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# ENVIRONMENTAL Fact Sheet

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## Connections To Public Sewers: When Are They Required?

Municipal officers and private citizens occasionally inquire as to when a homeowner may be compelled to connect to a public sanitary sewer. The answer lies in both state law and local ordinance.

In a common exercise of municipal police powers, many New Hampshire communities provide for a system of public sewers and, further, compel certain property owners to connect to them. Under RSA 147:8 – a state law which remains little changed since enactment in the mid-1800s – New Hampshire municipalities enforce a sewer connection requirement for all homes and occupied buildings located within 100 feet of a public sewer. Communities need not adopt local ordinances to affect such authority; the statute is complete and sufficient by itself. The statute in pertinent part reads as follows:

**RSA 147:8.** "No person shall occupy ... a building ... as a dwelling house, office, store, shop ... unless said building shall be provided with suitable drains or sewers for carrying wastewater and sewage away from the premises into some public sewer, if there be one within 100 feet thereof..."

*(Note: In examining the legislative intent and history of the statute, NH courts have found that the 100-foot setback applies to the dwelling house or building and not to the land or premises. (State vs. Kunze, 110 N.H. 126.))*

Importantly, New Hampshire communities are free under the law to enact and enforce local sanitation ordinances that are more stringent than statutory requirements. The sewer use ordinance of the City of Rochester, for example, lawfully requires sewer connections of all buildings located within 200 feet of a public sewer.

RSA 147:8 does authorize a municipality to grant **waivers** of the sewer connection requirement, but only if the occupied building is served "... by an adequate alternative sewage disposal system ... approved for construction by the NHDES after January 1, 1985."

In summary, occupied buildings located within 100 feet of a public sewer must connect unless the municipality grants a connection waiver.

For more information, contact the NHDES Water Division, Wastewater Engineering Bureau, at [\(603\) 271-3503](tel:6032713503).