

**DRAFT**

**LICENSING, OPERATING AND MAINTAINING  
INDIVIDUAL SUBSURFACE SEWAGE DISPOSAL  
SYSTEMS**

**MODEL ORDINANCE**

**MAY 2003**

**WHIPPANY RIVER WATERSHED ACTION COMMITTEE  
P.O. Box 223  
Morristown, N.J. 07963-0223**

## 1. PURPOSE

The purpose of this ordinance is to establish a management program for individual subsurface sewage disposal systems in the \_\_\_\_\_, County of Morris in order to minimize future malfunctions of such systems

## 2. DEFINITIONS

For purposes of this ordinance, terms used herein which are defined in State Standards for Individual Subsurface Sewage Disposal Systems, N.J.S.A. 7:9A-2.1, shall have the meaning set forth therein.

Whenever used herein the term “system” shall mean and refer to an individual subsurface sewage disposal system, including all of the component parts thereof.

The term “Board of Health” shall mean the Board of Health of the \_\_\_\_\_, County of Morris.

## 3. REQUIREMENT FOR LICENSE TO OPERATE AN INDIVIDUAL SUBSURFACE SEWAGE DISPOSAL SYSTEM; APPLICATION FOR LICENSE; LICENSE TERM; FEE; AUTOMATIC TRANSFER OF LICENSE

(a) **Requirement for License.** On and after (date) no owner or occupant of a property in the \_\_\_\_\_, County of Morris upon which an individual subsurface sewage disposal system is located shall use or operate the system unless a currently valid license to operate the system has been issued by the Board of Health in accordance with the provisions of this ordinance to the owner of the property on which the system is located.

(b) **Application for License.** Every application for a license to operate an individual subsurface sewage disposal system and every application to for the renewal of such a license shall be made on a form a provided by the Board of Health.

Every application to for a license or renewal shall be accompanied by documentation establishing that the contents of the septic tank for the system have been pumped and removed by a solid waste hauler registered with the New Jersey

Department of Environmental Protection within one year prior to the filing of the application, provided that this requirement shall not apply to an application for an initial license for an the entirely new system or the renewal of a license for a system that has been in operation for less than two years. The hauler shall certify that a minimum of five (5) gallons of sludge remains in the septic tank as required for the anorobac (spelling) process to be restored.

(c) **Expiration of Licenses; Renewal.** All licenses issued prior to \_\_\_\_\_ shall expire on \_\_\_\_\_ and shall be renewed by the property owner for periods of three years for each renewal. Every license to be issued for an entirely new system installed after \_\_\_\_\_ shall continue in effect from the date of issuance until the next date by which the licenses renewed as of \_\_\_\_\_, and every three years thereafter, shall expire, and upon expiration every such a license shall be renewed by the property owner for an additional period of three years for each renewal.

The Board of Health shall mail a notice to the property owner regarding the requirement to renew the license at least three months prior to the expiration of the current license. A copy of the application form for renewal shall be included with the notice.

(d) **License Fee.** the fee for a license to operate a system shall be \$15.00, provided that if an initial license is issued for a term of less than three years the fee shall be \$5.00 for each 12-month period and any portion thereof.

An application for a license or rule which is filed after the date upon which the license or rule is required to be in effect shall be subject to a delinquent charge of \$10.00.

(e) **Automatic Transfer of License.** In the event of the change in the ownership of a property for which a license to operate a system has been issued by a the Board of Health and remains in effect, the license shall be considered by the Board to have been transferred to the new owner.

4. **RESTRICTIONS UPON USE OF INDIVIDUAL SUBSURFACE SEWAGE DISPOSAL SYSTEMS.** A system shall be used only for the disposal of sanitary sewage normally generated by the residential occupancy of the structure served by the system, unless the system was specifically designed for the receipt of sanitary sewage from a building devoted to another use.

Drainage from basement floors, footings or roofs shall not be allowed to enter the system, nor shall backwash from water softners be disposed of through the system.

Inert or non-biodegradable substances shall not be disposed of in the system. Such substances include, but are not limited to, disposable diapers containing plastic, cat box litter, coffee grounds, cigarette filters, sanitary napkins, facial tissue or wet-strength paper towels.

The disposal of materials containing toxic substances by discharge into the system is prohibited. Materials containing toxic substances include, but are not limited to, waste oil, (other than cooking oil), oil-based or acrylic paints, varnishes, paint thinners, photographic solutions, pesticides, insecticides, organic solvents or degreasers, or drain openers. No restricted chemical material, including any system cleaner, which is not biodegradable and which may be a significant source of contamination of groundwater, shall be introduced into the system.

**5) MAINTENANCE OF DISPOSAL FIELDS.** The area of the disposal field for an individual subsurface sewage disposal system shall be kept free from encroachments from driveways, patios, accessory buildings or building additions, and trees or shrubbery whose roots may cause clogging of any part of the system. All drainage from roofs, footing drains and some pumps shall be diverted away from the disposal field. Grading of the surface of the disposal field shall be maintained in a condition that will promote run off of rainwater and prevent ponding. The surface shall be protected against soil erosion by suitable vegetation.

**6) OPERATION AND MAINTENANCE.** At the time of the issuance of the initial or renewal license to operate an individual subsurface sewage disposal system as provided in Section , the Board of Health shall furnish with the license a copy of an operation and maintenance guide for such systems in a form provided by the Board.

**7) MALFUNCTIONING INDIVIDUAL SUBSURFACE SEWAGE DISPOSAL SYSTEM; INSPECTION OF SYSTEM; REVOCATION OF LICENSE.** The Board of Health shall have the right to inspect any system as to which there may be evidence of any malfunction. Such evidence may include, but not be limited to, foul odors, leakage to groundwater, surface water or ground, or soggy ground over system. Water and/or soil samples may be taken to confirm the existence of a malfunctioning system.

The Board of Health shall require that any malfunctioning system be corrected by servicing or replacement or alteration of the system in accordance with the provisions of the individual Subsurface Sewage Disposal System Ordinance of the Township of

\_\_\_\_\_.

Until any necessary replacement or alteration of a system has been accomplished, the Board of Health may require pumping and the removal of the entire contents of the septic tank for the system (both liquids and solids) at intervals specified by the Board.

No provision to this Ordinance shall be interpreted as precluding the Board of Health from revoking a license issued by the Board for the operation of a system in the event that the Board shall determine that such action is necessary and appropriate for the enforcement of this Ordinance.

**8) VIOLATIONS AND PENALTIES.** Any person who shall violate any provisions of this Ordinance, any person who shall use or operate an individual subsurface sewage

disposal system in the Township of \_\_\_\_\_ without a currently valid license to operate such system issued the by the Board of Health, and any person who shall violate any order of the Board of Health, and any person who shall violate any order of the Board of Health issued pursuant to this Ordinance shall be subject to a fine not exceeding \$200 for each offense and an additional penalty of not more than \$25 for each additional day a particular violation continues after notice of the violation shall have been given to such person by the Board of Health.

The institution of a proceeding by the Board of Health to impose a penalty for a violation of a provision of this Ordinance shall not preclude the Board from the exercise of any other authority of the Board which may be necessary in order to eliminate or abate a public health nuisance.