

**ORDINANCE NO. 2020-10**

**AN ORDINANCE OF THE BOARD OF HEALTH OF THE TOWNSHIP OF FRANKLIN, COUNTY OF HUNTERDON, STATE OF NEW JERSEY AMENDING PART III, "BOARD OF HEALTH LEGISLATION," CHAPTER 420 "SEWERAGE DISPOSAL SYSTEMS, INDIVIDUAL," OF THE CODE OF THE TOWNSHIP OF FRANKLIN TO CREATE SECTION 10 "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 420 Sewerage Disposal Systems, Individual.

**NOW, THEREFORE BE IT ORDAINED** by the Township Board of Health of the Township of Franklin, County of Hunterdon, State of New Jersey that Part III, "Board of Health Legislation, "Chapter 420 "Sewerage Disposal Systems, Individual," of the Code of the Township of Franklin shall be amended to create Section 10 "Waivers from Strict Compliance," as follows:

Section 1:

**§420-10 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 182-23 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:

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 3:

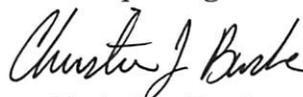
Repealer. Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as to their inconsistencies only.

Section 4:

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 Franklin Board of Health held on September 10, 2020 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 Franklin Board of Health to be held on October 8, 2020 at 8:00 p.m. or as soon thereafter as the Township of Franklin Board of Health may hear this Ordinance Online at <https://us02web.zoom.us/j/83096446373> and/or at the Municipal Building, 202 Sidney Road, Pittstown, New Jersey, at which time all persons interested may appear for or against the passage of said Ordinance.



Christine Burke  
Board of Health Secretary

Additional Information:

**Scheduled Zoom meeting.**

Topic: Board of Health (contained within the Town Committee Meeting)

Time: Oct 8, 2020 07:30 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/83096446373>

Meeting ID: 830 9644 6373

One tap mobile

+13126266799,,83096446373# US (Chicago)

+16465588656,,83096446373# US (New York)

Dial by your location

+1 312 626 6799 US (Chicago)

+1 646 558 8656 US (New York)

+1 301 715 8592 US (Germantown)

+1 346 248 7799 US (Houston)

+1 669 900 9128 US (San Jose)

+1 253 215 8782 US (Tacoma)

Meeting ID: 830 9644 6373

Find your local number: <https://us02web.zoom.us/j/83096446373>