

ORDINANCE NO. BH: 01-21

AN ORDINANCE OF THE MENDHAM BOROUGH BOARD OF HEALTH ESTABLISHING A REINSPECTION FEE FOR NONCOMPLIANCE WITH A SEPTIC SYSTEM PERMIT AND REVISING THE PENALTY FOR CERTAIN ORDINANCE VIOLATIONS

WHEREAS, the Borough of Mendham Board of Health desires to establish a reinspection fee where a permittee fails to comply with the terms of the issued septic system permit, and additionally revise the penalty imposed against persons, including licensed contractors, who violate Article 1, Sewage Disposal and Individual Water Supply Systems, of the Board of Health Code.

NOW, THEREFORE, BE IT ORDAINED, by the Borough of Mendham Board of Health, County of Morris, State of New Jersey, as follows:

SECTION 1. Section 102-2, Board of Health Fees, Chapter 232, Sewage Disposal and Water Supply Systems, Individual, § 232-15, is amended to include the following language:

Reinspection due to failure of permittee and/or licensed septic contractor to locate and construct or alter the system in accordance with the terms of the permit	\$100 per reinspection
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SECTION 2. Chapter 232, Sewers, Article 1, Sewage Disposal and Individual Water Supply Systems, § 232-16, Violations and penalties, is hereby amended to read as follows:

§ 232-16 Violations and penalties.

Any persons, including but not limited to a licensed septic contractor, who shall violate any provision of this article or any order of the Board of Health issued pursuant to this article, shall be subject to a fine not more than \$2,000 in accordance with N.J.S.A. 40:49-5; provided, however, that this penalty provision shall not apply to violations of the Realty Improvement Sewerage and Facilities Act (1954), for which a penalty provision is set forth in N.J.S.A. 58:11-39. In addition, violations of any provision of this article shall be a violation of the New Jersey Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq., and the violator shall be subject to assessment of civil administrative penalties pursuant to the provisions of N.J.A.C. 7:14-8.

SECTION 3. All ordinances of the Mendham Borough Board of Health that are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

SECTION 5. This Ordinance may be renumbered for codification purposes.

SECTION 6. This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

Dated:

MENDHAM BOROUGH BOARD OF HEALTH

Lisa Smith, Interim Board Secretary

Dr. Marilyn Althoff, President

I hereby certify the foregoing to be a true copy of an ordinance adopted by the Mendham Borough Board of Health at its meeting held on _____, 2022.

Lisa Smith, Interim Board Secretary

Dated: _____