

**2007 HILLSBOROUGH TOWNSHIP BOARD OF HEALTH
MANDATORY SEWER CONNECTION ORDINANCE**

An Ordinance replacing and supplementing an Ordinance heretofore enacted by the Board of Health of Hillsborough Township as hereinafter set forth.

BE IT ORDAINED by the Board of Health of Hillsborough Township in the County of Somerset, and the State of New Jersey:

An Ordinance entitled, "Hillsborough Township Board of Health Mandatory Sewer Connection Ordinance," adopted by the Board of Health of Hillsborough Township on November 3, 1969, with subsequent amendments thereto as codified in Chapter 185-1 through 6 of the Code of the Township of Hillsborough, is hereby deleted and replaced by the following new Ordinance:

1. Definitions.

As used in this chapter of the Board of Health of the Township of Hillsborough in the County of Somerset, New Jersey, unless a different meaning clearly appears from the context, the following words shall have the following meanings:

BUILDING - Any building or structure heretofore or hereafter constructed and designed or used for dwelling purposes or occupancy by persons, whether temporary or permanent or in which sewage is created or discharged.

CONNECTION DATE - When used with respect to a building constructed prior to the date of initial operation of a sewer available to serve said building which is owned or operated by the township or by the Township of Hillsborough Municipal Utilities Authority, shall mean the 180th day next ensuing after the sewer line is

available to serve said building. An building built after the date when a sewer line is available to serve said building shall connect to such sewer line at the time such construction is completed and prior to occupancy.

SEWAGE or SANITARY SEWAGE - Water-carried wastes created in and carried or to be carried away from residences, hotels, apartments, schools, hospitals, industrial establishments or any other public or private building, together with such surface or ground water and industrial wastes as may be present.

SEWER - Any sewer or main designed or used for collection or disposal of sewage within the township.

2. Connection required.

The owner of any building located within two hundred and fifty (250) feet of any sewer now or hereafter constructed and owned or operated by the Township of Hillsborough or by the Township of Hillsborough Municipal Utilities Authority in the Township of Hillsborough shall connect each such building to said sewer on or before and not later than the connection date with respect to said building upon order of the Board of Health of Hillsborough Township. The distance shall be measured in a horizontal straight line from a point directly above the designated sewer connection as that point has been determined by the engineer for the Township of Hillsborough Municipal Utilities Authority or the Engineer for the township, to the nearest portion or part of the building.

3. Connection specifications.

Every connection required by this chapter shall comply in all respects to the Plumbing Code of the Township of Hillsborough as the same may be amended from time

to time and as in effect at the time a connection is required.*¹

4. Notice of availability of sewers; order to connect.

Upon receipt by the Board of notification from the said Township of Hillsborough Sewerage Authority or from the township that any sewer is available to serve buildings on any properties in the township, the Board of health shall order each owner of a building within two hundred and fifty (250) feet from the line of said sewer to connect each building on such property with said sewer in accordance with the terms of this chapter.

5. Service of notice to connect.

The Board of Health shall designate one of its proper officers to give notice to the owner of property with respect to which an order is issued pursuant to §4. Such notice shall be addressed to the owner of said property as the name of said owner appears in the last tax duplicate of the Township of Hillsborough and shall describe the property by lot and block designation as the same appears in the Tax Map of the Township of Hillsborough and by the street address if a street address exists. The notice shall state that by order of the Board of Health the owner is required to connect each building on said property with a sewer in accordance with the terms of this chapter on or before the connection date with respect to such building, or if such connection date shall have passed, within thirty (30) days after service of such notice as hereinafter provided, and said notice shall also describe the penalty which may be imposed hereunder for failure to comply with said notice and order in accordance with the terms of this chapter. Said notice may also be served within or without the limits of the Township of Hillsborough by mailing the same by certified

¹Editor's Note: As originally adopted, this section referred to the Plumbing Code adopted 8-27-63 by the Board of Health. That code was superseded 6-3-68 by adoption of Ord. No. 68-1BH.

mail to the last known post office address of said owner as the same appears on the last tax duplicate of the Township of Hillsborough. Said notice may be served on the owner personally or by leaving it at his usual place of abode with a member of his family above the age of eighteen (18) years.

6. Violations and penalties.

A. In the event any person or corporation shall not have connected the building or buildings on his or its property to an available sewer line after the connection date and after the thirty (30) day notice sent to such person or corporation under §5 of this chapter, such person or corporation shall, upon conviction thereof, be fined fifty (\$50) dollars. An additional fine of ten (\$10.00) dollars shall be imposed for each day of delay after the expiration of the thirty (30) days in which the provisions of the order or notice are not complied with.*²

B. Penalties under this chapter shall be enforced by the Municipal Court of the Township of Hillsborough.

7. Relief from Requirement.

A building may be granted relief from said connection requirement if within one hundred and eighty (180) day period defined as the CONNECTION DATE or within thirty (30) days after said period wherein the owner of said building shall have received a notice to connect as set forth in paragraph 5 (whichever date shall later occur), the owner of said property appeals to the Board of Health for relief based upon the following grounds, and the Board of Health waives the connection requirements at its next regularly scheduled meeting wherein a quorum of said Board is present. The grounds for relief shall be limited

²Editor's Note: Amended at time of adoption of Code; see Ch. 156. General Provisions, Board of Health. Aft.

to the following circumstances and only if the existing disposal system is in good working condition and does not pose a present and potential health hazard;

A. If any such building, although located within two hundred fifty (250) feet of said sewer, is situated such that the existing exterior connection at the building in question is in excess of two hundred fifty (250) feet, and it is demonstrated to the Board of Health that to relocate the exterior connection would be greatly disruptive to the building in question because of existence of improvements or other conditions, the Board may grant relief from said requirement.

B. If any such building, although located within two hundred fifty (250) feet of said sewer in such a fashion that the effluent from the building would have to be pumped or otherwise removed from the existing building to the sewer by mechanical means which may present a potential health hazard which hazard outweighs that of not connecting to the sewer in question, the Board of Health may grant relief from said requirement.

C. If any such building, although located within two hundred and fifty (250) feet of said sewer, is located in such a geological area that a disturbance of the ground in connection of said building might substantially endanger the integrity of the building or present a serious health hazard, the Board of Health may grant relief from said requirement but only if the hazard outweighs that of not connecting to the sewer in question.

D. If any such building, although located within two hundred fifty (250) feet of said sewer, has within the last 10 years been subject to a replacement and substantial upgrade of the septic system on site, and the applicant can provide sufficient evidence that the system will be adequate to continue to meet the wastewater disposal needs of its property

owner, the homeowner may be granted temporary relief from connecting his or her property while the system is operating in conformance with New Jersey State Individual Sewage Disposal Code.

Relief under this section may be restricted to whatever time frame the Board of Health deems appropriate given the potential of changing ground or ground water conditions.