

## **COMPOSTING TOILET ORDINANCE**

**Purpose and Authority:** The purpose of this regulation is to mitigate possible health hazards (i.e., the spread of diseases) resulting from composting toilets and related human waste composting bins. The authority to enact this regulation is derived from RSA 147:1, I and RSA 147:8, as may be amended from time to time.

RSA 147:1, I authorizes a town to adopt local regulations as necessary to ensure the public health and safety by the prevention and removal of nuisances.

RSA 147:8 prohibits the use and occupancy of any building that does not have adequate toilet and lavatory facilities with suitable drainage either into a public sewer, underground or in some manner that will not be offensive. This provision also authorizes local municipal health officials to approve the location and construction of such facilities not conveying sewage by water and the adequacy of subsurface sanitary disposal systems within the municipality.

### **Definitions:**

**Composting toilet:** A type of toilet that treats human waste using little or no water and that is connected to a specially built tank in which waste material is decomposed by aerobic bacteria.

**Composting Bin:** A structure related to a composting toilet, typically three to four cubic feet, used to manage aerobic decomposition of human waste and other organic material.

**Composting toilet system:** A composting toilet and composting bin, along with ancillary equipment, required for the proper function and operation of the composting toilet and bin.

**Running Water:** For the purpose of this ordinance, running water is defined as household water that is derived from a well, or other source, by means of any electro-mechanical device (i.e. well pump).

**Permitting process:** Review and approval of an application for any proposed composting toilet and associated composting bins by the municipal health official and issuance of a Town of Grafton Composting Toilet Permit.

### **Regulation:**

**1. Permit Required:** No composting toilet and related bin shall be permitted for use in the Town without first obtaining a Composting Toilet Permit. The Town Health Officer shall be responsible for issuing Permits in accord with this Ordinance.

**2. Limitation:** A composting toilet system will be permitted only on property where there is no running water and only if it meets the criteria listed within this ordinance.

**3: Limits to the number of composting toilets:** There shall be no more than one composting toilet per tax map\lot number parcel of property. In addition, the tax map\lot shall be at least 2 acres in size. Lots less than 2 acres shall not be permitted to install a composting toilet, except as indicated herein.

Existing lots that are less than two acres in size are exempt from the 2 acre limitation, provided that the lot was in existence prior to the date of adoption of this ordinance. All other distancing limits shall remain enforceable. A composting toilet may not be installed on a lot less than 2 acres in size that is created, by subdivision, lot line adjustment or otherwise, subsequent to the date of adoption of this ordinance.

**4: Size and structure of composting bin layout:**

- A)** Composting bins shall be no less than 3 feet and no more than 4.5 feet in length, width, and height.
- B)** All bins shall have screen installed across any openings to prevent flies from transferring contamination.
- C)** All bins must have a solid and removable cover to prevent rain water from spreading contamination
- D)** There must be a minimum of two but no more than four composting bins for each composting toilet.

**5: Distance for composting bins:** 1) Composting bins shall be located a minimum of 250 feet from any habitable structure; 2) Composting bins shall not be located within 400 feet of any drinking water well; 3) Composting bins shall not be located within 400 feet of any property line; 4) Composting bins shall not be located closer than 400 feet from any open, surface waterway.

**Penalties:** The Town Health Officer shall be responsible for enforcing the terms of this Ordinance. Persons installing unapproved composting toilets and/or related composting bins, or otherwise violating the terms of this Ordinance, will be ordered to cease and desist such violation, unless and until permitted. Persons in violation of this Ordinance may be fined not more than \$100 for the first offense. A second fine of not more than \$200 may be assessed if the violation continues and the composting toilet and related bins have not been permitted 30 days after the initial notice of violation. If such violations continue and the composting toilet and related bins have not been permitted 60 days after the initial notice of violation, a fine of not more than \$50 per day may be levied from the date of the 60-day notice, along with further actions and costs as may be required, including but not limited to mandatory removal of human waste to a commercial facility at the sole cost and responsibility of the offending party.

**Appeals Process:** An appeal from a denial of a Composting Toilet Permit, or any enforcement action taken by the Health Officer pursuant to this ordinance may be appealed to the Grafton Select Board, by contacting the town office and being placed on a regularly scheduled business meeting agenda.

3/1/2022  
Date of approval

Cindy Kudlik  
Cindy Kudlik, Chair

Jennie Joyce  
Jennie Joyce

Tom McGinty  
Tom McGinty

A copy of this Ordinance has been placed on file with the Grafton Town clerk.