

Chapter 29. HEALTH DEPARTMENT

CHAPTER 29. HEALTH DEPARTMENT

§ 29-1. Purpose.

§ 29-2. Health Officer.

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§ 29-4. Bedford Board of Health.

§ 29-5. Appeals.

§ 29-6. Fees.

[HISTORY: Adopted by the Town of Bedford 11-14-2007. Amendments noted where applicable.]

§ 29-1. Purpose.

The purpose of this chapter is to establish a local health department as allowed under RSA 147:1 and RSA 128:3 for the purpose of promoting the general well being for the individuals that live and work in the Town of Bedford.

§ 29-2. Health Officer.

The Town Council shall recommend to the Commissioner of the Department of Health and Human Services an individual to be appointed as the Bedford Health Officer as outlined in RSA 128:1. His or her duties shall be performed as outlined in RSA 128:5. These duties shall be in addition those required by local ordinances. The Town of Bedford personnel policy and RSA 128 shall establish the position qualifications. The Health Officer shall be responsible for periodic review of the municipal health ordinances for compliance and coordination with all relevant state regulations. The review reports shall be submitted to the Town Council no less than every three years or upon a request for an interim review from the Town Council. The Health Officer shall report directly to the Bedford Fire Chief.

§ 29-3. Deputy Health Officer/Inspector.

The Town of Bedford may appoint a Deputy Health Officer as allowed per RSA 128:6a and 147:5. The Deputy Health Officer/Inspector shall report directly to the Town Health Officer.

§ 29-4. Bedford Board of Health.

The Bedford Board of Health shall be comprised of the Health Officer and the Town Council. The organization of the Board shall comply with the requirements of RSA 128:3.

§ 29-5. Appeals.

Wherever any health regulations adopted by the Town reference an appeals process, unless specifically stated otherwise, the Bedford Board of Health shall be the appeals board.

§ 29-6. Fees.

Health Department fees shall be reviewed and approved by the Town Council. Unless otherwise provided in the Code of the Town of Bedford, fees amounts are set forth in the Building Department Handbook available in the Building Department offices.

Chapter 80. BATHING PLACES

CHAPTER 80. BATHING PLACES

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[HISTORY: Adopted by the Town of Bedford as indicated in article histories. Amendments noted where applicable.]

Article I. Swimming Pool Enclosures

[Adopted 3-5-1974 by Art. 5]

§ 80-1. Enclosure requirements.

Every person owning land in the Town of Bedford on which there is situated a swimming pool which contains 24 inches or more of water in depth at any point shall erect and maintain thereon an adequate enclosure either surrounding the property or pool area, sufficient to make such body of water inaccessible to small children.

A. Enclosure specifications. Such enclosure, including gates therein, must be not less than four feet above the underlying ground; and

B. Gates specifications. All gates must be self-latching with latches placed four feet above the underlying ground or otherwise made inaccessible from the outside to small children.

§ 80-2. Enforcement.

This article shall be enforced by the Town Council.

§ 80-3. Violations and penalties.

The penalty for violation of this article shall be a fine of \$100 for each offense. Each day **during which this article is not complied with shall constitute a separate offense.**

Article II. Swimming Pools, Spas and Natural Bathing Areas

[Adopted 11-14-2007]

§ 80-4. Statutory authority.

A. As permitted by RSA 31:39 and RSA 485-A:26, this article shall regulate the operation of all swimming pools, recreational spas, hot tubs, and natural bathing areas that meet the definitions of public bathing places and facilities as defined in this article. Such facilities regulated by this chapter shall be referred to herein as "public pools" or "public spas."

B. All public pools and spas shall be maintained and operated at all times in accordance with New Hampshire Code of Administrative Rules, Env-Wq 1100 Public Bathing Places. Copies of the Code are available for review at the Town offices.

C. If any requirement in Env-Wq 1100 conflicts with any Town ordinance, the more stringent requirement shall apply.

§ 80-5. New facilities.

In addition to any requirements provided under Chapter **275**, Zoning, Site Plan Review Regulations, or any other local, state or federal law, all new facilities meeting the criteria

of a public bathing facility/place shall secure plan review and construction approval from the New Hampshire Department of Environmental Services.

§ 80-6. Definitions.

Where terms are not specifically defined in this article, their meaning shall be derived from adopted codes. Where a term is not defined under any adopted code, its meaning shall be the ordinarily accepted meaning within the context that the term is used.

HEALTH AUTHORITY

The Health Officer of the Town of Bedford, whose appointment shall be under the jurisdiction of RSA 128:1, or his designee.

PUBLIC BATHING FACILITY

A public bathing place that comprises a water-containing structure and associated buildings and equipment, intended or used for bathing, swimming, or diving purposes.

PUBLIC BATHING FACILITY OPERATOR

The individual who has responsibility for the daily operation of a public bathing place and who is trained in the sanitation, safety, and proper maintenance of the public bathing place and all physical and mechanical equipment associated therewith.

PUBLIC BATHING PLACE

A place or location, together with buildings and equipment, intended or used for recreational or therapeutic bathing, swimming, or diving, and operated by or for any governmental subdivision, public or private corporation, partnership, association, or educational institution open to the public, members, or students, whether on a fee or free basis.

§ 80-7. Permits.

- A. Annual permit required. No person, corporation, or other entity shall operate, maintain, or allow to be used any public pool or spa except when in possession of a valid permit issued by the Health Department. The permits shall be issued annually. Annual permits shall expire March 31 of every year.
- B. Expiration of permit. Except as otherwise stipulated in this Code, any permit issued pursuant to this article shall be valid for a one-year period and shall expire on the last day of March, annually. There shall be a late application fee for any permit renewal application received more than 10 days after its expiration.
- C. Permit to be posted. Any permit issued pursuant to this article shall be posted in a conspicuous place about the public bathing facility.
- D. Revocation procedure.

(1) Whenever the Health Authority shall find that any public bathing facility is not in compliance with the terms and conditions of this article, the Health Authority may cause the operating permit to be revoked or suspended by any or all of the following methods:

(a) The Health Authority may physically remove the permit from its posting.

(b) The Health Authority may notify the owner or operator of the public bathing facility in writing that the operating permit is revoked or suspended.

(c) The Health Authority may post a sign or signs conspicuously about the public bathing facility to the effect that the operating permit has been revoked.

(2) Revocation proceedings shall be in accordance with Env-Wq 1103.13.

§ 80-8. Inspections.

A. All owners and operators of public bathing facilities shall allow the Health Authority entry onto the pool premises at all reasonable times for the purposes of inspections and sample collection.

B. The Health Authority shall require an annual pre-opening inspection prior to the public bathing facility being utilized by the public.

C. Permit holders will be billed for re-inspection if the same violation is noted on two or more inspections in any twelve-month period.

§ 80-9. Fee schedule.

A. Annual permit fees.

(1) For each indoor pool: \$175.

(2) Per outdoor pool or natural bathing place: \$125.

(3) Spa and hot tub permits: \$125 per tub or spa up to two units and \$100 for each additional unit at each site.

(4) For municipally owned and operated facilities: no permit fee.

B. Re-inspection fee: \$50 per visit.

C. Late permit renewals: \$25..

§ 80-10. Operational criteria.

A. Quality of water.

- (1) Public swimming pools, recreational spas, hot tubs, and natural bathing areas shall be maintained and operated at all times in accordance with New Hampshire Public Bathing Rules, Env-Wq 1100. A copy of these regulations shall be on file at the Town Health Department.
- (2) In the event that the Health Officer or the designated representative deems a biological water test is required, the public bathing facility shall pay for the water testing fee in addition to the public bathing place permit.
- (3) Public bathing facilities will be charged separately for the water test. Failure to pay for the water test will result in the suspension of the Town of Bedford public bathing places permit.

B. Required equipment.

- (1) Public pools. All public pools shall be supplied at all times with the following items of equipment, which shall be maintained in complete form and proper working order:
 - (a) Public pools using chlorine as a disinfectant shall be equipped with a positive displacement chlorinator or a unit that controls the rate of hypochlorite or bromine tablet erosion, which shall be maintained in operating condition at all times. Other systems of disinfections, such as bromine and the like, will be considered on an individual basis, capable of determining free, combined, and residual levels or concentrations of the disinfecting agent as well as measuring pH, alkalinity and cyanuric acid.
 - (b) One shepherd's crook with a minimum handle length of 12 feet.
 - (c) One ring buoy with a rope attached, the rope to be no less than 1/4 inch in diameter and in length 1 1/2 times the width of the pool or 50 feet, whichever is less.
 - (d) One plastic floatable backboard device for the transportation of persons with spinal injuries.
 - (e) One standard American Red Cross twenty-four-unit first aid kit or its equivalent.
- (2) Public spas and hot tubs. Public spas and hot tubs used by the public for recreational purposes shall be operated in accordance with the following standards:
 - (a) Adequate shower bath facilities shall be provided at all spa and hot tub facilities. Showering is required before use of the spa and hot tub.

(b) Disinfection shall be by continuous feed equipment with hypochlorite or bromine being the only acceptable disinfectants.

(c) Spa and tub surfaces and surrounding areas shall be smooth, easily cleanable, and maintained in good repair at all times.

§ 80-11. Swimmer safety.

A. In public pools, supervision of bathers shall be provided in accordance with the following standards:

(1) Where lifeguard service is provided, the lifeguard shall have satisfactorily completed a senior course of instruction in lifesaving and water safety equivalent to that offered by the American Red Cross or the YMCA.

(2) Where no lifeguard service is provided, a warning sign shall be placed in plain view, which shall state "WARNING-NO LIFEGUARD ON DUTY" with clearly legible letters at least four inches in height.

B. Certification. Public bathing facility operators shall be certified pool operators.

Chapter 140. FOOD AND BEVERAGE ESTABLISHMENTS

CHAPTER 140. FOOD AND BEVERAGE ESTABLISHMENTS

§ 140-1. Adoption of rules; statutory authority.

§ 140-2. Definitions.

§ 140-3. Licensing.

§ 140-4. Plan review and approval for future construction.

§ 140-5. Inspection of establishments.

§ 140-6. Notice of violation; license suspension and revocation.

§ 140-7. Violations and penalties.

§ 140-8. Form of payment of fees and administrative fines.

[HISTORY: Adopted by the Town of Bedford 11-14-1970. Amendments noted where applicable.]

GENERAL REFERENCES

Live entertainment — See Ch. 170, Art. I.

Zoning — See Ch. 275.

§ 140-1. Adoption of rules; statutory authority.

A. Sanitary Production and Distribution of Food Ordinance. The Town of Bedford, New Hampshire, adopts the New Hampshire Rules for the Sanitary Production and Distribution of Food He-P2300 with modified language to reflect local jurisdiction in accordance with RSA 147:1. These rules shall be known as the "Bedford Food Service Rules 2300" (BFSR 2300) and shall be available for review at the Bedford Health Department and online at <http://www.bedfordnh.org>. The Town of Bedford also adopts all future amendments and revisions to the New Hampshire Rules for the Sanitary Production and Distribution of Food. The Town of Bedford shall also abide by any of the requirements stated in the memorandum of agreement it has entered into with the New Hampshire Department of Health and Human Service Bureau of Food Protection. All rules set forth in this chapter shall be at least as restrictive as those contained in the New Hampshire Rules for the Sanitary Production and Distribution of Food.

B. Statutory authority. This chapter is adopted pursuant to the authority provided in RSA 31:39, I(i) and (k), and RSA 471:1.

§ 140-2. Definitions.

Where terms are not specifically defined in this chapter, their meaning shall be derived from adopted codes. Where a term is not defined under any adopted code, its meaning shall be the ordinarily accepted meaning within the context that the term is used.

BOARD OF HEALTH

The Bedford Board of Health whose membership shall include the Bedford Town Council and the Health Officer for the Town of Bedford per RSA 128:3.

FOOD-PROCESSING ESTABLISHMENT

A commercial establishment in which food is manufactured or packaged for human consumption.

FOOD-SERVICE ESTABLISHMENT

As defined in He-P 2301.01 and in RSA 143-A:3, IV (He-P 2303.01).

HEALTH AUTHORITY

The Health Officer of the Town of Bedford whose appointment shall be under the jurisdiction of RSA 128:1.

MOA

Memorandum of agreement.

PERSON

An individual, partnership, corporation, association, or other legal entity.

PERSON IN CHARGE

The individual present in a food-service establishment who is the apparent supervisor of the food-service establishment at the time of inspection. If no individual is the apparent supervisor, then any employee present is the person in charge.

RETAIL FOOD ESTABLISHMENT

As defined in He-P 2301.01 (Retail Food Store) and RSA 143-A:3, VII.

RISK FACTOR VIOLATION

A risk factor violation is a food safety factor identified in the FDA Food code as being a priority or priority foundation item.

SANITARY FOOD CODE

Bedford Food Service Rules 2300.

§ 140-3. Licensing.

- A. It shall be unlawful for any person to operate a food-service, food-processing, or retail food establishment within the Town of Bedford, who does not possess a valid license issued to him or her by the Health Authority. Only a person who complies with the requirements of this chapter shall be entitled to receive and retain such a license.
- B. Issuance of licenses and fees. Any person desiring to operate a food-service, food-processing, or retail food establishment shall make a written application for a license on forms provided by the Bedford Health Authority. The Health Authority shall issue a license to the applicant after receipt of such an application and the designated license fee and after inspection reveals that the applicable requirements of this chapter have been met.
- C. Duration and renewal.
- (1) Licenses are granted for a one-year period and must be renewed annually prior to the given expiration date. The license period shall expire at midnight of March 31 every year. The fees shall be made payable to the Town of Bedford. Each food-service facility must have at least one supervisory staff member attend a food safety seminar annually. Documentation must be provided to the Health Department verifying this requirement at the time of license renewal.
- (2) The applicant has the right to notice and to a hearing pursuant to BFSR 2306-04 before the Department takes any adverse administrative action affecting an application for the renewal of an existing license.
- D. License fee schedule. Fees for new food-service, food-processing and retail food establishments and for those establishments under new ownership, change of name and change of location shall be prorated on a monthly basis until the date of the assigned licensing period. License fees are as listed in BFSR 2304.05.
- E. Nontransferability. Licenses shall not be transferable from one person or place to another person or place. A valid license shall be posted in every food-service, food-processing, and retail food establishment.
- F. Temporary food establishments. Licenses for temporary food establishments shall be issued for a period of time not to exceed 14 days.
- G. Establishments outside the jurisdiction of the Health Authority.

- (1) Food from service establishments outside the jurisdiction of the Health Authority of the Town of Bedford may be sold within the Town of Bedford if such food-service establishments conform to the provisions of this chapter or to substantially equivalent provisions.
- (2) To determine the extent of compliance with such provisions, the Health Authority may accept reports from responsible authorities in other jurisdictions where such food-service establishments are located.
- (3) In those instances when the establishment is unable to provide the Health Authority with a current inspection report (less than six months old) from the jurisdiction where the facility is based, the Health Authority is authorized to require the establishment to secure a temporary food-service license from the Town of Bedford and be subject to all of provisions of this chapter.

§ 140-4. Plan review and approval for future construction.

A. Construction, remodeling, or conversion.

- (1) In addition to any requirements provided under Chapter **275**, Zoning, the Site Plan Review Regulations, or any other local, state or federal law, when a food-service, food-processing, or retail food establishment is hereafter constructed or extensively remodeled, or when an existing structure is converted to use as a food-service, food-processing, or retail food establishment, properly prepared plans and specifications that are legible and drawn to scale showing layout, arrangement, and construction materials of work areas, including floors, walls, and ceilings, and the location, size, and type of fixed equipment and facilities shall be submitted to the Health Authority for approval.
- (2) A building permit shall not be issued until the Health Authority has given such approval.

B. Change of ownership. When an existing food-service, food-processing, or retail food establishment changes ownership, all equipment shall meet the current requirements of these regulations. A food establishment license shall not be issued to a new, remodeled, or converted establishment or to an establishment under new ownership until a sanitary inspection has been completed showing no risk factor violations..

§ 140-5. Inspection of establishments.

A. Mandatory inspections. At least two times per year, the Bedford Health Officer shall inspect each food-service, food-processing, and retail food establishment located in the Town of Bedford, New Hampshire. Additional inspections and re-inspections may be made to assure compliance with the Sanitary Food Code.

B. Access to establishments.

- (1) The Health Authority or Health Agent designated by the Health Authority, after proper identification, shall be permitted to enter at any reasonable time any food-service, food-processing, and retail food establishments within the Town of Bedford, New Hampshire, for the purpose of making an inspection to determine compliance with this chapter.
- (2) The Health Authority or Health Agent shall be permitted to examine the records of the establishment in order to obtain information pertaining to food and supplies purchased, received, or used, food safety training records and persons employed. The employees' rights to privacy will not be invaded.

C. Inspection records.

- (1) Whenever the Health Authority or Health Agent makes an inspection of a food-service, food-processing, or retail food establishment, the findings shall be recorded on an inspection report form provided for this purpose, and the Health Authority or Health Agent shall furnish a copy of the original of such inspection report form to the license holder or person in charge. The person in charge shall acknowledge receipt of the inspection report by signing the report. Such form shall summarize the requirements of the Sanitary Food Code (BFSR 2305.01).
- (2) A license shall be in effect if the sanitary inspection shows no more than a total number of eight risk factor violations. This total shall also include repeat violations.
- (3) As required by the MOA, the inspection records must be kept on file and made available for reviews by the State of New Hampshire Department of Health and Human Services Food Protection Bureau.

D. Inspection fees. License holders shall be billed \$100 for each inspection conducted except for: *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

- (1) The initial provisional licensing inspection.
- (2) The two inspections required by § **140-5A**.
- (3) One inspection associated with complaint investigation.

§ 140-6. Notice of violation; license suspension and revocation.

- A. Written notice of violations. Notwithstanding the other provisions of this chapter, whenever the Health Authority finds unsanitary or other conditions in the

operation of a food-service, food-processing, or retail food establishments which, in his or her judgment, constitute a substantial hazard to the public health, a written notice may be issued to the license holder or operator citing such conditions, the corrective actions to be taken and may also specify the time period within which such actions shall be taken.

B. Issuance of notices.

(1) Whenever a food-service, food-processing, or retail food establishment does not meet the requirements of the Sanitary Food Code as listed on the inspection report form, the license holder or operator shall be notified of such violations by means of a copy of the inspection report form or other written notice. In such notification, the Health Authority shall:

(a) Set forth the specific violation found, together with the demerit score of the establishment.

(b) Establish a specific and reasonable period of time for the correction of the critical violations found.

(2) In the case of temporary food-service establishments, critical violations must be corrected within a specified period of time not to exceed 24 hours. Failure to comply with such notice shall result in immediate suspension of the temporary license.

C. Service of notices.

(1) Notices provided for under this section shall be deemed to have been properly served when a copy of the original inspection report form or other notice has been delivered personally to the license holder or person in charge, or such notice has been sent by registered or certified mail, return receipt requested, to the last known address of the license holder.

(2) A copy of such notice shall be filed with the records of the Health Authority. Nothing herein shall preclude a suspension of license and temporary closing of violators as set forth in these regulations.

D. Corrective action plan (CAP). The person in charge must enter into a CAP, as defined by the Sanitary Food Code, with the Health Authority:

(1) If risk factor violations are found and cannot be corrected immediately in the presence of the inspector; or

(2) If construction items, delineated in BFSR 2303.019, are found during an inspection for a new or change of ownership license, and cannot be corrected immediately in the presence of the inspector.

E. Suspension of licenses.

- (1) Temporary suspension. Licenses may be suspended temporarily by the Health Authority for failure of the holder to comply with the requirements of this chapter.
- (2) Immediate suspension. If it is deemed necessary, the Health Officer may order that the license be immediately suspended, and all food operations will be immediately discontinued. Any person to whom such an order is issued shall comply immediately therewith but, upon written petition to the Health Authority, shall be offered a hearing within five days after the Health Authority has received the written petition.

F. Reinstatement of suspended licenses.

- (1) A license holder whose license has been suspended may, at any time, make application for a re-inspection for the purpose of reinstatement of the license.
- (2) Within five days following receipt of a written request, including a statement signed by the applicant that the conditions causing the suspension of the license have been corrected, the Health Authority shall make a re-inspection. The owner must obtain a sanitary inspection showing no risk factor violations.
- (3) If the applicant is complying with the requirements of this chapter, the license shall be reinstated.

G. Revocation of licenses.

- (1) For failure to fulfill the requirements of a compliance agreement to correct a critical violation that poses an imminent health hazard or repeated violations of any of the requirements of this chapter, or for interference with the Health Authority in the performance of duties, the license may be permanently revoked after the Health Authority has provided an opportunity for a hearing.
- (2) Prior to such action, the Health Authority shall notify the license holder in writing and state the reasons for which the license is subject to revocation and explain what is necessary to correct the problems, and advise that the license shall be permanently revoked at the end of five days following service of such notice, unless a written petition for a hearing is delivered to the Health Authority by the license holder or operator within such five day period. (RSA 143-A:7).
- (3) A license may be suspended for cause pending its revocation or a hearing relative thereto.

H. Reinstatement of revoked license.

(1) Reinstatement of revoked licenses, in accordance with RSA 143-A:8, shall include:

- (a) A written application to the Health Authority for a re-inspection from the person whose license has been revoked;
- (b) A re-inspection by the Health Authority of Health Agent within 10 days of receipt of the written request; and
- (c) The immediate reinstatement of the license if the reasons for revocation have been corrected.

(2) If a revoked license expires without having been reinstated, the former license holder shall apply for a new license before again operating a food-service establishment or retail food establishment. (BFSR 2304.01)

I. Hearing.

(1) The Bedford Board of Health shall conduct the hearings provided for in this section at the time and place designated by them.

(2) Based upon the record of such hearing, the Bedford Board of Health shall make a finding and shall sustain, modify, or rescind any official notice or order considered in the hearing.

(3) The Bedford Board of Health shall furnish a written report of the hearing decision to the license holder and/or operator within five business days of the hearing.

§ 140-7. Violations and penalties.

The Health Officer shall impose administrative fines as outlined in BFSR 2306.02.

§ 140-8. Form of payment of fees and administrative fines.

Whenever an applicant or license holder makes a payment to the Department in satisfaction of a fee or administrative fine, the following shall apply:

- A. Payment shall be made in the form of cash, check, or money order for the exact amount due;
- B. Cash, money order, or certified check shall be required when an applicant or license holder has issued payment to the Department by check, and such check was returned for insufficient funds;
- C. A check or money order shall be made payable to the "Town of Bedford"; and

D. Any payment made to the Department by check which is returned for insufficient funds, and which a license holder has not made good by submitting cash, money order or certified check within two business days of notification by the Department, including any penalty assessment required by RSA 80:56, shall be grounds for revocation of the license.

Chapter 208. SEPTIC SYSTEMS AND WELLS

CHAPTER 208. SEPTIC SYSTEMS AND WELLS

§ 208-1. Conformity with regulations required.

§ 208-2. Statutory authority.

§ 208-3. Purpose.

§ 208-4. Statutory provisions.

§ 208-5. Definitions.

§ 208-6. Permits.

§ 208-7. Licensed designers and installers.

§ 208-8. Inspections.

§ 208-9. Capacity and construction requirements for sewage disposal system design.

§ 208-10. Local design, construction and capacity requirements for sewage disposal systems.

§ 208-11. Individual subsurface water supplies.

§ 208-12. Violations and penalties.

[HISTORY: Adopted by the Town of Bedford 11-14-2007. Amendments noted where applicable.]

GENERAL REFERENCES

Septic system permits — See Ch. 92, § 92-8.

Sewer use — See Ch. 212.

§ 208-1. Conformity with regulations required.

Sewage disposal system shall not be installed, altered, or maintained in the Town of Bedford unless it is in conformity with these regulations as well as the pertinent regulations of the State of New Hampshire, as may exist, be established or amended.

§ 208-2. Statutory authority.

Under the authority of RSA 147:1, 147:10 and 485-A:32, the following regulations for governing the installation, alteration, inspection and maintenance of sewage disposal systems and wells for the health and safety of the people of Bedford are hereby adopted.

§ 208-3. Purpose.

The purpose of this chapter is to provide for:

- A. Adequate and safe subsurface sewage disposal installations, hereafter referred to as the "system(s)," which are to be located and constructed so as to avoid contaminating any existing or future water source or water supply and to provide for the efficient and effective administration of those regulations.
- B. Adequate and safe well construction, which are to be located and constructed so as to avoid contamination and to provide for the efficient and effective administration of those regulations.

§ 208-4. Statutory provisions.

The rules and regulations established by the State of New Hampshire Department of Environmental Services, Subsurface Bureau and Water Resource Management Bureau, form a part of this chapter to the extent that said state regulations are accepted and added to by the provisions of this entire chapter.

§ 208-5. Definitions.

- A. Certain terms used in this chapter are defined under the section entitled "CHAPTER DEFINITIONS" in the current adopted Code of Administrative Rules Governing Subdivision and Individual Sewage Disposal System Design Rules unless clarified or modified by this chapter. Where a term is not defined under any adopted code, its meaning shall be the ordinarily accepted meaning within the context that the term is used.
- B. As used in this chapter, the following terms shall have the meanings indicated:

AGENT(S)

The individual(s) authorized by the Town Council to perform all administrative and inspection responsibilities of this chapter.

DESIGNER

A New Hampshire licensed designer of subsurface disposal systems.

INSTALLER

A New Hampshire licensed installer of subsurface disposal systems.

OWNER

The person in whose name the ownership of the property is legally recorded and is his or her primary domicile. The authority to perform any of the duties as herein described may not be transferred to any other person with the exception of a New Hampshire licensed designer and New Hampshire licensed installer of subsurface sewage system(s).

SUBSURFACE BUREAU

The division of the New Hampshire Department of Environmental Services, which monitors and regulates subsurface sewage disposal systems.

TOWN

The Bedford Board of Health per RSA 128:3, or its designated agent(s). Appeals from administrative decisions shall be made directly to the Board of Health.

WATER RESOURCE MANAGEMENT BUREAU

The division of the New Hampshire Department of Environmental Services, which monitors and regulates wells.

WELL

Private subsurface water supply.

§ 208-6. Permits.

- A. A permit for the installation and/or alteration of a sewage disposal system must be obtained from the Building/Health Department prior to the commencement of any work on a system.
- B. Information regarding permit fees is available in the Bedford Building Department Handbook, which is available at the Town offices.

§ 208-7. Licensed designers and installers.

All designers and installers must maintain current State of New Hampshire licensure unless as excepted under RSA 485-A:35 and 485-A:36 where they meet the definition of "owner" as defined under these regulations.

§ 208-8. Inspections.

See the Bedford Building Department Handbook for inspection requirements. Copies of the Building Department Handbook are available for review at the Town offices.

§ 208-9. Capacity and construction requirements for sewage disposal system design.

- A. The system shall be designed, constructed and installed so as to satisfy all requirements set forth in pertinent State of New Hampshire DES Subsurface Bureau Regulations as they exist, may be established or may be amended. These regulations currently include but may not in the future be limited and referred to as Chapter Env-Wq 1000, Subdivision and Individual Sewage Disposal System Design Rules and local design amendments.
- B. All new septic designs must be reviewed and approved by the Bedford Health Department prior to receiving state approval. This shall also include requests for waivers to the individual sewage disposal system design administrative rules.

§ 208-10. Local design, construction and capacity requirements for sewage disposal systems.

A. Filter fabric. An effective barrier of a minimum of five ounces per square yard of nonwoven, polyester filter fabric shall be placed over the top of the system to prevent infiltration of the backfill. The use of building paper or hay in lieu of the filter fabric is not acceptable.

B. In-kind replacements.

(1) Where no previous state approval for construction and operation exists for those septic systems being replaced under the subsurface rules for in-kind replacement shall have the septic tank sized to meet current septic tank sizing requirements. This shall also include those systems where a garbage disposal has been installed in the dwelling contrary to an existing septic design.

(2) Where existing systems have been constructed to separate gray water and septic waste to separate disposal systems, these two waste systems must be combined into a single disposal system at the time of the in-kind replacement.

C. Septic system tank replacement.

(1) The tank of an existing septic system may be replaced, when necessary, when done in compliance with New Hampshire DES Subdivision and Individual Sewage Disposal Systems administrative rules.

(2) The property owner or a licensed New Hampshire installer and/or designer shall submit a sketch of the property, including the house, septic system tank replacement site and known property lines prior to the issuing of a local permit.

D. Percolation tests and test pits:

(1) An agent of the Town of Bedford must witness test pits for septic in-kind replacement.

(2) A minimum notice of 48 hours shall be given prior to the request for inspection.

E. Failed septic systems.

(1) A portable toilet shall not be used as a replacement for a failed septic system.

(2) Expedited approvals. Where an expedited approval for construction has been issued by the New Hampshire DES Subsurface Bureau the new system shall be replaced and receive approval for operation within 90 days of said state approval for construction. Where it has been stated the existing individual septic system is in failure, the property owner shall pump the septic tank on a regular basis to prevent untreated contaminants from being discharged to the surface. Failure to correct the failed system, including pumping of the tank, within the above time frame shall result in the Health Department ordering the property

vacated based upon RSA 147:8 and 147:16a until such time as the new system has received an approval for operation from the DES.

§ 208-11. Individual subsurface water supplies.

A. All wells to be used as a water source shall be designed, constructed, and satisfy all requirements set forth in pertinent State of New Hampshire, Department of Environmental Services, Water Resource Management Bureau regulations as they exist, may be established or may be amended in the future.

B. Permits.

(1) A permit for the installation and/or alterations of wells must be obtained from the Building/Health Department prior to the commencement of any work on a well. A scaled diagram of the location must accompany the permit application. The diagram must show the existing or proposed subsurface disposal system on that and adjacent lots.

(2) Information regarding permit fees is available in the Bedford Building Department Handbook, which is available at the Town offices.

C. Local well requirements.

(1) Well location.

(a) New building lots. On building lots proposed and created after the date of this chapter, wells shall be located so as to preclude the required protective well radius from crossing the proposed property line. The Bedford Health Department must approve all proposed well locations prior to state and local subdivision approvals. The proposed wells shall be shown on a plan in a location that is accessible to conventional well-drilling equipment.

(b) Existing building lots. For new or replacement wells being installed on legal lots of record existing prior to the date of this chapter, the well shall be located so as to preclude the required protective well radius from crossing property lines. When this not possible due to lot shape, location of existing septic systems, topographic conditions or other mitigating circumstances, a request for relief shall be made to the Health Department, and a well release shall be recorded for the noncompliant well.

(2) Water test requirements.

(a) All new and replacement wells constructed/installed after the effective date of this chapter; a State of New Hampshire certified testing lab shall do a well water analysis of the following parameters:

[1] Bacteria. The test results for this item must meet the minimum requirement of "absent" prior to the well being placed in service.

[2] Chloride.

[3] Sodium.

[4] Iron.

[5] Manganese.

[6] pH.

[7] Hardness.

[8] Fluoride.

[9] Nitrate/Nitrite.

[10] Lead.

[11] Arsenic.

[12] Volatile organic compound screen (VOC).

(b) If the VOC screen is positive, further testing shall be done to determine the type of contaminant and concentration.

(c) An original test result shall be submitted to the Building/Health Department prior to the well being placed in service.

§ 208-12. Violations and penalties.

A penalty not to exceed the amount permitted by statute shall be imposed on the applicant for failure to comply with these regulations. Each day of continuing failure to comply, after written notice of the violation(s), shall constitute a new offense. Repeated violations of regulations may be cause for the agent(s) to refuse to issue further permits for a period of one year.