

LEGAL NOTICE
BOARD OF HEALTH OF THE TOWNSHIP OF CHATHAM
MORRIS COUNTY, NEW JERSEY

NOTICE, is hereby given that at a meeting of the Board of Health of the Township of Chatham, in the County of Morris, New Jersey, held on July 14, 2009, the following ordinance was introduced and passed on first reading and that said ordinance will be considered for final adoption after public hearing at a meeting of the Board of Health to be held on Tuesday, August 11, 2009 at the Municipal Building, 58 Meyersville Road, Township of Chatham, New Jersey at 7:30 p.m. or as soon thereafter as the hearing may be conducted, at which time all persons who may be interested will be given an opportunity to be heard concerning such ordinance. During the week prior to and including the date of said meeting copies of the ordinance will be made available at the office of the Board of Health, in the Municipal Building to members of the general public who may request the same.

Dated: July 15, 2009

Joy M. Wiley, Secretary

ORDINANCE BH-1-09

TOWNSHIP OF CHATHAM BOARD OF HEALTH
AN ORDINANCE COMBINING ORDINANCES BH-2-02 AND BH-1-03 REQUIRING
CONNECTION TO THE PUBLIC SEWER; REPEAL ORDINANCE BH-4-67

BE IT ORDAINED by the Board of Health of the Township of Chatham, in the County of Morris and State of New Jersey, as follows:

- (a) Any owner of property along the line of any public sewer whose (1) dwelling is within one hundred (100) feet of a designated point of connection to the public sewer, or (2) commercial, industrial, public or other building which is within one hundred (100) feet of a designated point of connection to the public sewer, shall connect the building sewer of such building to the public sewer within a period of ninety (90) days after notice from the Board of Health or its authorized agent to do so. The point of connection shall be designated by the engineer representing the municipal sewerage authority or by the Township Engineer, as the case may be. The distance shall be measured in a horizontal straight line from a point directly above the center of the designated point of connection to a point directly above the nearest portion of the building.
- (b) The Board of Health, after written application therefore, hearing thereon and good cause shown, shall, by formal resolution, grant exemptions from the requirement for connection to the public sewer provided for under Paragraph (a) above, if, due to physical conditions upon the property, including but not limited to subsurface formations or topography, connection to the public sewer would be impracticable and result in substantial hardship to the owner, provided, however, that the conditions set forth in Paragraph (d), below shall have been met.
- (c) The Board of Health may, after written application therefore, hearing thereon and good cause shown, by formal resolution, grant deferrals of the requirement for

connection to the public sewer provided for under Paragraph (a) above, provided, that the conditions set forth in Paragraph (d), below, shall have been met and that one of the following conditions for deferral exist:

- (1) That the individual disposal system serving the property has been altered repaired or replaced within five (5) years of the Board of Health's issuance of the notice to connect to the public sewer. In such case, the Board of Health may grant a deferral for a period not to exceed five (5) years from the date of such alteration, repair or replacement.
 - (2) That the septic tank serving the property has been pumped within three (3) years of the Board of Health' issuance of the notice to connect to the public sewer. In such case, the Board of Health may grant deferral for a period not to exceed three (3) years from the date of such pumping.
 - (3) That the connection to the public sewer shall result in an unavoidable and severe financial hardship to the owner, due to the owner's lack of adequate assets and income. In such case the period of deferral of the requirement for connection to the public sewer shall remain in effect, only so long as the financial conditions relied upon by the Board of Health in granting the deferral continue to exist or until the ownership or occupancy of the property shall have changed by any means whatsoever, whichever shall first occur.
- (d) The Board of Health shall not grant exemptions under Paragraphs (b), above, nor shall it grant deferrals under Paragraph (c), above, unless the owner establishes by clear and convincing evidence (and the owner's professional engineer, home inspector or registered environmental health specialist, licensed as such in the State of New Jersey and not employed by the Township of Chatham) certifies to the Board of Health in writing) that the individual sewage disposal system serving the property is functioning properly, safely, and in accordance with all applicable laws and regulations, and can be expected to provide long-term reliable service.
- (e) The requirement for connection with the public sewer within ninety (90) days, as set forth in Paragraphs (a) and (b), above, shall automatically be extended by the owner's filing of an application for an exemption or deferral, to a date ninety (90) days of the Board of Health action on the application, or such other date as may be established by the Board of Health.
- (f) All actions for exemptions or deferrals shall be made on forms provided by the Board of Health (See Exhibit "A") and shall be accompanied by documentation supporting each element of the application, including financial documentation, in case of financial hardship (See Exhibit "B"). Such documentation shall be treated with the appropriate level of confidentiality. The Board of Health may direct the applicants to submit the documentation to the Chatham Township Administrator, who shall likewise observe the requisite level of confidentiality, and who shall, based upon the documentations submitted, make recommendations to the Board as to whether, in the Chatham Township Administrator's professional judgment, justification exists for the application pending before the Board.
- (g) The owner shall have the burden of establishing entitlement to an exemption or deferral sought and the owner's failure to sustain this burden shall result in a denial of the application.
- (h) A deferral is not transferable to a new owner of the property unless the new owner is a close family member such as a spouse, civil union partner or a child or children of the owner.
- (i) Any owner of property subject to this Ordinance, who shall fail or neglect to comply with a notice from the Board of Health pursuant to this Ordinance, shall be subject to a penalty not to exceed two hundred and fifty (\$250.00) dollars. An additional penalty not to exceed \$100.00 per day shall be imposed for each day after the expiration of the notice as provided above in which the provisions of the

said notice are not complied with. Such notices shall be served upon the owner(s) personally, or by leaving it at his or her usual place of abode with a member of the family of at least 18 years of age, or by sending it by registered or certified mail, return receipt requested, to the last known address of the owner as revealed by the Tax Rolls of the Township of Chatham.

(j) Ordinance BH-4-67, BH-2-02, and BH-1-03 are hereby repealed.

(k) This Ordinance shall take effect after final publication in accordance with the laws of the State of New Jersey.

Introduced: July 14, 2009

BOARD OF HEALTH OF THE
TOWNSHIP OF CHATHAM

Adopted:

By _____
James M. Brown, President

Attest:

Joy M. Wiley, Secretary