

ORDINANCE NUMBER 2008-01
CHAPTER BH: 2
SEWAGE DISPOSAL SYSTEMS

AN ORDINANCE AMENDING CHAPTER 2 OF THE HEALTH CODE
OF THE TOWNSHIP OF FRANKFORD

BE IT ORDAINED by the Board of Health of the Township of Frankford that the following section, to be identified as subsection BH:2-13, shall be added to Chapter BH:2 – Sewage Disposal Systems, of the Board of Health Code of the Township of Frankford:

**SEPTIC PERMIT AND APPROVAL REQUIRED FOR RECONSTRUCTION OR
REMODELING OF DWELLING UNITS AND COMMERCIAL OR NON-RESIDENTIAL
BUILDING.**

For purposes of this Chapter, “Reconstruction” of a building shall be deemed to include: (1) any habitable addition to the structure with a floor square footage greater than 15% of the existing total habitable space; (2) an addition requiring Land Use Board approval; and (3) demolition of an entire structure to the extent of what is planned to replace such structure.

For purposes of this Chapter, “applicable remodeling” shall mean the remodeling or replacement of existing, habitable space with or without an increase in the amount of habitable living space, where 40% or more of the area of the habitable living space that existed before the remodeling was commenced would be uninhabitable during any part of the work or would require a Certificate of Occupancy or Certificate of Approval for reoccupancy following completion of the work. For purposes of this Ordinance, any reconstruction or remodeling that occurred within the five (5) year period prior to the application for the building permit shall be included in and counted towards the 40% applicable remodeling standard. For a project proposing both a remodel and reconstruction of a building, the combined total of both areas (the proposed reconstruction and the remodel area) shall be used to determine whether there is applicable remodeling occurring. For purposes of this Ordinance, the following types of work/repairs will not be considered “Reconstruction” or “Applicable Remodeling”: (1) roofing/siding; (2) oil tank removal or abandonment; (3) oil tank installation; (4) chimney liner installation; (5) wood, pellet stove or insert; (6) in ground/above ground pools; (7) garden sheds under 600 square feet; (8) decks or patios, unless enclosed to create a habitable living space; (9) radon systems; (10) any soil remediation done for leaking oil tanks; (11) fencing, retaining walls; (12) replacing kitchen cabinets; and (13) bathroom or kitchen remodel with no change in wall locations.

For purposes of this Chapter, “habitable” shall mean any living space enclosed by glass or insulated wall systems.

Review and approval by the Board of Health of the design and all components of the existing septic system shall be required before the application for and issuance of a building permit for the reconstruction or applicable remodeling of any building unless the owner establishes to the satisfaction of the Board's authorized agent that the existing septic system has been designed in compliance with the current NJDEP Code and the Frankford Township Health Code (the "Current Codes") requirements applicable to new septic systems for the dwelling house based upon the number of bedrooms proposed for the reconstructed or remodeled dwellings or, with respect to commercial and non-residential buildings, in compliance with the Frankford Township Health Code and NJDEP requirements for the proposed reconstructed or remodeled commercial or non-residential building.

Remodeling and reconstruction of detached, uninhabitable accessory structures (such as a garage, workshop, storage building, swimming pool, barn) will not be considered "remodeling" for the purposes of this Chapter.

If the property is not improved with a septic system constructed in compliance with current NJDEP code and Frankford Township Health Code requirements for the applicant's proposed building and use, the proposed reconstruction or remodeling is prohibited until the septic system is approved by the Board of Health based on the following standards and requirements:

1. Where a septic system in compliance with current codes requirements can be constructed on the lot, the owner shall provide a septic design in compliance with the current code requirements, and shall have the system installed in accordance with an approved design for a house having the same number of bedrooms as proposed by the owner or, in the case of a commercial or non-residential building, in compliance with the current code requirements for the reconstructed/remodeled building.

2. If the property owner asserts that a septic system in compliance with the current codes cannot be constructed on the lot, the property owner shall apply to the Board of Health pursuant to Paragraph BH 2-5 hereof for a variance from the requirement that the septic system be in compliance with the current codes. The procedures to be followed and notices to be provided by the owner, as well as the criteria for the review and granting of said variance, shall be as set forth in Paragraph BH 2-5 of this Chapter. In addition, as part of any application for a variance, the property owner will submit to the Board's authorized agent, (the Sussex County Health Department), a septic design that proposes greater compliance with and to the current codes; that employs the current, best technologies authorized by the NJDEP; and that achieves the highest water quality standards for the effluent discharged to the disposal area. The property owner's proposed septic design will be filed with the Board and the Board's authorized agent at least fourteen (14) days before the hearing date for the variance so as to allow the Board and its authorized agent adequate time to review same and to provide comments and recommendations with respect to same. All septic design shall be filed in a PDF file format. In addition, as part of any application for a variance, the applicant will bear the burden of establishing to the Board that the existing building is a habitable dwelling with an existing method of sewage disposal. Failing same, the application will be treated as an application for the construction of a new septic system under the current codes.

3. As part of any variance application, proof will be required that the property is either serviced through a public water system or a drilled well. If the property does not have public water or access to a drilled well, the owner must have a well drilled in compliance with current code requirements.

If the owner proposes an increase in the number of bedrooms in the home compared with the number of bedrooms in the former dwelling, or proposes a change in the use or size of the commercial or non-residential building which would increase the required capacity of the septic system, the septic system must be designed and constructed in accordance with current code requirements. It is the Applicant's burden to provide proofs to establish the number of bedrooms in the former and proposed dwellings and the previously approved capacity of the septic system for the commercial or non-residential building.

The approval of the septic system to service the reconstructed/remodeled building shall not be deemed to eliminate the requirement for zoning approval or site plan approvals required of the applicant.

All ordinances or parts of ordinances inconsistent with this Ordinance shall be repealed to the extent of such inconsistencies only.

This Ordinance shall take effect upon final passage and publication pursuant to law. This Ordinance will not apply to any remodeling or reconstruction for which an unexpired building permit already exists upon the effective date of this Ordinance.

Attest:

Patricia Bussow, Secretary

Take notice that the above ordinance was passed on second reading at a meeting of the Frankford Township Board of Health held on June 10, 2008.