

CHAPTER 247
SB 97 – FINAL VERSION

15Apr2015... 1118h
06/24/2015 2100CofC

2015 SESSION

15-0955
06/05

SENATE BILL **97**

AN ACT authorizing municipalities to adopt ordinances to regulate stormwater to comply with federal permit requirements.

SPONSORS: Sen. Birdsell, Dist 19; Sen. Morse, Dist 22; Sen. Carson, Dist 14; Sen. Reagan, Dist 17; Rep. Chirichiello, Rock 6; Rep. Webb, Rock 6; Rep. Cardon, Rock 6; Rep. O'Connor, Rock 6; Rep. Milz, Rock 6

COMMITTEE: Public and Municipal Affairs

AMENDED ANALYSIS

This bill authorizes municipalities to regulate stormwater in order to comply with federal and state laws and regulations.

This bill also authorizes planning boards to advise governing bodies as to whether proposed ordinances and bylaws regarding the maintenance and operation of stormwater systems comply with the master plan.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears [~~in brackets and struck through.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Fifteen

AN ACT authorizing municipalities to adopt ordinances to regulate stormwater to comply with federal permit requirements.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 247:1 Public Health; Sewers; Bylaws and Ordinances. Amend RSA 149-I:6, I to read as follows:

2 I. In municipalities where the sewage [~~or stormwater~~] is pumped or treated, the mayor and
3 aldermen may adopt such ordinances and bylaws relating to the **sewage** system, pumping station,
4 treatment plant or other appurtenant structure as are required for proper maintenance and
5 operation and to promote the objectives of the sewage system [~~or stormwater utility~~].

6 ***I-a. In municipalities where stormwater is collected and discharged, the mayor and***
7 ***aldermen or town governing body may, with the advice of the planning board when***
8 ***requested by the governing body, adopt such ordinances and bylaws as are required for the***
9 ***proper maintenance and operation of the stormwater system or stormwater utility and any***
10 ***appurtenant structures, and to promote flood control and erosion control, water quality***
11 ***management, ecological preservation, management of annual pollutant load contained in***
12 ***stormwater discharge, and municipal compliance with applicable state and federal***
13 ***stormwater laws and regulations.***

14 247:2 Duties of the Planning Board. Amend RSA 674:1, II to read as follows:

15 II. The planning board may:

16 (a) From time to time report and recommend to the appropriate public officials and
17 public agencies programs for the development of the municipality, programs for the erection of public
18 structures, and programs for municipal improvements. Each program shall include
19 recommendations for its financing. It shall be part of the planning board's duties to consult with and
20 advise public officials and agencies, public utility companies, civic **organizations**, educational
21 **organizations**, professional **organizations**, research **organizations**, and other organizations, and
22 to consult with citizens, for the purposes of protecting or carrying out of the master plan as well as
23 for making recommendations relating to the development of the municipality.

24 ***(b) Upon request advise the governing body as to whether proposed ordinances***
25 ***and bylaws regarding the maintenance and operation of stormwater systems under***
26 ***RSA 146-I:6, I-a are consistent with the master plan.***

27 247:3 Effective Date. This act shall take effect 60 days after its passage.

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2 Approved: July 13, 2015

3 Effective Date: September 11, 2015