



TOWN OF DURHAM  
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## **ORDINANCE #2013-04 OF DURHAM, NEW HAMPSHIRE**

### **AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 97 "PLUMBING CODE AND REGULATIONS" OF THE DURHAM TOWN CODE TO CODIFY THE TOWN'S SUPPORT FOR WATER CONSERVATION AND WATER-EFFICIENT PLUMBING RELATIVE TO PUBLIC WATER AND SEWER SYSTEMS**

**WHEREAS**, on May 7, 2012 the Durham Town Council adopted the following as one of its goals: "Pursue long-term economic and environmental sustainability and resiliency, anticipating the community's and the region's future needs through a 'continuous improvement' framework that formally integrates the consideration of multiple elements: society, ecology, economics, food and drinking water, climate, and energy resources"; and

**WHEREAS**, through various initiatives and measures, the Town continues to seek to protect the capacity and resiliency of its public water supply, as well as to maintain the quality of its water infrastructure; and

**WHEREAS**, through various initiatives and measures, Town continues to seek to protect the capacity and effectiveness of its wastewater treatment facility, as well as to maintain the quality of its wastewater and solid waste infrastructure; and

**WHEREAS**, the number of Town water and sewer users has increased in the past few years and is projected to increase further in the next few years; and

**WHEREAS**, plumbing fixtures and water-consuming appliances significantly influences a built structure's use of water throughout its life; and

**WHEREAS**, the Town seeks to reasonably and sustainably comply with its federal Environmental Protection Agency discharge permit requirements (wastewater "NPDES" permit, and stormwater "MS4" permit); and

**WHEREAS**, the Town seeks to continue to lead the Seacoast region with results-driven approaches to addressing the water quality issues impacting the Great Bay Estuary; and

**WHEREAS**, on April 23, 2007 the Durham Town Council, the governing body of the Town of Durham, New Hampshire, adopted Resolution #2007-14 creating an advisory committee called the Energy Committee Steering Committee, now known as the Energy Committee; and

**WHEREAS**, the Energy Committee has considered the benefits to the Town of reducing energy use through the reduction of water consumption and advises the Durham Town Council to take measures to do so; and

**WHEREAS**, RSA 36-A:2 establishes the purpose of a municipality's conservation commission, i.e., "for the proper utilization and protection of the natural resources and for the protection of watershed resources of said city or town;" and

**WHEREAS**, the Durham Conservation Commission has considered the benefits to the Town of reducing demand on our water and watershed resources through the reduction of water consumption and advises the Durham Town Council to take measures to do so; and

**WHEREAS**, the Town Engineer and the Director of Zoning, Building Codes & Health both acknowledge the benefit to the Town of requiring that a lower maximum flow rate would be beneficial to the Town of Durham; and

**WHEREAS**, Chapter 97, Section 97-1. "Purpose" does not currently encompass the impacts of flow rates on the public water supply capacity and resiliency and the efficient functioning of its wastewater treatment facility and the related delivery and collection systems; and

**WHEREAS**, Chapter 97, Section 97-4. "Plumbing Code" references an outdated set of codes as adopted by the State of New Hampshire, i.e., the 1990 Building Officials and Code Administrators (BOCA) codes; and

**WHEREAS**, Chapter 97, Section 97-5. "Additional Requirements" includes outdated technical requirements, as noted by the Town Engineer and the Director of Zoning, Building Codes & Health; and

**WHEREAS**, Chapter 97, Section 97-10 (A). "Permit Fee" does not currently reflect the authority of the town Administrator; and

**WHEREAS**, Chapter 97, Section 97-24. "Fees for Plumbing Permit" is outdated and will be redundant, given Section 97-10, as amended above; and

**WHEREAS**, the Town Council held a duly posted Public Hearing on the proposed ordinance on April 1, 2013;

**NOW, THEREFORE BE IT RESOLVED** that the Durham Town Council, the governing body of the Town of Durham, New Hampshire hereby adopts Ordinance #2013-04 amending Chapter 97 "Plumbing Code and Regulations," Sections 97-1, 97-3, 97-4, 97-5, 97-10, and 97-24 of the Durham Town Code, thereby codifying the town's support for water conservation and water efficient plumbing.

Wording to be omitted is annotated with ~~strikeout~~ type. New wording is annotated with underscoring.

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**97-1. Purpose.**

The purpose of these regulations is to provide practical safeguards for sanitation to protect the public health against inadequate, defective or unsanitary plumbing installations and to enhance

both the Town's public water supply capacity and resiliency and the efficient functioning of its wastewater treatment facility and the related delivery and collection systems.

**97-3. Authority.**

- A. Pursuant to RSA 674-51 New Hampshire State Statutes, the Town of Durham, N.H. hereby adopts the following regulations for the control of all matters concerning the design, demolition, alteration and installation of all components of water distribution systems and all components of waste disposal systems.
- B. The Town Administrator is hereby given the authority to enforce the provisions of this ordinance.
- C. Administrative Responsibility: The authority to administer this Ordinance is hereby vested in the Town Administrator, who is also empowered to appoint a Code Enforcement Officer.
- D. Definitions:
  1. *Town Administrator*: The Town employee who is appointed by the Council to manage the Town affairs.
  2. *Code Enforcement Officer*: The Town employee who enforces and administers the Building, Electrical and Plumbing Codes.
  3. *Owner*: The person or persons listed as the owner(s) of record of a property.
  4. *Plumbing Contractor*: The Master Plumber responsible for obtaining the permit, supervising the work, and contacting the Code Enforcement Officer for inspection of work.
  5. WaterSense: A program of the U.S. Environmental Protection Agency (EPA) designed to identify and promote water-efficient products and practices.

**97-4. Plumbing code.**

All work on water distribution systems and waste disposal systems, whether the removal, alteration, enlargement, ~~or and~~ installation thereof, within the Town of Durham, NH, shall conform to the current International Plumbing Code and the International Mechanical Code as adopted by the State of New Hampshire Building and Code Administrators (BOCA) Codes with the State of New Hampshire Plumbing Board Amendments and Town of Durham amendments. However, the standards in the table below shall be the standards for "Maximum Fixture and Fitting Flow Rates" for all connections to public water and/or sewer systems when associated with a new building permit, unless otherwise approved by the Director of Zoning, Building Codes & Health. and All work shall be performed by a plumber licensed by the State of New Hampshire Plumbing Board as prescribed in RSA 329-A.

**Maximum Fixture and Fitting Flow Rates for Reduced Water Consumption**

<u>Fixture or Fixture Fitting Type</u>	<u>Maximum Flow Rate</u>
<u>Showerhead (a)</u>	<u>2.0 gpm and WaterSense labeled</u>
<u>Lavatory faucet and bar sink—private</u>	<u>1.5 gpm</u>
<u>Lavatory faucet—public (metered)</u>	<u>0.25 gpc</u>
<u>Lavatory faucet—public (nonmetered)</u>	<u>0.5 gpm</u>
<u>Kitchen faucet—private</u>	<u>2.2 gpm</u>
<u>Kitchen and bar sink faucets in other than dwelling units and guestrooms</u>	<u>2.2 gpm</u>
<u>Urinal</u>	<u>0.5 gpf and WaterSense labeled</u>
<u>Water closet—public and remote (c)</u>	<u>1.6 gpf</u>
<u>Water closet—public and nonremote</u>	<u>1.28 gpf average (d, e)</u>
<u>Water closet—tank type, private</u>	<u>1.28 gpf and WaterSense labeled (d)</u>
<u>Water closet—flushometer type, private</u>	<u>1.28 gpf (e)</u>
<u>Prerinse spray valves</u>	<u>1.3 gpm</u>
<u>Drinking fountains (manual)</u>	<u>0.7 gpm</u>
<u>Drinking fountains (metered)</u>	<u>0.25 gpc(b)</u>

For SI: 1 foot =304.8 mm, 1 gallon per cycle (gpc) = 3.8 Lpc, 1 gallon per flush (gpf) =3.8 Lpf, 1 gallon per minute (gpm) = 3.8 Lpm.

- a. Includes hand showers, body sprays, rainfall panels and jets. Showerheads shall be supplied by automatic compensating valves that comply with ASSE 1016 or ASME A112.18.1/CSA B125.1 and that are specifically designed to function at the flow rate of the showerheads being used.
- b. Gallons per cycle of water volume discharged from each activation of a metered faucet.
- c. A remote water closet is a water closet located not less than 30 feet upstream of other drain line connections or fixtures and is located where less than 1.5 drainage fixture units are upstream of the drain line connection.
- d. The effective flush volume for a dual-flush water closet is defined as the composite, average flush volume of two reduced flushes and one full flush.
- e. In public settings, the maximum water use of a dual flush water closet is based solely on its full flush operation; not an average of full and reduced volume flushes.

**97-5. Additional requirements.**

- ~~A. Water services connected to the Durham Municipal Water System shall be "K" type copper or ductile iron pipe. Black iron, galvanized, plastic, etc. are not acceptable.~~
- ~~B. If copper piping is used for interior water distribution systems it shall be "L" type copper.~~
- EA. The casings of drilled wells shall be metallic. PVC and ABS plastic or other non-metallic casings are not acceptable.

~~DB.~~ A building that is connected to a private well and/or a private water system shall have the water tested by a state certified laboratory for safe drinking quality prior to the issuance of a Certificate of Occupancy.

~~E. An air or water test is required on new installations of both waste disposal systems and water distribution systems. Air test shall be six (6) to eight (8) pounds for wastewater disposal systems and 100 pounds for water distribution systems on town water; 80 pounds if on private water systems.~~

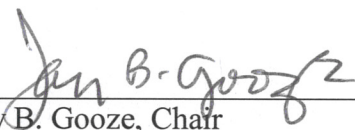
**97-10. Permit fee.**

- A. *Establishment of Permit Fee:* The Town ~~Council~~Administrator, with the advice and consent of the Town Council, shall establish the plumbing permit fee schedule and it shall be included within the Town-wide Master Fee Schedule.
- B. *Fee For Work Started Without a Permit:* Any person who is found to have demolished, altered, removed or installed any component of water distribution systems or waste disposal systems without the benefit of a plumbing permit shall, upon issuance of said permit(s), be assessed a permit fee of twice the normal rate of the actual permit.
- C. *Payment of Fee:* The plumbing permit fee (per fee schedule) is to be paid prior to any plumbing permit being issued. The fee is to be paid to the Building Inspector's Office or other centralized receipt agent as determined by the Town.
- D. Fire suppression (sprinkler, alarm, etc.) installation permits shall be obtained from the Durham Fire Department.
- E. No permit or fee shall be required for minor repairs or maintenance necessitated by ordinary wear and tear, such as replacing a valve, a faucet, or resetting a new water closet, etc. This does not include changing the sanitary sewer lines.

~~**97-24. Fees for plumbing permit.**~~

- ~~A. *Plumbing as part of a building which includes other work:* All cost is included in the building permit fee.~~
- ~~B. *Plumbing work as stand-alone plumbing project (\$10.00 minimum fee):* \$10.00 plus \$15.00/\$1,000 of plumbing contract price.~~

**PASSED AND ADOPTED** by the Town Council of the Town of Durham, New Hampshire this 1<sup>st</sup> day of April, 2013 by Nine (0) affirmative votes, Zero (0) negative votes, and Zero (0) abstentions.

  
Jay B. Gooze, Chair  
Durham Town Council

**ATTEST:**

  
Lorrie Pitt, Town Clerk