

BOROUGH OF HOPATCONG

ORDINANCE # 02 - 2015

AN ORDINANCE OF THE BOARD OF HEALTH OF THE BOROUGH OF HOPATCONG, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AMENDING CHAPTER 278, "SEWAGE DISPOSAL SYSTEMS" TO REQUIRE A SEPTIC PERMIT FOR RECONSTRUCTION OF A DWELLING, DWELLING UNITS AND COMMERCIAL BUILDINGS

BE IT ORDAINED by the Board of Health of the Borough of Hopatcong, in the County of Sussex and State of New Jersey that Chapter 278, "Sewage Disposal Systems" of the Code of the Borough of Hopatcong is hereby amended as follows:

SECTION I. Chapter 278 entitled "Sewage Disposal Systems" is hereby amended, supplemented, and revised by adding Section 278-4C as follows:

- C. A septic permit shall be required for the reconstruction of a dwelling, dwelling units and commercial buildings. Reconstruction shall be deemed to constitute demolition of a structure and replacement of that structure. Where a dwelling, dwelling units or a commercial building is to be demolished and replaced with a new structure, the following requirements shall apply:
 - (1) For property capable of having a septic system installed in accordance with current code requirements:
 - (a) Where a septic system in compliance with current code requirements can be constructed on the lot, the owner shall provide a septic design in compliance with the current code requirements and shall have a system installed in accordance with an approved design for a house having the same number of bedrooms as proposed by the owner or, in the case of a commercial or non-residential building, in compliance with the current code requirements for the reconstructed/remodeled building.
 - (2) For property not capable of having a septic system installed in accordance with current code requirements:

- (a) If the property owner asserts that a septic system in compliance with current codes cannot be constructed on the lot, the property owner shall apply to the Board of Health for a variance from the requirement that the septic system be in compliance with current codes. The property owner shall submit to the Board of Health a septic design that is closer in compliance with the current codes; that employs the current, best technologies authorized by the NJDEP; and achieves the highest water quality standards for the effluent discharge to the disposal area. The property owner's proposed septic design shall be filed with the Board at least fourteen (14) days before the hearing date for the variance so as to allow the Board adequate time to review same and to provide comments and recommendations with respect to same. All septic designs shall be filed in the PDF file format. The Applicant shall establish to the Board that the existing building is a habitable dwelling with an existing method of sewage disposal. Applicant is required to provide proofs that the property is either served through a public water system (including surface water) or a drilled well. If the Applicant is unable to provide such proofs, the application will be treated as an application for construction of a new septic system under current code requirements. If the property is not served by public water or does not have access to a drilled well, the owner must have a well drilled in compliance with current code requirements.

- (3) Increase in number of bedrooms or change in use or size of the commercial or non-residential building:
 - (a) If the owner proposes an increase in the number of bedrooms in the home compared to the number of bedrooms in the former dwelling, or proposes a change in use or size of the commercial or non-residential building which would increase the required capacity of the septic system, the septic system must be designed and constructed in accordance with current code requirements. It is the Applicant's burden to provide proofs to establish the number of bedrooms in the former and proposed dwellings and previously approved capacity of a septic system for the commercial or non-residential building.

- (4) Other approvals:

- (a) Approval of the septic system to service the reconstructed/remodeled building shall be subject to a requirement to obtain zoning approval and or site plan approval as may be applicable.

SECTION II. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

SECTION III. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough, the provisions hereof shall be determined to govern. All other ordinances of the Borough are hereby ratified and confirmed, except where inconsistent with the terms hereof.

SECTION IV. This Ordinance shall take effect immediately upon final passage and publication according to law.

NOTICE

NOTICE is hereby given that the foregoing Ordinance was introduced to pass on first reading at a regular meeting of the Board of Health of the Borough of Hopatcong held on January 21, 2015, at 7:00 p.m. and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a regular meeting of the Board of Health to be held on February 4, 2015, at 7:00 p.m., or as soon thereafter as the Board of Health may hear this Ordinance at the Municipal Building, 111 River Styx Road, Hopatcong, New Jersey 07843, at which time all persons interested may appear for or against the passage of said Ordinance.

Catherine Schultz
Borough Clerk

CERTIFICATION

I, Catherine Schultz, Clerk of the Borough of Hopatcong, do hereby certify that the Board of Health of the Borough of Hopatcong duly adopted the foregoing Ordinance on the 4th day of February, 2015.

Catherine Schultz, Clerk
Borough of Hopatcong

Sylvia Petillo, Mayor

Introduced: January 21, 2015

Adopted: February 4, 2015