

**FRANKLIN TOWNSHIP
HUNTERDON COUNTY**

Committee
Scott Bauman
Linda Jacukowicz
Robert McGeary
Robert Shockley
Steven Tarshis



Municipal Clerk
202 Sidney Road
Pittstown, NJ 08867
Telephone (908) 735-5215
Fax (908) 735-7598

**FRANKLIN TOWNSHIP
HUNTERDON COUNTY
FINAL PASSAGE**

Ordinance 2009 – 09

SEPTIC MAINTENANCE ORDINANCE

PUBLIC NOTICE is hereby given that the above titled Ordinance was duly considered for final passage and adopted with an amendment by the Franklin Township Board of Health, upon conclusion of the public hearing held on Thursday, December 10, 2009.

Amendment:

VIII. EDUCATION

The Acting Authority shall provide educational information on the proper care, operation, and maintenance of ISSDSs to all property owners on an annual basis.

By Order of the Township Committee

Ursula Stryker, RMC
Municipal Clerk

EMAIL TO THE HUNTERDON COUNTY DEMOCRAT

LEGAL NOTICE, ONE PUBLICATION ONLY, THURSDAY, DECEMBER 24, 2009

NO AFFIDAVIT NEEDED

**TOWNSHIP OF FRANKLIN
COUNTY OF HUNTERDON
ORDINANCE 2009-09**

I. PURPOSE

The purpose of this ordinance is to: (a) help protect public health and safety, water quality and general welfare by securing the proper operation and maintenance of individual subsurface sewage disposal systems (ISSDSs) in the Township; and (b) to meet, where applicable, the State requirements of the Water Quality Management Planning rule (N.J.A.C. 7:15-5.25(c)).

II. BACKGROUND

ISSDSs that are not properly maintained can contaminate both ground water and surface water, creating health risks to humans and impairing natural ecosystems. Regularly pumping out the accumulated solids and liquids from an ISSDS before they interfere with proper function is understood to be the most effective means to maintain an ISSDS in good working order and to extend its effective life. Therefore, regular pump-outs are a key means to protect the surrounding environment as well as public health and welfare from the effects of a failed system.

III. APPLICABILITY

This ordinance is applicable to all ISSDSs, both existing and newly installed, within the Township.

IV. DEFINITIONS

“Acting Authority” means the office, agency, or other entity responsible for the implementation of this ordinance.

“Individual subsurface sewage disposal system” or “ISSDS” means a system for the disposal of less than or equal to 2,000 gallons per day of sanitary sewage into the ground. Such systems are generally designed and constructed to treat sanitary sewage in a manner that will retain most of the settleable solids in a tank and discharge the liquid effluent to a disposal field. Existing systems with other designs (some no longer permitted to be used), such as cesspools or those that dispose of effluent through seepage pits are also included. This term refers to both systems that serve an individual residence as well as onsite subsurface sewage disposal systems serving a property other than a single family home (such as commercial buildings, food establishments, commercial/residential mixed uses, and systems serving multiple units) with an engineering flow of less than 2,000 gallons per day, including but not limited to those systems identified in N.J.A.C. 7:9A-1.8(a)2.

"Licensed Professional Engineer" means an engineer licensed by the New Jersey State Board of Professional Engineers and Land Surveyors to practice the profession of engineering.

"Licensed Health Officer" means an individual granted a license by the Public Health Licensing and Examination Board of the New Jersey Department of Health and Senior Services.

"Licensed ISSDS installer" means an industry professional that meets a set of established criteria and is deemed qualified to install individual subsurface sewage disposal systems by the Acting Authority or its designee.

"Maintenance" means pumping out by a qualified service provider, as determined by the Acting Authority, the accumulated solids and liquids retained in an ISSDS, as well as servicing as necessary to restore an ISSDS to good working order.

"NJDEP-registered ISSDS service provider" means an industry professional that has completed the Onsite Wastewater Treatment System Professionals Voluntary Registration Form and filed it with the Department's Bureau of Nonpoint Pollution Control.

"Owner" means any person or other entity that has legal title to property.

"Property" means either of the following that is served by an ISSDS:

1. A single lot as defined by municipal lot and block; or
2. The combined area contained within the legal boundaries of two or more contiguous lots where, for any part of each of those lots, there is a shared pecuniary, possessory or other substantial common interest by one or more persons (such as common ownership and/or operation or a common plan of development or sale).

"Registered Environmental Health Specialist" means an individual granted a license by the Public Health Licensing and Examination Board of the New Jersey Department of Health and Senior Services.

"Sanitary Sewage" means any wastes, including wastes from humans, households, commercial establishments, and/or industries, that are discharged to an ISSDS.

V. INVENTORY RECORDS

The Acting Authority shall establish and maintain a database identifying each ISSDS in active use within the Township. The database shall include for each ISSDS the parcel block and lot and address of the property where the ISSDS is located, name and address of the property owner, a description of system size, type and location on the property, the number of property occupants, and the pump-out status according to the Acting Authority's pump-out schedule set forth in Section VI. Owners of properties served by

ISSDSs will be asked to cooperate with the Acting Authority in its initial development and continuing update of the database as set forth below and in Section VI.

The Acting Authority will establish and provide to owners of properties served by an ISSDS with a registration form to be accordingly completed and filed with the Acting Authority. The Acting Authority may decide initially to develop the database in phases. The objective would be to complete the initial database prior to the deadline for submitting the 6-year WMP update required at N.J.A.C. 7:15-5.23(a). A phased system may consist of initially populating the database with those systems already known pursuant to N.J.A.C. 7:9A-3.5, which requires a permit to construct, install, or alter an individual or non-individual subsurface sewage disposal system. For the remaining existing systems, management zones could be designated within which properties believed to be served by ISSDS are identified and the property owner contacted by the Acting Authority in order to secure a completed registration for the applicable ISSDS system, thereby providing the information to populate the database. The scope of potential ISSDS properties in a management zone could be identified by comparing the full list of properties in the management zone according to tax rolls.

VI. ROUTINE ISSDS MAINTENANCE

A. The owner of a property served by an ISSDS will be requested by the Acting Authority to cause the ISSDS to be pumped out by an ISSDS service provider in accordance with the applicable schedule. Documentation of compliance will be asked to be submitted within sixty (60) days following the filing of the registration form. Documentation of compliance should be in the form of a receipt from the ISSDS service provider for the service indicating the property location, service type(s) provided and date of service.

1) Except as provided in Section VI.A.2, each ISSDS is recommended to be pumped-out every three (3) years, unless an alternative schedule is identified by the Acting Authority, as set forth in Section VI.B;

2) In lieu of a pump-out, the property owner may submit a septic system inspection report to the Acting Authority on a form provided by the Acting Authority indicating that the system is not in need of pumping and is in good working order. In this case, the pump-out schedule will be shifted forward by one (1) year. Said form shall be prepared, completed, and certified by one of the following:

- a. licensed ISSDS installer;
- b. NJDEP-registered ISSDS service provider;
- c. licensed professional engineer;
- d. licensed health officer or registered environmental health specialist;
- e. other party acceptable to the Acting Authority.

B. Modifications to term of scheduled maintenance: The Acting Authority may recommend that the property owner alter the time period for scheduled maintenance. The Acting Authority may consider the factors, including but not limited to those listed below, in determining that a different pumping schedule applies:

- 1) Size of the ISSDS relative to the wastewater generated by the structure(s) served (i.e. small number of users relative to system design may warrant a longer period while a large number of users relative to system design may warrant a shorter period);
- 2) ISSDSs that are cesspools;
- 3) Unusual type and/or intensity of sewage generation, such as dining establishments, pet grooming, hair salons, etc.

C. Notification of requirement for scheduled maintenance.

- 1) An written letter or document from the Acting Authority to a property owner may serve as an informal request for the property owner to have an initial pump-out scheduled and that a pump-out schedule be followed; this request should be in writing and mailed by ordinary mail by the Acting Authority to owners of properties served by ISSDSs. Except as provided in Section VI.C.2, the initial pump-out by the property owner will be asked to have it conducted within ninety (90) days from the date set forth in the initial notification.
- 2) Property owners shall be exempt from the initial pump-out requirement provided documentation is submitted to Acting Authority that confirms a pump-out was completed no more than thirty (30) months prior to receiving the initial notification, or that there is exemption as provided herein.
- 3) Sixty (60) days prior to the next scheduled maintenance, the Acting Authority should send a written "Letter for Service Due" to serve as a reminder to the affected property owners.

VII. ENFORCEMENT, VIOLATION, PENALTIES

Adherence to the provisions of this Ordinance is necessary to help protect public health and safety, water quality, and general welfare. The failure of a property owner to adhere to the provisions set forth in this Ordinance shall constitute a violation of this Ordinance; however, no fine under this Ordinance shall be levied for the failure. In case of such failure, the Acting Authority may accordingly notify the local and county Boards of Health and the NJ Department of Environmental Protection.

~~VIII~~ EFFECTIVE DATE

This ordinance shall take effect thirty (30) days after adoption and publication of a Notice of Adoption in accordance with New Jersey law.

Adopted, Dec 10, 2009