

ORDINANCE NO. 2022- 02 BOH

AN ORDINANCE OF THE BOARD OF HEALTH OF THE TOWNSHIP OF KINGWOOD, COUNTY OF HUNTERDON, STATE OF NEW JERSEY AMENDING PART III, “BOARD OF HEALTH LEGISLATION,” CHAPTER 153 “SEWERAGE DISPOSAL SYSTEMS, INDIVIDUAL,” OF THE CODE OF THE TOWNSHIP OF KINGWOOD TO CREATE SECTION 15 “WAIVERS FROM STRICT COMPLIANCE”

WHEREAS, the Township Committee and the Township Board of Health wishes to revise the Township Code in order to create a section to provide for Waivers from Strict Compliance with Chapter 153, Article I, Individual Subsurface Sewage Disposal Systems.

NOW, THEREFORE BE IT ORDAINED by the Township Board of Health of the Township of Kingwood, County of Hunterdon, State of New Jersey that Part III, “Board of Health Legislation, “Chapter 153 “Sewerage Disposal Systems, Non-Public Water Systems and Wells,” Article I “Individual Subsurface Sewage Disposal Systems” of the Code of the Township of Kingwood shall be amended to create Section 15 “Waivers from Strict Compliance,” as follows:

Section 1:

§153-15 Waivers from Strict Compliance.

Where an applicant seeks to install a new, or reconstructed individual sewage disposal system which does not strictly meet the standards established in the Township Ordinance, Hunterdon County Health Department Standards or N.J.A.C. 7:9A et seq, the Applicant shall make submission to the Township Board of Health for evaluation and approval of the waivers being sought.

The Applicant shall provide the Board of Health Secretary one electronic copy and one physical copy of the septic design plans and details, soil evaluations and calculations, and all other pertinent data (including a letter that summarizes the waiver, why it should be granted, and what mitigation measures are proposed to offset the impacts of non-compliance) as well as the submission of required professional review escrow fees established in Chapter 153-14 of this ordinance.

Upon submission of the above materials the Township Engineer shall review the application and provide a letter report to the Board of Health, including a determination of whether the requested waivers are approved, or denied, or if more information must be submitted to evaluate the request.

Should the Township Engineer approve the application and determine that the waivers as requested are justified, the Applicant shall sign a Hold Harmless and Indemnification agreement with the Township regarding the proposed septic system waivers prior to the Applicant being permitted to proceed to construction.

Should the Township Engineer request additional information, the requested documents must be submitted within 14-days of the request.

Should the Township Engineer determine that the requested waivers are denied, the Applicant will have the ability to appeal the decision to the Township Board of Health at a public hearing to be held at the next available Board of Health Meeting. The Board of Health Secretary will coordinate the appearance of the Applicant and their professionals to present the requested waivers to the Board for their evaluation, and determination as to whether the requested waivers are justified, or if the plans should be revised to conform to the relevant regulation from which a waiver is being requested.

Section 2:

§ 153-14, Fees and charges, Subsection D “Septic waivers” shall be amended as follows:

§ 153-14 D

- (1) Any person, corporation or firm applying for septic waiver approval to the Kingwood Township Board of Health shall pay a fee of \$100.
- (2) The applicant shall submit an additional fee of \$300 to the Township of Kingwood to be used to compensate the Township Engineer for services rendered in conjunction with the Township’s review of the application. An additional fee of \$300 may be required if it is determined that the Engineer is required to attend a Board of Health meeting in relation to the application.
- (3) One copy of the plat application in an electronic format is required to be submitted at the time of the application.

Section 3:

Severability. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

Section 4:

Repealer. Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as to their inconsistencies only.

Section 5:

Effective Date. This Ordinance shall take effect upon final passage and publication as provided by law.

NOTICE

NOTICE is hereby given that the foregoing Ordinance was introduced to pass on first reading at a regular meeting of the Township of Kingwood Board of Health held on August 17, 2022, and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a regular meeting of the Township of Kingwood Board of Health to be held on September 21, 2022 at 7:30 p.m. or as soon thereafter as the Township of Kingwood Board of Health may hear this Ordinance via online meeting. The link shall be available at www.kingwoodtownship.com/boards/board-of-health, at which time all persons interested may appear for or against the passage of said Ordinance.

Diane Laudenbach
Board Secretary