

Chapter 126: SEWAGE DISPOSAL SYSTEMS

[HISTORY: Adopted by the Board of Health of the Township of Sandyston 3-20-1991 by Ord. No. BHO-1-91. *Editor's Note: This ordinance repealed former Ch. 126, Sewage Disposal Systems, adopted 4-2-1954, as amended.* Amendments noted where applicable.]

GENERAL REFERENCES

Sewage systems in flood hazard areas — See Ch. 75.

Subdivision of land — See Ch. 137.

Housing standards — See Ch. 158.

§ 126-1. Adoption of standards.

A code regulating the location, construction, use, maintenance and method of emptying or cleaning individual sewage disposal systems and the issuance of permits to locate, construct, empty or clean the systems and fixing penalties for the violation thereof, being N.J.A.C. 7:9A-1.1 et seq., is hereby adopted pursuant to N.J.S.A. 26:3-69.1 et seq. A copy of the code is annexed to this chapter and made a part of it without inclusion of the text.

§ 126-2. Title.

The code established and adopted by this chapter is described and commonly known as the "Individual Sewage Disposal System Code of New Jersey, N.J.A.C. 7:9A (1990)," as promulgated by the New Jersey Department of Environmental Protection, together with the amendments and supplements to.

§ 126-3. Copies on file.

three copies of the Individual Sewage Disposal System Code of New Jersey (1990) have been placed on file in the offices of the Secretary of the Board of Health and the Township Clerk for the use and examination of the public.

§ 126-4. Permit required; issuance; expiration; renewal; fees.

- A. Permit required. No person shall locate, construct or alter an individual sewage disposal system until a permit for the location, construction or alteration of the sewage disposal system shall have been issued by the Board of Health.
- B. Issuance of permit. The Board of Health may issue a permit if an application is accompanied by a certificate made by an engineer licensed to practice professional engineering in New Jersey stating that the design of the individual sewage disposal system as proposed is in compliance with the code.
- C. Duration of permits. A permit shall expire two years from the date of issuance. Renewal may be obtained upon the approval of the Board of Health. **[Added 6-19-1991 by Ord. No. BHO-2-91]**
- D. Fees. **[Added 6-19-1991 by Ord. No. BHO-2-91]**
 - (1) The following fees and charges are herewith established.
 - (a) For the filing of an application and plans for a permit to locate and construct an individual sewage disposal system, there shall be charged a fee. Said fee shall be according to the Fee Schedule as set by the Township Committee and on file in the office of the Township Clerk.
 - (b) For the alteration of an existing individual sewage disposal system, 50% of the fee

set forth in Subsection D(1)(a) as set forth above.

(c) For the renewal of expired permits, 50% of the current fee.

- (2) An individual may apply for the observation, inspection and recording of a soil log by the Board of Health or its authorized agent without applying for a permit to construct or alter a sewage disposal system. A fee for a site inspection plus a fee per test hole shall be charged. Fees shall be according to the Fee Schedule as set by the Township Committee and on file in the office of the Township Clerk.
- (3) For each reinspection of an individual sewage disposal system or part thereof caused by the failure of the permittee to locate and construct or alter the same, in accordance with the terms of the permit issued or the terms of the standards, in the opinion of the Board or its agent, there shall be charged a fee. Said fee shall be according to the Fee Schedule as set by the Township Committee and on file in the office of the Township Clerk.

§ 126-5. Certificate required; issuance.

- A. Certificate required. New individual disposal systems shall not be placed in operation nor shall new dwellings or new buildings or new additions thereto be sold or occupied which must rely on such a system for sewage disposal until the Board of Health shall have issued a certificate indicating that the disposal system has been located and constructed in compliance with the terms of the permit issued and the requirements of the aforesaid code. Issuance of such certificate shall not be required for alterations to an existing individual sewage disposal system. Certification will be required for expansions or when a change of use is proposed.
- B. Issuance of certificate. Prior to issuing a certificate of compliance, an engineer licensed to practice professional engineering in New Jersey must submit a revised plan signed and sealed by him to the Board of Health that the disposal system has been located and constructed in accordance with the terms of the permit issued and the requirements of the code.

§ 126-6. Hearing on denial of permit or certificate.

In the event that a license or permit or certification required by this chapter is denied by the Board of Health, a hearing shall be held thereon before the Board within 15 days after request is made by the applicant, and upon hearing, the Board of Health shall affirm, alter or rescind its previous determination and take action accordingly within 15 days after the hearing.

§ 126-7. Stop-work orders.

The Board of Health may order all further work in and about any individual sewage disposal system which is being erected or installed in violation of the code to be stopped forthwith, except such work as shall be necessary to remedy the violation and, thereafter, the work continued without any violation of any of the provisions of the code. After issuance of such order and the service of a copy upon the person connected with or working in and about the erection or installation of the disposal system or any part thereof, no further work shall be done except as aforesaid.

§ 126-8. Standards of construction.

- A. All applications for permits to locate and construct sewage disposal systems shall meet the requirements set forth in the new regulations Chapter 199 revised.

- B. Disposal trenches shall be the preferred type of disposal area. Other types of disposal areas may be used where a trench system would be clearly infeasible.
- C. All disposal fields, seepage pits, trenches, septic tanks, dry wells and cesspools shall not be constructed less than 100 feet from any watercourse.
- D. "Watercourse" shall mean a lake, pond, inlet, river, stream, pool or any and all other bodies and courses of water or a delineated wetland line.

§ 126-9. Definitions.

All definitions given in Subchapter 2 of the Department of Environmental Protection Standards for Construction of Individual Subsurface Sewage Disposal Systems, N.J.A.C. 7:9A-1.1 et seq. and any amendments thereto (DEP regulations), are hereby incorporated into this chapter, with the following additions:

BOARD OF HEALTH — The Board of Health of the Township of Sandyston and its authorized agents, including the Sussex County Health Department or other such staff as provided by Sussex County.

COMPLETED ALTERATION/PUMPOUT REPORT — A report submitted to the Board of Health by an owner/operator indicating that the required pumpout or alteration of the individual subsurface sewage disposal system has been completed in accordance with the notice of pumping, alteration or repair.

COMPLETED INSPECTION CERTIFICATE — A certificate submitted to the Board of Health by any owner/operator indicating that the required inspection of the septic tank has been completed in accordance with § 126-12 of this chapter.

EDUCATIONAL PROGRAM — An educational program prepared and administered by the Board of Health regarding the fundamentals of individual subsurface sewage disposal systems and the proper procedures for the operation and maintenance of such systems.

INDIVIDUAL SUBSURFACE SEWAGE DISPOSAL SYSTEM — An individual subsurface disposal system as defined in N.J.A.C. 7:9A-2.1, serving a single-family detached residential housing unit.

NOTICE OF PUMPING, ALTERATION OR REPAIR — A notice issued by the Board of Health to an owner/operator that the individual subsurface sewage disposal system requires pumping out or other repairs or maintenance before an operator's license may be renewed.

OPERATOR'S LICENSE — A license issued to an applicant pursuant to this chapter and the DEP regulations for the operation of an individual subsurface sewage disposal system.

OWNER/OPERATOR — The person who owns the realty on which an individual subsurface sewage disposal system is located and/or the person who uses or operates said system. The owner of the realty and the operator of the system, if different, are jointly and severally liable for the obligations imposed by this chapter regarding operation and maintenance of such systems.

SEPTIC SYSTEM INSPECTOR — A licensed health officer, licensed professional engineer, first-grade licensed sanitarian, solid waste haulers registered with the New Jersey Department of Environmental Protection in accordance with N.J.A.C. 7:26-3 or other person acceptable to the Board of Health.

§ 126-10. General requirements.

No person shall construct, install, alter or operate an individual subsurface sewage disposal system unless such construction, installation, alteration or operation is in accordance with the DEP regulations, this chapter and any regulations promulgated hereunder by the Board of Health.

§ 126-11. Operator's license.

- A. The Board of Health shall issue an operator's license and a copy of the Department of Environmental Protection's operation and maintenance manual to the applicant along with educational program materials at the time that the certificate of compliance is issued for a new individual subsurface sewage disposal system.
- B. The initial operator's license shall expire three years after issuance. All subsequent renewal operator's licenses shall be for a one-year term unless the system has been inspected and pumping completed and verified, if applicable. In that case, the operator's license will be renewed for a three-year term.
- C. The Board of Health shall notify the owner/operator before the operator's license expires in accordance with § 126-12 below and shall direct the licensee to apply for renewal of the operator's license unless the licensee has:
 - (1) Submitted to the Board of Health evidence that the necessary maintenance has been performed as prescribed in N.J.A.C. 7:9A-12.3;
 - (2) Had his/her individual subsurface sewage disposal system inspected pursuant to § 126-12 below;
 - (3) Paid any and all fees due and owing to the Board of Health under this chapter; and
 - (4) Received the educational program materials.

§ 126-12. Inspections.

- A. The Board of Health or its authorized agent shall ensure that inspection of an individual subsurface sewage disposal system shall take place prior to the expiration of the operator's license. The Board of Health shall notify the owner/operator at least 30 days and no more than 60 days prior to the expiration of the operator's license in order to schedule a date and time for the inspection.
- B. The Board of Health or its authorized agent shall prepare an inspection report for each inspection which it performs pursuant to this chapter. The Board of Health shall provide a copy of such inspection report to the owner/operator.
- C. The inspection report forms from N.J.A.C. 7:9A, entitled "Application for License to Operator" and/or "Renewals of License to Operate," or other authorized format shall be the acceptable forms to be used in reporting inspections of individual subsurface sewage disposal systems. These forms will be completed at the time of inspection and shall be filed with the township or its assigned agent.
- D. The owner/operator has the option, at his/her own expense, to hire a private septic system inspector, as defined in N.J.A.C. 7:9A, to perform the inspection of their individual subsurface sewage disposal system. If the owner/operator chooses this option, the inspection shall take place within 60 days of the expiration of the operator's license. Prior to the expiration of the operator's license, the licensee shall file with the Board of Health a completed inspection certificate, in a form approved by the Board of Health and signed by the septic system inspector. The use of a septic system inspector to perform the inspection required by this section shall not exempt the owner/operator from the payment of any fees as required by this chapter.
- E. Any inspection performed pursuant to this section shall be in accordance with the DEP regulations at N.J.A.C. 7:9A-12.2(b) through (f).
- F. If the inspection indicates that pumpout of the septic tank or other maintenance, alteration or repair of the system is necessary, the Board of Health shall issue a notice of pumping, alteration or repair. Following pumpout or other maintenance, alteration or repair of the system, the owner/operator shall submit to the Board of Health a completed

alteration/pumpout Report prepared and signed by the person performing the required work.

- G. Nothing in this section shall be construed to limit or to alter the authority of the Board of Health to conduct inspections of individual subsurface sewage disposal systems which are malfunctioning or are suspected of malfunctioning.

§ 126-13. Fees.

- A. Each applicant shall pay a licensing fee of \$5 for one year or a fee of \$15 for three years when applying for an operator's license.
- B. Other fees and charges shall be established from time to time by the Board of Health.

§ 126-14. Nuisances.

- A. Any individual subsurface sewage disposal system which is malfunctioning is hereby declared a nuisance.
- B. Any individual subsurface sewage disposal system which has not been maintained in accordance with N.J.A.C. 7:9A-12.3, Septic Tank Maintenance, is hereby declared a nuisance.
- C. Any individual subsurface sewage disposal system which is constructed, installed, altered, operated or maintained in violation of this chapter, the DEP regulations, any rule or regulation promulgated by the Board of Health pursuant to this chapter or any permit, certificate or license issued pursuant to this chapter is hereby declared to be a nuisance.

§ 126-15. Violations and penalties.

- A. Any person who violates any provision of this chapter or any term or condition of any permit or license issued hereunder shall be liable for one or more of the following penalties: a fine not exceeding \$1,000; imprisonment for any term not exceeding 90 days; a period of community service not exceeding 90 days. [See N.J.S.A. 40:69A-29(b).]
- B. Any person who fails to comply with any notice or order issued by the Board of Health pursuant to this chapter shall be liable for one or more of the following penalties: a fine not exceeding \$1,000; imprisonment for any term not exceeding 90 days; or a period of community service not exceeding 90 days. [See N.J.S.A. 40:69A-29(b).]
- C. Each violation for each separate day and each violation of any provision of this chapter, any term or condition of any permit or license or any notice or order issued by the Board of Health shall constitute a separate and distinct violation under this section.
- D. Nothing in this section shall be construed as limiting the remedies of the Board of Health for violations of this chapter. The Board of Health may proceed under any other remedy available by law or in equity for any violation of this chapter or any term or condition of any permit or license issued by the township or for any failure to comply with any notice or order issued by the township under this chapter.

§ 126-16. Appeals.

If a certificate of compliance is denied by the Board of Health, the applicant may request a hearing before the Board. The Board of Health shall hold a hearing within 15 days of such request in accordance with N.J.S.A. 58:11-31. Upon such hearing, the Board of Health shall affirm, alter or rescind its previous determination and take action accordingly within 15 days after the date of such hearing.

§ 126-17. Severability.

If any provision of this chapter or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any other provision of this chapter.