

CUMBERLAND COUNTY BOARD OF HEALTH ORDINANCE NO. 10**AN ORDINANCE OF THE BOARD OF HEALTH OF CUMBERLAND COUNTY TO ESTABLISH REQUIREMENTS FOR THE OPERATION AND MANAGEMENT OF ADVANCED TECHNOLOGY ONSITE WASTEWATER TREATMENT SYSTEMS.**

WHEREAS the Board of Health of the Cumberland County desires to implement an advanced technology, onsite wastewater operation and management program in accordance with the guidelines from the United States Environmental Protection Agency (USEPA) and in cooperation with the New Jersey Department of Environmental Protection (NJDEP) in the area of Cumberland County under the jurisdiction of the Cumberland County Board of Health.

BE IT ORDAINED by the Board of Health of Cumberland County and State of New Jersey as follows:

SECTION ONE**A. FINDINGS**

It is found and declared that:

1. Residential and non-residential onsite wastewater treatment systems are in use within the County of Cumberland.
2. Some of these systems were designed and installed prior to 1967 without the benefit of Health Department oversight and/or regulatory guidelines.
3. Onsite wastewater treatment systems may malfunction due to age, design, lack of maintenance or other reasons. These malfunctions have been shown to adversely affect public health and welfare and the environment. Such systems constitute a potential source of pollution of ground and surface waters, contamination of potable water supplies, foul odors, nuisance problems and other hazards to public health and therefore must be corrected.
4. Not all system malfunctions can be corrected in a manner which meets current environmental standards. This may be due to lot size, soil and groundwater conditions, wetlands, CAFRA or other site constraints. Additionally, some of these systems are insufficient for additions to, or re-construction of, the current realty improvement.
5. Onsite wastewater treatment systems determined to be malfunctioning or insufficient for additions and re-construction may need to be altered or replaced with advanced technology treatment systems in order to overcome environmental or site constraints while still providing for adequate treatment and disposal of effluent, thus eliminating pollution of ground and surface waters, contamination of potable water supplies, foul odors, nuisance problems and other hazards to public health.
6. It is determined to be in the interest of public health and the environment, safety and welfare to establish provisions to regulate the operation and management of such advanced technology systems to protect the public and environment against system failures and resultant pollution.

7. The licensing provisions contained in this Ordinance are necessary to protect the public health safety and welfare because advanced technology systems are active systems and require vigilant maintenance. It is therefore necessary to exceed the provisions contained in N.J.A.C. 7:9A-1 et seq. This is hereby declared to be a "special ordinance" in accordance with N.J.A.C. 7:9A-3.1(b) and shall be forwarded to the New Jersey Department of Environmental Protection within 10 days of adoption.

8. The licensing provisions contained in this Ordinance are additionally necessary in order to enable the use of onsite system technology that enhances treatment of wastewater, to ensure their proper management and maintenance.

B. PURPOSE

In addition to the purposes set forth in N.J.A.C. 7:9A-1.1 which are incorporated herein, it is the purpose of this ordinance:

1. To establish a management program for residential and non-residential advanced technology onsite wastewater treatment systems in the County of Cumberland in order to ensure the proper operation and maintenance of such systems. This ordinance requires all advanced technology onsite wastewater treatment systems subject to local regulation to be satisfactorily operated, inspected and maintained on a regular basis in order to minimize future malfunctions of such systems.
2. To regulate advanced technology onsite wastewater treatment systems in Cumberland County to protect public health and welfare and the environment. This includes a means of educating advanced technology onsite wastewater treatment system owners/operators, as defined herein, in the characteristics of such systems and the proper procedures for altering, operating and maintaining them.
3. To develop a management program to maintain records regarding advanced technology onsite wastewater treatment systems in the program area.
4. To promote and assure the proper use and maintenance of residential and non-residential advanced technology onsite wastewater treatment systems.

SECTION TWO

TITLE.

This Ordinance shall be known as the Advanced Technology Onsite Wastewater Treatment and Disposal System Management Ordinance of the County of Cumberland.

SECTION THREE

DEFINITIONS.

All definitions given in Subchapter 2 (N.J.A.C. 7:9A-2.1) of the New Jersey Department of Environmental Protection (NJDEP) Standards for the Construction of Individual Onsite wastewater treatment Systems, N.J.A.C, 7:9A-1.1 et seq., and any amendments thereto ("NJDEP Regulations") are hereby incorporated into this article, with the following additions:

ADVANCED WASTEWATER TREATMENT OR DISPOSAL TECHNOLOGY (ADVANCED TECHNOLOGY ONSITE SEWAGE DISPOSAL SYSTEM) - Any component or system, which is a part of an individual subsurface sewage disposal system, that is employed to reduce levels of pollution or convey pollutants to the subsurface environment that is not addressed or is not designed in strict conformance with the requirements of N.J.A.C. 7:9A.

BOARD OF HEALTH- The Board of Health of the County of Cumberland

BOARD OF HEALTH DESIGNEE – The Cumberland County Health Department shall act as the designated authority for the Cumberland County Board of Health

EDUCATION PROGRAM- An educational program prepared and administered by the Cumberland County Health Department regarding the function of advanced technology onsite wastewater treatment systems and the proper procedures for the operation and maintenance of such systems. The educational program shall be performed in accordance with the minimum requirements of N.J.A.C. 7:9A-3.14.

ENFORCING OFFICIAL- The Cumberland County Health Department

MANAGEMENT DISTRICT- The requirements of this ordinance shall apply to all municipalities within Cumberland County governed by the Cumberland County Board of Health.

NON-RESIDENTIAL - Any realty improvement other than a single family home. Such systems include but are not limited to those systems defined in N.J.A.C. 7:9A-1.8(C)2. Typical examples include but are not limited to: commercial buildings, restaurants, food establishments, commercial/residential mixed uses, and systems servicing multiple units.

ONSITE WASTEWATER TREATMENT SYSTEM- An individual subsurface sewage disposal system as referred to in N.J.A.C. 7:9A. A septic system is one example. Advanced technology wastewater treatment and disposal systems is another example.

OPERATOR'S LICENSE- A license issued to an applicant pursuant to this ordinance for the operation of an advanced technology onsite wastewater treatment system.

OWNER/OPERATOR- The person who owns or leases the realty improvement which is served by a residential or non-residential onsite wastewater treatment system and/or the person who uses or operates said system. The owner of the realty improvement and the operator of the system, if different, are jointly and severally liable for the obligations imposed by this ordinance.

PLOT PLAN – An engineered drawing showing the type and location of the onsite wastewater treatment system servicing the property, as well as the location and type of any on-site water supply. All plots plans shall be drawn to scale and list the dimensions used.

RETAIL FOOD ESTABLISHMENT- Any fixed or mobile restaurant; coffee shop; cafeteria; short order cafe; luncheonette; grill; tearoom; sandwich shop; soda fountain; tavern; bar; cocktail lounge; night club; roadside stand; industrial feeding establishment; private, public, or nonprofit organization, institution, or group preparing, storing or serving food; catering kitchen; commissary; box lunch establishment; retail bakery; meat market; delicatessen; grocery store; public food market, or any similar place in which food or drink is prepared for retail sale or service on the premises or elsewhere, and any

other retail eating or drinking establishment or operation where food is served, handled or provided for the public with or without charge.

SYSTEM- An individual or non-individual onsite wastewater treatment system, including all of the component parts thereof.

SECTION FOUR

SCOPE, APPLICABILITY AND EXEMPTIONS

SCOPE. The owner and/or occupant of any realty improvement serviced by an advanced technology onsite wastewater treatment system located in the Management District shall be subject to all of the requirements of this chapter.

APPLICABILITY. No person within the Management District shall operate a residential or non-residential advanced technology onsite wastewater treatment system unless such construction, installation, alteration, maintenance or operation is in accordance with all applicable sanitary regulations and this ordinance.

EXEMPTIONS. Any system not in operation for a period of six (6) months or longer shall be exempted from the licensing and maintenance requirements of this Ordinance. The Board of Health shall require an owner or operator of a system seeking exemption under this section to submit proof in the form acceptable to the Board to qualify for this exemption. Systems placed back into operation after having obtained an exemption must comply with all requirements of this ordinance at the time operation commences.

SECTION FIVE

LICENSE TO OPERATE

A. REQUIREMENT FOR LICENSE: On and after June 1, 2008 no owner or occupant of a property in the Management District upon which an individual or non-individual advanced technology onsite wastewater treatment system is located shall operate or otherwise use a system unless a currently valid license to operate the system has been issued by the Board of Health, or its designee, in accordance with the schedule herein to the owner of the property on which the system is located.

1. The Cumberland County Health Department may issue a license to operate and distribute educational information relative to the proper operation and maintenance practices to the owner and occupant of a property upon one or more of the following events:

- a. Issuance of a certificate of compliance for any system using advanced wastewater treatment or disposal technology(ies);
- b. Upon the sale or transfer of a premise using advanced technology wastewater treatment or disposal;
- c. Upon the renewal of a license to operate required under this Ordinance.

2. All licenses issued pursuant to this section shall be on a form provided by the Cumberland County Health Department. Once issued, a license shall be transferable upon change of ownership or occupancy of the premises for which the license has been issued. A fee, as provided in Section Ten of this ordinance, shall accompany each application for a license or renewal. The initial application for a license shall include a plot plan showing the location of the septic system (both the tank and the disposal area and any advanced technology components) and of any private water source on the property. The plot plan shall also include the general location, if known, of any wells, and septic systems on adjoining properties. The plot plan used for the permit to construct the advanced technology onsite sewage disposal system is the acceptable format.

B. EXPIRATION/RENEWAL. The initial license to operate shall expire three (3) years after issuance and annually thereafter. The Cumberland County Health Department shall notify the licensee or its designee at least 90 days before the license expires and shall direct the licensee to apply for a renewal of the license. However, if notice is not provided for any reason to the licensee, the licensee shall still apply for a license renewal. The renewal notice shall include educational materials relative to the proper operation and maintenance practice for such systems in accordance with N.J.A.C. 7:9A-3.14. and any technical guidelines from the manufacturer of the system components.

1. Requirements for Renewal: The Cumberland County Health Department shall not renew the license unless the licensee has submitted the following:

a) Submission of all system inspection and maintenance reports completed as part of the required maintenance contract. The inspection report(s) shall indicate

- that the system has been maintained,
- the system is not in need of pumping,
- the system is functioning as specified by the manufacturer
- the system is in conformance with the system permit.

Inspection reports shall follow the NJDEP technical guidelines for inspection and incorporate specific checks on the advanced technology as outlined by the manufacturer. The form shall be prepared, completed and certified by:

- A licensed professional engineer;

or

- A person certified and/or qualified to perform sewage disposal maintenance on the type of technology used in the system. This

person must appear on a current list from the specific technology manufacturer;

2. If the inspection report indicates that pumping of the treatment tank or other maintenance, alteration, or repair of the system is necessary, the Cumberland County Health Department shall issue a notice of violation requiring pumping, maintenance, or a permit to alter or repair. Following pumping, maintenance, or permitted alteration or repair of the system, the owner /operator shall submit to the Cumberland County Health Department a completed pumping / maintenance report prepared and signed by the person performing the required work or the Health Department Certificate of Compliance for an alteration / repair.

3. Renewal Term: Any license shall be renewed for a period of one year.

As a condition precedent to a license renewal, the owner/operator shall pay the fee required by Section Ten herein.

C. SUSPENSION OF LICENSE: The Cumberland County Health Department may suspend or revoke the license to operate in the following circumstances:

1. It has been determined that the system is malfunctioning based upon criteria provided for in N.J.A.C. 7:9A-3.4(a) or the system requires maintenance and the licensee fails to take immediate steps to correct said malfunction or maintenance requirements as directed by the Cumberland County Health Department;

2. The owner or occupant of the premises served by the system violates any provision of this chapter with respect to operation and maintenance of the system;

3. The owner or occupant of the premises served by the system denies the right of entry to the Cumberland County Health Department or to the New Jersey Department of Environmental Protection (NJDEP), as required in N.J.A.C. 7:9A-3.19, or in any way interferes with the administration or enforcement of this ordinance.

4. Maintenance contracts are not current and all required maintenance is not performed.

5. Operation of an onsite system under a suspended license shall be subject to penalties under Section Eleven of this ordinance.

D. MODIFIED TERM OF LICENSE: The Cumberland County Health Department may on its own motion, upon notice and opportunity to the property owner or operator for a hearing, or upon application of a property owner or system operator, alter the time period of a license to operate.

The Cumberland County Health Department may consider the following factors in determining that a more frequent licensing renewal or pumping/inspection schedule may be necessary:

1. Inadequate size of the septic tank or disposal field;

2. The age of the system;

3. Past history of malfunction or other non-compliance;

5. Location of the existing system in a flood hazard, wetland area, wetland transition zone or CAFRA zone

6. Proximity of the system to a well or water body.

E. SPECIAL LICENSING PROVISIONS FOR RETAIL FOOD HANDLING ESTABLISHMENTS:

The license to operate for a retail food-handling establishment shall expire one year after initial issuance or one year from the date of the documented inspection, whichever comes first. The owner of said establishment shall have the right to apply to the Cumberland County Health Department for a longer license renewal period, but in no case shall the license renewal period exceed three years. In considering any such application the Board of Health may consider the establishment's demonstrated compliance history of with management of the system.

SECTION SIX

STANDARDS ON THE USE OF ADVANCED TECHNOLOGY ONSITE WASTEWATER TREATMENT SYSTEMS

A. ADVANCED TECHNOLOGY COUNTY APPROVAL

Advanced wastewater technology, which is alternative to the standard technology allowed by N.J.A.C. 7:9A-1 et seq., may be allowed by the Cumberland County Health Department to repair/alter an existing, malfunctioning septic systems in cases where site constraints do not allow for a repaired/altered system that is fully compliant with the requirements of N.J.A.C. 7:9A-1 et seq.

B. ADVANCED TECHNOLOGY STATE APPROVAL

Advanced wastewater technology, which is alternative to the standard technology allowed by N.J.A.C. 7:9A-1 et seq., may be considered for the reconstruction of existing homes where the existing septic systems are substandard and in cases where site constraints do not allow for an altered system that is fully compliant with the requirements of N.J.A.C. 7:9A-1 et seq. This approval is granted by NJDEP through a Treatment Works Approval issued pursuant to N.J.A.C. 7:9A-3.9. Reconstruction projects shall be designed to maximize the onsite system's compliance with current regulations and shall not expand beyond the existing structure's footprint. This provision is limited to reconstruction as defined in the Rehabilitation subcode at N.J.A.C. 5:26-6.3 and shall not include any addition (or change in use?) as defined therein. All efforts shall be made to maximize available space for a system to effectively treat and dispose of sewage.

C. HOLDING TANK STATE APPROVAL

An existing home served by a malfunctioning sewage disposal system or the reconstruction of an existing home where there is not adequate space for a fully compliant system or an advanced technology disposal system may require the installation

of a Holding Tank. The applicant shall apply to NJDEP for approval for the use of a Holding Tank pursuant to N.J.A.C. 7:9A-3.12. Permitted Holding Tanks within the Management District will become subject to the inspection, maintenance, licensing, and deed restriction requirements of this ordinance.

D. ADVANCED TECHNOLOGY CONDITIONS

Each system which incorporates advanced technology shall incorporate the following conditions:

1. The owner(s) of a property served by an advanced wastewater treatment system shall provide the Cumberland County Health Department with a copy of an approved, executed, notarized and recorded Septic System Deed Restriction (see Appendix A) within 30 days of the installation of an alternative wastewater treatment system. The Septic System Deed Restriction is to be recorded with the Cumberland County Clerk.
2. Alternative wastewater treatment technologies shall be covered by a minimum three-year initial warranty and service contract that can not be cancelable, and is fully transferable, which includes provisions for the manufacturer or its agent to inspect the system at least once every six months to ensure the system was properly installed and is functioning properly. The warranty shall also include provisions that include all costs of repairing any problems associated with the inadequate function of the disposal system. This agreement shall be submitted to the Cumberland County Health Department prior to the issuance of a Certificate of Compliance and the License to Operate.
3. Following the initial 3 year license, warranty and service agreement, the owner/operator of any property served by an onsite wastewater treatment system, which utilizes advanced wastewater treatment and/or disposal technology, shall submit with the appropriate fee, on an annual basis, proof that the renewable warranty has been renewed for the proper inspection and maintenance of the advanced technology along with all inspection and maintenance reports. Any system that does not renew its warranty and/or License to Operate shall be deemed a nuisance pursuant to this ordinance, subject to a separate violation for every [day] the maintenance contract is not renewed.
4. The property owner shall provide notification to a purchaser of the property, prior to entering into any contract for real estate transfer, of the presence of and requirements of the advanced technology that exists on the property. This notification shall include a copy of the manufacturer's owner's manual for the technology and a copy of the requirements for the system owner listed in this ordinance.
5. Subsequent to the adoption of this Ordinance, any specific guidance documents concerning advanced wastewater treatment systems issued by NJDEP shall supercede this Ordinance and shall be followed.

D. GENERAL USE

1. The advanced technology onsite wastewater treatment system shall be used only for the disposal of sanitary wastes of the type and origin provided for in the approved engineering design. No permanent or temporary connection shall be made to any source of wastes, waste water or clean water other than those plumbing fixtures which are normally present within the type of facility indicated in the approved engineering design.
2. Drainage from basement floors, footings or roofs shall not enter the sewage disposal system and shall be diverted away from the area of the disposal field.
3. As set forth in N.J.S.A. 58:10A-17, no person shall use or introduce or cause any other person to use or introduce into any sewage water disposal system any sewage system cleaner containing any restricted chemical material.
4. Disposal of materials containing toxic substances into an advanced technology onsite wastewater treatment 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, photographic solutions, pesticides, insecticides, paint thinners, organic solvents or degreasers and drain openers.
5. Inert or non-biodegradable substances should not be disposed of in the advanced technology onsite wastewater treatment system. Such substances include, but are not limited to, disposable diapers containing plastic, cat box litter, coffee grounds, cigarette filters, sanitary napkins, facial tissues and wet-strength paper towels.
6. Large quantities of cooking greases or fats shall not be discharged into systems not equipped with a grease trap designed and constructed as prescribed in N.J.A.C.7:9A-8.1.
7. Major plumbing leaks shall be repaired promptly to prevent hydraulic overloading of the system.
8. Vehicle traffic and vehicular parking shall be kept away from the aspects of the system, unless the system has been specifically designed to support vehicular traffic.
9. Swimming pools and additional building structures shall be setback from the system according to the requirements of N.J.A.C. 7:9A-4.3.
10. Although water softener backwash may be disposed into the advanced technology onsite system in accordance with N.J.A.C. 7:9A-12.1, to reduce hydraulic loading to the system and preserve the serviceability of the system, this ordinance requires HVAC condensate and water softener backwash to be discharged to a separate seepage pit designed in accordance with N.J.A.C. 7:9A-11 or other means as approved by the administrative authority.

E. DISPOSAL FIELD MAINTENANCE.

1. The area of the disposal field shall be kept free of encroachments from decks, pools, sprinkler systems, driveways, patios, accessory buildings, additions to the main building and trees or shrubbery whose roots may disrupt the system
2. Grading shall be maintained in a condition that will promote run-off of rainwater away from the system and prevent ponding.
3. All drainage from roofs, footing drains, ditches or swales shall be diverted away from the system.
4. Vegetation shall be maintained to prevent soil erosion.

F. ABANDONED SYSTEMS.

1. When it becomes necessary to abandon any part of the advanced technology subsurface sewage disposal system, abandonment shall follow the requirements of N.J.A.C. 7:9A-12.8.
2. In addition all advanced technology mechanical systems shall be removed and properly disposed of.

SECTION SEVEN

APPEAL TO BOARD OF HEALTH

Any person aggrieved by any decision of a designee of the Board of Health made pursuant to this chapter shall have the right to appeal that decision to the Board of Health. Any aggrieved person seeking a hearing under this section shall make application to the Board in writing within 30 days of the decision to be appealed. The Board of Health appeal forms shall be used, to which additional information may be attached. The Board of Health shall schedule the matter for a hearing within 45 days thereafter. The hearing shall be conducted at a meeting held pursuant to the Open Public Meetings Act.

SECTION EIGHT

ENFORCEMENT

A. NUISANCES TO BE CORRECTED.

1. Any advanced technology onsite sewage disposal system or component thereof that is found to be malfunctioning (as defined in N.J.A.C. 7:9A-2.1 and 3.4) or in need of maintenance shall constitute a public health nuisance and shall be repaired, modified, replaced or maintained pursuant to an order of the Cumberland County Health Department to correct the condition caused by the malfunction. Alterations shall be performed in accordance with N.J.A.C. as adopted and implemented by the Cumberland County Health Department by virtue of this Code and any amendments thereto.

2. Any advanced technology onsite wastewater treatment system which has not been operated or maintained in accordance with the provisions required by this ordinance is hereby declared a nuisance.
3. Any advanced technology onsite wastewater treatment system which is constructed, installed, altered, operated or maintained in violation of this section, N.J.A.C. 7:9A-1 et seq., any rule or regulation promulgated pursuant to this ordinance or any approval, permit, certificate or license issued pursuant to this ordinance is hereby declared to be a nuisance.
4. In addition the powers provided for in N.J.A.C. 7:9A-1.1 et seq., the Board of Health retains its authority to abate any nuisance in accordance with the provisions of N.J.S.A. 26:3-45 et seq.

**B. MALFUNCTIONING ONSITE WASTEWATER TREATMENT SYSTEM:
INSPECTIONS OF SYSTEM; REVOCATION OF LICENSE**

1. The Cumberland County Health Department shall have the right to inspect any system that shows evidence of any malfunction. Such evidence may include, but not be limited to, foul odors, leakage to ground surface, or saturated soil/lush vegetation over system. Water and/or soil samples may be taken to confirm the existence of a malfunctioning system.
2. The Cumberland County Health Department may require that any malfunctioning system be corrected by servicing, replacement or alteration of the system.
3. Until any necessary replacement or alteration of a system has been accomplished, the Cumberland County Health Department 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 Health Department.
4. No provision to this Ordinance shall be interpreted as precluding the Cumberland County Health Department from revoking a license issued by same 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. Any such revocation shall be upon Notice to the owner/operator, with an opportunity to comment or appeal.

SECTION NINE

RIGHT OF ENTRY.

In furtherance of the rights granted to the Board of Health in N.J.S.A. 26:3-45 et seq. and N.J.A.C. 7:9-3.19, the Cumberland County Health Department, upon presentation of identification, shall have the right to enter upon property where an individual or non-individual onsite wastewater treatment system is located for the purpose of observation, inspection, monitoring and/or sampling of the on-site sewage disposal system. This authority is exercised by virtue of N.J.S.A. 26:3-31 as a necessary and reasonable method

of furthering the duties of the Cumberland County Health Department as enumerated therein.

SECTION TEN

FEES

- A. An initial license for advanced technology onsite wastewater treatment systems approved by the local administrative authority shall be included as part of the permit application review and approval process in accordance with Cumberland County Board of Health Ordinance #8 (as amended).
- B. An initial license fee of \$100 shall accompany each initial application for system licensure which permit review and approval was issued by the NJDEP.
- C. Upon renewal of each license, a Renewal License fee of \$75 shall accompany the application for license renewal.
- D. In cases of discrepancies concerning function of a system, if a Cumberland County Health Department inspection is requested/required to verify compliance with this ordinance, an additional fee of \$100 shall be due at time of license renewal.
- E. Any fee which is submitted late shall be assessed a \$5 late fee for every work day after the fee is due.

SECTION ELEVEN

VIOLATIONS AND PENALTIES

- A. A person who violates any provision of this article, or any term or condition of any certificate or license issued hereunder, shall be liable for one or more of the following penalties [N.J.S.A. 40:69A-29(b)].
 - 1. A fine of not less than one hundred dollars (\$100.00) nor more than two thousand dollars (\$2,000).
- B. Each separate day and each violation of any provision or this article, any term or condition of any certificate or license or any notice or order issued by the Cumberland County Health Department shall constitute a separate and distinct violation under this ordinance.
- C. Nothing in this section shall be construed as limiting the remedies of the Board of Health or its designee for violation of this article. The Cumberland County Health Department may proceed under any other remedy available by law or in equity for any violation of this article or any term or condition of any certificate or license issued by the Cumberland County Health Department or for any failure to comply with any notice or order issued by the Cumberland County Health Department under this ordinance.

SECTION TWELVE

REPEAL OF INCONSISTENT ORDINANCES.

All ordinances, codes or parts of same inconsistent with any of the provisions of this ordinance are hereby repealed to the extent of such inconsistency

SECTION THIRTEEN

EFFECTIVE DATE.

This ordinance shall take effect June 1, 2008.

SECTION FOURTEEN

SEVERABILITY.

In the event that any provision of this Ordinance or its application to any person is held invalid for any reason, such invalidity shall not affect any other provision of this Ordinance and to this end, the provisions of this Ordinance are severable.

Septic System Deed Restriction

This septic system deed restriction is made this _____ day of _____, 20____ by:

(Print Owner's Name(s) and Address Here)

being the owner(s) of the land described in the attached Schedule A which is made a part hereof and commonly known as _____
(Address of Property)

Said property being conveyed by Deed Record _____, page _____ in

the Office of the Clerk, Cumberland County, New Jersey, do hereby make the following declarations and restrictions;

Witnesses:

1. The property described above is served by an onsite septic system with advanced/alternative wastewater treatment technology.
2. The equipment that provides advanced wastewater treatment and disposal may require continual telemetry monitoring and operation via a non-dedicated telephone line and control panel and/or occasional inspection and maintenance on a bi-annual basis, at minimum, per the manufacturer's operation and maintenance manual.
3. The current owner(s) of this property, their successors or assigns in title are required to keep and maintain, at all times, a monitoring, operation and maintenance contract with a service provider approved and trained by the equipment manufacturer. And said service provider is to be in good standing with the New Jersey DEP, Cumberland County Board of Health and the Administrative Authority.
4. The requirement to maintain this monitoring, operation and maintenance contract shall be perpetual; extinguishing only if or when the building(s) situated on this property becomes served by a Public Sewer Utility or the current advanced/alternative wastewater treatment system is replaced by a conventional septic system approved by the New Jersey DEP, County Board of Health or the Administrative Authority.

In witness whereof, the owner(s) of this real estate have executed this Restriction effective the date and year first above written.

By:

(Signature)

(Signature)

(Print Name Here)

(Print Name Here)

Acknowledgement

State of _____

County of _____

_____ day of _____, 20____ did

personally appear _____ and

_____, and acknowledge the execution of the foregoing

Septic System Deed Restriction

In witness thereof, I have hereunto set my official seal the date above written.

My commission expires:

Notary Public Signature

Seal or Stamp

Printed Name

A Notary Public of _____ County, _____

CUMBERLAND COUNTY BOARD OF HEALTH

ORDINANCE CERTIFICATION

ORDINANCE NO. 10

I, STEVEN ERRICKSON, Secretary of the Cumberland County Board of Health, do hereby certify that the foregoing is a true and accurate copy of Ordinance No. 10 adopted by the Cumberland County Board of Health at its regular meeting held in the Cumberland County Administrative Office Building, 790 East Commerce Street, Bridgeton, New Jersey on March 26, 2008 at 5:30 p.m.



STEVEN ERRICKSON, Secretary

INTRODUCED: February 27, 2008

PUBLISHED: March 6, 2008

ADOPTED: March 26, 2008

EFFECTIVE: June 1, 2008

CUMBERLAND COUNTY BOARD OF HEALTH

PUBLIC NOTICE

ORDINANCE NO. 10

The following Ordinance was introduced at a meeting of the Cumberland County Board of Health held on February 27, 2008 and will be further considered for final passage after a public hearing at a meeting of the said Board to be held in the conference room of the Cumberland County Administration Building, 790 East Commerce Street, Bridgeton, New Jersey on March 26, 2008 at 5:30 p.m., prevailing time. You may appear at the public hearing and comment about the proposed Ordinance or ask questions regarding the same.



STEVEN ERRICKSON, Secretary
Cumberland County Board of Health