

**ORDINANCE NO. 20-13**  
**INTRODUCTION DATE: 04-15-2020**  
**ADOPTION DATE: 05-20-2020**

**AN ORDINANCE AMENDING CHAPTER XXXV (LAND USE AND DEVELOPMENT),  
ARTICLE 10 (IMPROVEMENTS), SECTION 10-2 (INSTALLATION OF  
IMPROVEMENTS AND/OR PERFORMANCE GUARANTEES REQUIRED PRIOR TO  
FINAL APPROVAL) AND ARTICLE 11 (DESIGN AND PERFORMANCE  
STANDARDS AND CONSTRUCTION SPECIFICATIONS), SECTION 11-22 (WATER  
SUPPLY) AND SECTION 11-23 (SANITARY SEWERS AND SEPTIC SYSTEMS) OF  
THE REVISED GENERAL CODE OF THE TOWNSHIP OF MILLSTONE, COUNTY  
OF MONMOUTH AND STATE OF NEW JERSEY**

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WHEREAS, the Township of Millstone (“Township”) is a Township with no public water or sewer infrastructure available; and

WHEREAS, the Township has a well-established policy of not extending public water and sewer; and

WHEREAS, the Master Plan Update, that was adopted by the Township Planning Board on November 8, 2017, recommends the continuation of the Township’s policy against the extension of public water and sewer; and

WHEREAS, there are components of the Township’s Land Use and Development Ordinance that are inconsistent with the Township’s Master Plan and documented policies; and

WHEREAS, the Township wishes to remove these sections in order to bring the Land Use Development Ordinance into conformance with the Township’s Master Plan.

BE IT ORDAINED by the Township Committee of the Township of Millstone, County of Monmouth, State of New Jersey as follows:

**I**

Chapter 35, Land Use and Development, Article 10 Improvements is hereby amended to remove Section 10-2.9 Water Mains, etc., and Section 10-2.11 Sanitary Sewers in their entirety and the Article shall be renumbered as follows:

- 10-2.1 Curbs
- 10-2.2 Streets
- 10-2.3 Storm Drains
- 10-2.4 Street and Traffic Signs
- 10-2.5 Landscaping
- 10-2.6 Sight Triangle Easements
- 10-2.7 Topsoil
- 10-2.8 Monuments

- ~~10-2.9 Water Mains, etc.~~
- 10-2.9~~10~~ Bridges
- 10-2.10~~12~~ Sidewalks
- ~~10-2.11 Sanitary Sewers~~
- 10-2.11~~13~~ Site Grading
- 10-2.12~~14~~ Soil Erosion and Sedimentation

## II

Chapter 35, Land Use and Development, Article 11 Design and Performance Standards and Construction Specifications, Section 11-22 and Section 11-23 are hereby amended to read as follows:

### **11-22 WATER SUPPLY.**

~~11-22.1~~ If public water is accessible, the subdivider shall construct water mains in such a manner as to make adequate water service available to each lot or dwelling unit within the subdivision or development. The entire system shall be designed in accordance with the requirements and standards of the local and/or State agency having approval authority and shall be subject to their approval. The system shall also be designed with adequate capacity and sustained pressure.

~~11-22.12~~ Where no public water is accessible, ~~w~~Water shall be furnished by the subdivider on an individual lot basis. If wells are installed on each lot and the lot also contains its own sewage disposal facilities, the wells shall be of the drilled type with a minimum of forty (40) feet of casing. Well installation, sealing and testing shall be in accordance with the New Jersey Standards for Construction of Water Supply Systems in Realty Improvements (Chapter 199 of the Public Laws of 1954), as amended. The well will be required to have a production of not less than six (6) gallons per minute as established by bailor tests, and certified by the well driller. Before being placed in consumer use, it shall be disinfected by the use of sodium hypochlorite or other acceptable solutions and a sample collected by a local or State Health Department representative for bacteriological examination. A copy of the result of the above referred to bailor tests and bacteriological examination and a certificate from the local or State Health Officer that the owner has complied with the applicable local or State health regulations shall be submitted to the Township before the issuance of building permits in connection with each individual lot in the subdivision.

### **11-23 SANITARY SEWERS AND SEPTIC SYSTEMS.**

~~11-23.1~~ If a public treatment and collection system is accessible, the subdivision shall construct facilities in such a manner as to make adequate sewage treatment available to each lot within the subdivision of said treatment and collection system.

**11-23.12** Any treatment plant and collection system, including individual on-lot septic systems, shall be designed in accordance with the requirements of the State Health Department, or Township Ordinances enforced by the ~~Township~~Monmouth County Board of Health, whichever is more restrictive, and shall be subject to approval by the ~~Township~~Monmouth County Board of Health.

**11-23.23** When individual subsurface sewage disposal systems are proposed, the applicant for a major site plan or major subdivision shall submit with its application of development, percolation and/or permeability tests and soil logs demonstrating the ability for the soil to accommodate the proposed system of sewage disposal. Tests shall be performed ~~at a minimum rate of one (1) per~~for each building lot for the areas of the tract to be developed ~~or as may be required by the~~ ~~Township~~Monmouth County appointed Health Officer. The development application shall be accompanied with a certification by the ~~Township~~Monmouth County appointed Health Officer indicating that the tests were witnessed and that the results support the proposal to install subsurface sewage disposal systems at the site.

If the test results do not show convincing proof of the ability for the soil to absorb sewage, the Planning Board may require additional site testing, modification of the applicant's development application, or may reject the plan as proposed by the applicant. (Ord. No. 01-15 §IV)

### III

All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.

### IV

If any section, subparagraph, sentence, clause or phrase of this Ordinance shall be held to be invalid, such decision shall not invalidate the remaining portion of this Ordinance.

### V

The Ordinance shall take effect upon adoption and publication according to law and filing with the Monmouth County Planning Board.

**EXPLANATORY STATEMENT:** This Ordinance revision provides for amendments to Sections 11-2.11, 11-22, and 11-23 that bring the Township's Land Use and Development chapter into conformance with the recommendations of the Township's Master Plan regarding the absence of public water and sewer infrastructure. The Township's long-documented and well-established policy of not extending public water and sewer was reinforced in the 2017 Master Plan Update. This Ordinance revision removes the sections that are not consistent with the Master Plan Update.