

CHAPTER BH-V

INDIVIDUAL SEWAGE DISPOSAL SYSTEM CODE*

BH:5-1 Adoption of Code.

A code regulating the location, construction, use, maintenance and method of emptying or cleaning individual sewage disposal systems, the issuance of permits to locate, construct, empty or clean such systems and fixing penalties for the violation thereof is hereby adopted pursuant to R.S. 26:3-69.1 to 69.6.

BH:5-2 Title.

The code established and adopted by this chapter is described and commonly known as the Individual Sewage Disposal System Code of New Jersey (1953).

BH:5-3 Public Record.

Three copies of the Individual Sewage Disposal System Code (1953) have been placed on file in the office of the secretary of the board of health for the use and examination of the public.

BH:5-4 Permit.

BH:5-4.1 Required. No person shall locate, construct, alter, repair, reconstruct or excavate in any way any sewage disposal system or part thereof in the borough without first securing a permit from the board of health.

BH:5-4.2 Application. Before a permit is issued for the location, construction, alteration, repair, reconstruction or excavation of a sewage disposal system in the borough, an application shall be filed with the board of health, together with the certificate of a professional engineer licensed by the State of New Jersey stating that he has made one or more percolation tests as prescribed by Section 9 of the Individual Sewage Disposal System Code of New Jersey (1953) hereinafter referred to as the state code, the proposed disposal sewage system was designed by him and complies in every particular with the state code, and the proposed system

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will be adequate to treat the estimated flow of sanitary sewage to be discharged from the premises to be served.

In addition to all other data required to be submitted herein and by the state code, the engineer shall submit to the board of health, at the time application is made for the permit, samples of each strata or layer of soil encountered in making the percolation test, indicating the thickness of each layer or strata of soil from which the sample was taken.

BH:5-4.3 Conditions of Permit. If, after examining the results of the percolation test and the soil samples submitted therewith, and after considering the drainage, water table and other related data required by this chapter and the state code, the board of health determines that a doubt exists as to whether or not the proposed disposal system, or any requested enlargement thereof, will function properly or will adequately treat the estimated volume of sewage to be discharged from the premises to be served, and that the applicant, except for such doubt, would otherwise be entitled to a permit, the board may require as a condition to the issuance of the permit that a cash or corporate surety bond be posted guaranteeing the proper functioning and adequacy of the system for such period, not exceeding two years, as the board may determine. The bond shall be in the principal amount of the estimated cost of constructing the system and shall be conditioned as follows:

- a. Upon the installation of the system in a good and workmanlike manner and in full compliance with all the requirements of this chapter and the state code.
- b. Upon the effective removal and abatement within the time specified in any abatement notice from the board, of any nuisance arising out of the failure of the disposal system to function properly or to treat adequately the sewage discharge from the premises.
- c. Upon effectively remedying the inadequacy of the disposal system by constructing an entirely new system or by altering or repairing the existing system as the board may deem advisable.
- d. Upon indemnification to the board of health, the owner of the premises for which the work is done, and the borough for loss, damage or injury to them, or any of them, and for any expense incurred to effect the correction or replacement of the disposal system. The bond shall only be required for the construction of sewage disposal systems on premises on which there is no sewage disposal system at the time application is made for a permit.

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BH:5-4.4 Board of Health To Issue Certificate. New individual disposal systems shall not be placed in operation, nor shall new dwellings or buildings or additions thereto be sold or occupied, which must rely on such system for sewage disposal until the board of health has issued a certificate indicating that the disposal system has been located and constructed in compliance with the aforesaid code. Issuance of such certificate shall not be required for the alteration of an existing individual sewage disposal system.

BH:5-5 Hearing After Denial of Permit.

If any 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 therefor is made by the applicant. 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 hearing.

BH:5-6 Work Stopped Pending Compliance.

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 except such work as shall be necessary to remedy such violation and thereafter the work continued without any violation of any of the provisions of the code, and after issuance of any such order and the service of a copy thereof upon any person connected with or working in and about the erection or installation of any such disposal system, or any part thereof, no further work shall be done thereon except as aforesaid.

BH:5-7 Fees.

The following fees and charges are herewith established:

For the filing of an application and plans for a permit to locate and construct an individual sewage disposal system: ten (\$10.00) dollars.

For the filing of an application and plans for a permit to alter an existing individual sewage disposal system: five (\$5.00) dollars.

For each reinspection of an individual sewage system, or part thereof, caused by failure of the permittee to locate and construct or alter the same

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in accordance with the terms of the permit issued or the terms of the code, an inspection fee of five (\$5.00) dollars shall be charged.

For the inspection of a grease trap: two dollars and fifty cents (\$2.50) shall be charged.

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