from a waiver any value of on-site and off-site improvements that are required by the Department or City as a result of a plan or development approval, which the applicant would complete regardless of the water development connection fee under this ordinance. The value of contributions or improvements proposed by the applicant shall be credited only towards facilities of like kind. All costs incurred by the Department for the review of a proposed waiver, including reasonable consultant and counsel fees, shall be paid by the applicant requesting a waiver.

B. An applicant may apply to the Department for a waiver of a portion or the full amount of the water development connection fee, where such waiver application is accompanied by an independent fee calculation study that documents the proportionate capital cost impacts of the new connection or development. The Department shall review any such study, and in its discretion, decide whether a waiver is granted or denied. All costs incurred by the Department for review of any such study shall be paid by the applicant.

#### **§260A-8 Administration of Water Development Connection Fees**

A. All funds collected shall be properly identified and promptly transferred for deposit into an individual capital facilities connection fee account for the water facilities for which fees are assessed, and shall be used solely for the purposes specified in this ordinance. The water development connection fee account shall be a capital reserve fund account and the City shall not accrue these fee revenues to the general fund.

B. Payment, administration, collection, custody and records for the water development connection fee account shall be done by the Finance Department upon the direction of the City Manager.

C. The Department shall make a report to the City Council at the end of the fiscal year providing an account of all public water system facilities funded through impact fees during the prior year.

E. Funds withdrawn from the water development connection fee account shall be used solely for the purpose of acquiring, constructing, expanding or equipping those public water system facilities identified in this ordinance.

**§ 260A-9 Appeals.**

Any party aggrieved by any decision, regulation or provision under this Article, as amended, from time to time, shall have the right to appeal said decision to the Department which shall issue a decision within 30 calendar days of the appeal. If said appeal is denied by the Department, then the aggrieved party shall have the right to appeal to the Utility Advisory Board and then to the City Manager.

**§ 260A-10 Additional rules and regulations; amendments.**

The City reserves the right to adopt, from time to time, additional rules and regulations as it shall deem necessary and proper relating to this Article, which additional rules and regulations, to the extent appropriate, shall be a part of this Article.

**§ 260A-11 When effective**

This Article shall be in full force and effect immediately following its passage, as provided by law.

<b>Categories</b>	<b>WATER Amounts</b>
Land	3,999,472.60
Buildings & Structures	20,099,486.60
Delivery Systems	31,981,805.95
Machinery & Equipment	7,418,193.50
<b>Total Capital Assets</b>	<b>63,498,958.65</b>
Accumulated Depreciation	(28,107,945.91)
Contributed Capital	-
Construction in Progress	(5,558,219.16)
<b>Net Capital Adjustments</b>	<b>(33,666,165.07)</b>
<b>Net Capital Assets</b>	<b>29,832,793.58</b>
Long Term Debt	(17,147,246.00)
<b>Net New User Supported Assets</b>	<b>12,685,547.58</b>
<b>System Capacity -GPD</b>	<b>4,000,000</b>
<b>Calculated Investment Fee</b>	<b>\$3.17</b>
<b>Minimum Invest Fee-450 GPD</b>	<b>\$1,427.12</b>

**§ 260-33. Water Rate and Fee Schedule. [Amended 6-26-2007; 6-10-2008; 6-16-2009; 7-5-2011; 11-20-2012; 2-4-2014; 9-15-2015]**

**A. Quarterly water rates. [Amended 11-1-2016; 2-6-2018; 5-5-2020]**

- (1) Residential customers without exemption: five dollars and eighty-three cents (\$5.83) per 100 cubic feet of water use.
- (2) Residential customers with exemption: two dollars and fifty-two cents (\$2.52).
- (3) Commercial and industrial customers: five dollars and eighty-three cents (\$5.83).
- (4) Unmetered residential customers:
  - (a) Per quarter per unit without exemption: one hundred fifty-five dollars and ninety-six cents (\$155.96).
  - (b) Per quarter per unit with exemption: seventy-seven dollars and ninety-six cents (\$77.96).
- (5) Minimum fee:
  - (a) Per quarter per unit without exemption: twenty-two dollars and fourteen cents (\$22.14).
  - (b) Per quarter per unit with exemption: seventeen dollars and seventy-six cents (\$17.76).

**B. Fees.**

- (1) Installation: a minimum of three hundred dollars (\$300.) or estimated cost of installation, in advance one hundred dollars (\$100.).
- (2) Installation and repair license: one hundred dollars (\$100.) per year.
- (3) Bad check: twenty-five dollars (\$25.) plus all associated fees.
- (4) Service reactivated following payment when shut off due to nonpayment: sixty dollars (\$60.).
- (5) Service shutoff or turn on by request: thirty dollars (\$30.).
- (6) Temporary service: see installation fees; water charges will be billed accordingly.
- (7) Private fire protection service: see installation fees.
- (8) Private fire hydrant service connection: one hundred fifty dollars (\$150.) per hydrant per fiscal year. For purposes of this subsection, a private fire hydrant shall mean any fire hydrant located outside the public right-of-way and/or located on property other than that owned by the City of Rochester but which is connected to the public water system. Any private hydrant located behind a water meter on that property shall be exempt from this charge.
- (9) Swimming pools: fees based on volume used times unit rate.
- (10) Meter repair or testing: thirty dollars (\$30.) per visit plus cost of transportation of meter to testing facility and cost of testing.
- (11) Meter damage: fifty dollars (\$50.).

- 07/05/2022
- (12) Backflow prevention devices: all costs associated with installation, repair, or inspection paid by owner. Inspection costs shall be not less than minimum service charge.
  - (13) Violations: all costs to correct violation paid by owner.
  - (14) Minimum service charge: thirty dollars (\$30.) per visit.
  - (15) Meter tampering charge: a reconnection fee of not less than one hundred dollars (\$100.) nor more than five hundred dollars (\$500)
  - (16) Minimum charge for road maintenance between December 1 and March 31: two hundred dollars (\$200.)
  - (17) System Development Fees: Three Dollars and Seventeen Cents (\$3.17)



# Chapter 200-7-T

## Sewer Development Connection Fee

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### §200-7-T-1 Authority.

The City of Rochester is authorized pursuant to RSA 31-139 to assess a Sewer Development Connection Fee on new connections and development to help meet the additional Sewer system demands created by the new development including capital construction and improvement of the City's Sewer system. Said fees are assessed on a capacity-buy in approach as set forth in §200-7-T-4 below.

### §200-7-T-2 Definitions.

This Chapter incorporates by reference the Definitions found in the City of Rochester Sewer Ordinance, Chapter §200, as amended.

### §200-7-T-3 Purpose.

These regulations shall govern the assessment of connection fees upon new connections and development to the City's Public Sewer System to generate capital funds to maintain, improve and expand the Sewer system to minimize the effect on existing customers in a fair and equitable manner.

### §200-7-T-4 Sewer Development Connection Fee

The Sewer development connection fee or assessment imposed pursuant to these provision upon new connections and development, including subdivisions, building construction and other land use changes, are based on a capacity-buy in approach, where new users are required to invest in the equity of the City's Public Sewer System at a rate that reflects prior investment of existing users per unit of total capacity to raise funds to meet the demands and impacts created by the new connections and development to the City's Sewer treatment and distribution facilities, inclusive of the system defined herein as the Public Sewer System.

### §200-7-T-5 Calculation of Fees

The Sewer development connection fee is calculated as a per gallon per day charge by dividing the net equity in user paid capital assets by the capacity of the respective Sewer system in gallons per day. The portion of the Sewer system capacity assigned to any new user is determined based on New Hampshire Sewer Usage Unit Design Standards, as contained in Table 1008.01 in Env-Wq 1008.3 of the New Hampshire Code of Administrative Rules. The Code of Administrative Rules can be found at:

<https://www.des.nh.gov/sites/g/files/ehbemt341/files/documents/2020-01/Env-Wq%201000.pdf>

### §200-7-T-6 Assessment and Collection of Fees

The Sewer development connection fee will be assessed by the Department at the time of application for new connections pursuant to Article I, §200-7-T-4. The fees shall be collected at the time of application for connection in accordance with §200-7-T-4 above; however, the Department and applicant may establish an alternate, mutually acceptable schedule of payment of Sewer development connection fees. If an alternate schedule for payment of fees is established, the Department may require the applicant to post surety, in the form of a cash bond, letter of credit or performance bond to guaranty future payment of the assessed impact fees. The Department and City reserve the right to annual review and amend the Sewer development connection fees as necessary.

### §200-7-T-7 Waivers

A. An applicant may request a full or partial waiver of the Sewer development connection fee assessments imposed by this ordinance from the Department. The amount of any such waiver shall not exceed the value of the land, facilities construction, or other contributions to be made by that person toward public capital facilities in lieu of a Sewer development connection fee. The applicant must exclude from a waiver any value of on-site and off-site improvements that are required by the Department or City as a result of a plan or development approval, which the applicant would complete regardless of the Sewer development connection fee under this ordinance. The value of contributions or improvements proposed by the applicant shall be credited only towards facilities of like kind. All costs incurred by the Department for the review of a proposed waiver, including reasonable consultant and counsel fees, shall be paid by the applicant requesting a waiver.

B. An applicant may apply to the Department for a waiver of a portion or the full amount of the Sewer development connection fee, where such waiver application is accompanied by an independent fee calculation study that documents the proportionate capital cost impacts of the new connection or development. The Department shall review any such study, and in its discretion, decide whether a waiver is granted or denied. All costs incurred by the Department for review of any such study shall be paid by the applicant.

### §200-7-T-8 Administration of Sewer Development Connection Fees

A. All funds collected shall be properly identified and promptly transferred for deposit into an individual capital facilities connection fee account for the Sewer facilities for which fees are assessed, and shall be used solely for the purposes specified in this ordinance. The Sewer development connection fee account shall be a capital reserve fund account and the City shall not accrue these fee revenues to the general fund.

B. Payment, administration, collection, custody and records for the Sewer development connection fee account shall be done by the Finance Department upon the direction of the City Manager.

C. The Department shall make a report to the City Council at the end of the fiscal year providing an account of all public Sewer system facilities funded through impact fees during the prior year.

E. Funds withdrawn from the Sewer development connection fee account shall be used solely for the purpose of acquiring, constructing, expanding or equipping those public Sewer system facilities identified in

this ordinance.

**§ 200-7-T-9 Appeals.**

Any party aggrieved by any decision, regulation or provision under this Article, as amended, from time to time, shall have the right to appeal said decision to the Department which shall issue a decision within 30 calendar days of the appeal. If said appeal is denied by the Department, then the aggrieved party shall have the right to appeal to the Utility Advisory Board and then to the City Manager.

**§ 200-7-T-10 Additional rules and regulations; amendments.**

The City reserves the right to adopt, from time to time, additional rules and regulations as it shall deem necessary and proper relating to this Article, which additional rules and regulations, to the extent appropriate, shall be a part of this Article.

**§ 200-7-T-11 When effective**

This Article shall be in full force and effect immediately following its passage, as provided by law.

<b>Categories</b>	<b>SEWER Amounts</b>
Land	2,319,900.00
Buildings & Structures	49,894,980.58
Delivery Systems	39,157,826.73
Machinery & Equipment	2,700,736.27
<b>Total Capital Assets</b>	<b>94,073,443.58</b>
Accumulated Depreciation	(30,873,339.85)
Contributed Capital	(4,930,732.00)
Construction in Progress	(15,168,601.72)
<b>Net Capital Adjustments</b>	<b>(50,972,673.57)</b>
<b>Net Capital Assets</b>	<b>43,100,770.01</b>
Long Term Debt	(19,268,113.00)
<b>Net New User Supported Assets</b>	<b>23,832,657.01</b>
<b>System Capacity -GPD</b>	<b>5,500,000</b>
<b>Calculated Investment Fee</b>	<b>\$4.33</b>
<b>Minimum Invest Fee-450 GPD</b>	<b>\$1,949.94</b>

**§ 200-33. Wastewater Rate and Fee Schedule. [Amended 7-1-2000; 6-26-2007; 2-5-2008; 5-6-2008; 6-10-2008; 6-16-2009; 8-18-2009; 6-21-2011; 11-20-2012; 11-1-2016; 2-6-2018; 3-5-2019; 5-5-2020]**

A. Quarterly wastewater rates.

- (1) Residential customers without exemption: seven dollars and forty-three cents (\$7.43) per 100 cubic feet of water use.
- (2) Residential customers with exemption: four dollars and ninety-four cents (\$4.94) per 100 cubic feet of water use.
- (3) Commercial and industrial customers: seven dollars and forty-three cents (\$7.43) per 100 cubic feet of water use.
- (4) High-volume customers (i.e., customers using more than 5,000 units\*\* monthly): six dollars and sixty-eight cents (\$6.68) per 100 cubic feet of water use. \*\*Note: For purposes of this section the word "unit" shall mean 100 cubic feet or 748 gallons of water use.
- (5) Unmetered residential customers:
  - (a) Per quarter per unit without exemption: two hundred twenty-nine dollars and forty-seven cents (\$229.47).
  - (b) Per quarter per unit with exemption: one hundred fourteen dollars and seventy-two cents (\$114.72).
- (6) Sewer metered customers: seven dollars and forty-three cents (\$7.43) per 100 cubic feet.
- (7) Minimum fee:
  - (a) Per quarter per unit without exemption: thirty-four dollars and thirty-one cents (\$34.31).
  - (b) Per quarter per unit with exemption: twenty-seven dollars and thirty-one cents (\$27.31).

B. Septage discharge: fifty-five dollars (\$55.) per 500 gallons or portion thereof.

C. RV septage discharge: sixteen dollars (\$16.) flat fee.

D. Graywater disposal: thirty dollars (\$30.) per 2,000 gallons or portion thereof.

E. TKN surcharge:

- (1) Ceiling limit: 60 pounds per day TKN.
- (2) Surcharge fee: one dollar and eighteen cents (\$1.18) per pound of TKN.

F. Fees.

- (1) Permit and inspection fee: fifty dollars (\$50.).
- (2) Wastewater discharge permit fee: fifty dollars (\$50.)
- (3) Reserve capacity assessment: ~~two~~ four dollars and thirty three cents (~~\$2.~~\$4.33) per gallon.
- (4) Installation fees. Installation by City: three hundred dollars (\$300.) minimum or estimated costs.

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City Clerk's Office

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## **SECTION 1.6 PUBLIC HEARINGS**

Public Hearings: To receive citizen input and feedback on certain specific matters that have been placed on the meeting agenda for consideration and action by the City Council, Public Hearings will be scheduled and held as required by law and/or whenever referred for a public hearing by simple majority vote of Council Members present. Upon being referred by Council vote, Public Hearings will be noticed for and held during a subsequent Regular and/or Special Meeting or Committee Meeting. At the request of the presiding officer, Ordinances or Resolutions scheduled on an agenda for public hearing will be briefly introduced with appropriate explanations by staff. Citizens will then have the opportunity to address the Council speaking to the specific item(s) subject to public hearing, subject to the following guidelines: [6/4/2013]

- I. All speakers shall be residents of the City of Rochester, property owners in the City of Rochester, and/or designated representatives of recognized civic organizations or businesses located and/or operating in the City of Rochester;
- ii. All speakers shall address their comments to the presiding officer and the Council as a body and not to any individual member;
- iii. Speakers shall first recite their name and address for the record, and, if applicable, the name and address of the civic organization and/or business they have been designated to represent;
- iv. For each public hearing item, a speaker shall be provided a single opportunity for comment, **limited to five (5) minutes with the five (5) minutes beginning after the obligatory statement of name and address by the speaker**;
- v. Public Hearings are not intended to be utilized for a two-way dialogue between speaker(s), Council Member(s), and/or the City Manager, or administrative staff; and
- vi. The presiding officer shall preserve strict order and decorum for and by all speakers appearing before the Council.

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**§ 275-28.3. Noise.****A. General terms.**

- (1) No persistently loud or disruptive noise shall be permitted.
- (2) All noise that could be objectionable due to intermittence, beat frequency, or shrillness shall be appropriately muffled, mitigated, or terminated.
- (3) No external loudspeakers shall be permitted except for special events for which approval is granted by the Director of Building, Zoning, and Licensing Services or the Police Department, as appropriate.

**B. Maximum decibels. The following standards apply to any steady noise, measured at the lot line:**

<b>Maximum Permitted Decibels*</b>		
<b>Zoning District</b>	<b>Day</b>	<b>Night</b>
Residential	60	50
Commercial	65	55
Industrial	70	60

**\*Notes to table:**

- A. The Commercial District includes the Hospital Special District. The Industrial District includes the Airport Special District.
  - B. Day includes the hours between 7:00 a.m. and 10:00 p.m., Monday through Friday, and 9:00 a.m. to 10:00 p.m. on Saturday and Sunday.
  - C. Night includes the remaining hours.
- C. Measurement. The preferred method for measuring noise is with a sound-level meter meeting the standards of the American National Standards Institute [ANSI S1.4-1983 (R 2006)], American National Standard Specification for Sound-Level Meters, or as amended. The instrument should be set to the A-weighted response scale and the meter to the slow response. Measurements should be conducted in accordance with current ANSI guidelines for the measurements of sound.
- D. Reference information. The following table is provided for reference only.

<b>Sample Sound Levels in Decibels</b>	
<b>Decibels</b>	<b>Activity</b>
30	Whisper
40	Quiet room
50	Rain
60	Conversation, dishwasher

<b>Sample Sound Levels in Decibels</b>	
<b>Decibels</b>	<b>Activity</b>
70	Busy traffic, vacuum
80	Alarm clock
90	Lawn mower
100	Snowmobile, chain saw

Source: New Hampshire Sunday News, July 7, 1996, from the American Speech-Language-Hearing Association.

- E. Exemptions; special exceptions. The following uses and activities shall be exempt from the provisions of this section:
- (1) Safety signals, warning devices, emergency relief valves, emergency generators, and other equipment when in operation due to an emergency, or testing or other planned operation.
  - (2) Unamplified human voices and crowd noises generated at gatherings open to the public.
  - (3) Power tools, including lawn mowers, snowblowers and chain saws, when used for the construction or maintenance of property (subject to any specific restrictions under this chapter or other applicable law or regulation).
  - (4) Music and entertainment uses for which the ZBA has granted a special exception to exceed the limits herein subject to appropriate conditions.