

**TOWNSHIP OF HILLSBOROUGH BOARD OF HEALTH
SUMP PUMP ORDINANCE**

NOTICE

PUBLIC NOTICE is hereby given that the Ordinance below set forth hereinafter designated the HILLSBOROUGH TOWNSHIP SUMP PUMP DISCONNECT FROM SANITARY SEWER SYSTEM ORDINANCE (1994) was introduced and passed at a regular meeting of the BOARD OF HEALTH IN AND FOR THE TOWNSHIP OF HILLSBOROUGH, IN THE COUNTY OF SOMERSET on the 7th day of February 1994; that the same was then entered to be published according to the requirements of N.J.S.A. 26:3-66 et seq. and the statutes in such case made and provided; and that such ordinance will be further considered for final passage at a regular meeting of said Board to be held at the Hillsborough Township Municipal Building, 555 Amwell Road, Neshanic, NJ 08853, in the Township of Hillsborough in the County of Somerset and state of New Jersey on the 7th day of March 1994, at 8:00 p.m. prevailing time, at which time and place, or at any time and place in said Township to which such meeting shall from time to time be adjourned, all persons interested will be given an opportunity to be heard concerning such ordinance.

PUBLIC NOTICE is likewise given that three certified true copies of the HILLSBOROUGH TOWNSHIP SUMP PUMP DISCONNECT FROM SANITARY SEWER SYSTEM ORDINANCE (1994) the ordinance below set forth were, on the introduction of said Ordinance, placed on file in the Office of the Clerk of said Board of Health for uses and examination of the public until final action is taken on said Ordinance; if said Ordinance is finally passed, said copies of said Ordinance will remain on file in said Office and additional copies thereof, certified and marked

as aforesaid, will be placed on file in the Office of any Board, Body of Officer of said township and of said Board having in charge the enforcement of said Ordinance for the use and examination of the public for so long as said Ordinance or any part thereof shall remain in full force and effect.

By order of the Board of Health
In and for the Township of
Hillsborough, in the County of
Somerset
Karen Sowden, Clerk

HILLSBOROUGH TOWNSHIP SUMP PUMP DISCONNECT FROM SANITARY SEWER SYSTEM ORDINANCE

AN ORDINANCE PROVIDING FOR THE DISCONNECT OF SUMP PUMP AND RELATED APPARATUS FROM THE HILLSBOROUGH TOWNSHIP MUNICIPAL UTILITIES AUTHORITY SANITARY SEWERAGE SYSTEM AND OTHER SEWERAGE SYSTEMS.

ALSO KNOWN AS ORDINANCE AMENDING PART III OF THE MUNICIPAL CODE OF THE TOWNSHIP OF HILLSBOROUGH SO AS TO ADD A CHAPTER 186 ENTITLED "SUMP PUMP DISCONNECT FROM SANITARY SEWER SYSTEM".

Section I – Findings

The HTMUA and Valley Road Sewerage Company, in operation their respective sanitary sewer systems within the Township of Hillsborough, must contend with the impact of heavy rainfall and its potential for creating surcharge conditions upon their systems. The condition is exacerbated by the gallonage added to the sewer system by sump pumps, floor drains, roof drains, related apparatus, and the infiltration of other than normal sanitary sewage improperly connected to their sewerage systems. It is in the best interest of the Township, through its Board of Health and Municipal Utilities Authority, to establish an approach to encourage and require that such improper connections be dismantled. The excess infiltration of water has the potential of overloading the carrying capacity of the sanitary sewer systems, which may result in the discharge of raw sewage to the surface and ground waters of the Township, causing a serious public health hazard.

Section II – Purpose

The purpose of the Ordinance, generally, is to promote compliance with the Rules and Regulations of the Hillsborough Township Municipal Utilities Authority, and, specifically, to require that all such improper connections into its system be removed. It is the further purpose of the Ordinance to insure that infiltration of non-sanitary sewage be minimized to all Sewage Disposal Systems operation within the Township of Hillsborough.

Section III – Definitions

A. Rules and Regulations – This refers to the "Rules and Regulations Governing the Operations of the Township of Hillsborough Municipal Utilities Authority", adopted on June 28, 1989, and as same may be lawfully amended.

B. Sanitary Sewage – Means the normal water carrying household and toilet waste from residences, business buildings, institutions, commercial and industrial establishments, including those set forth in Section 1.14 of the Rules and Regulations.

C. Sewerage System – Means all facilities and appurtenances connected with the collection system, trunk system, and laterals, including those set forth in Section 1.17 of the Rules and Regulations.

Section IV – Requirements

A. Violations of HTMUA Rules and Regulations – No person shall violate the rules and regulations of the Hillsborough Township Municipal Utilities Authority when applicable.

B. Sump Pumps, Floor Drains, Roof Drains and Related Apparatus – No person shall connect any sump pump, floor drain, roof drain, and/or any related apparatus to any sanitary sewer line. The record title owner shall be responsible under this section and shall be presumed to have caused any such connection.

C. Infiltration into Sanitary Sewer System – No person shall permit, allow or suffer or cause the infiltration of water or any other substance which is not normal sanitary sewage as defined hereinabove into the Hillsborough Township Municipal Utilities Authority System, or any other system operated within the Township. The record title owner shall be responsible under this section and shall be presumed to have caused any such infiltration.

Section V – Amnesty Period

Any person currently in violation of Section IV of this Ordinance shall not be prosecuted pursuant to Section VIII hereinafter for a six month period of time which shall commence upon the date of adoption of this Ordinance.

Section VI – Discharge of Storm Water

A. For public safety, health and welfare, residential property owners shall be permitted to connect all sump pump, floor drain, roof drain, and related apparatus discharge piping to the nearest storm sewers provided 1) the discharge piping is installed underground, 2) the piping discharges flow at least ten feet from a building structure and at a location which will minimize infiltration to the building foundation and/or sanitary sewer and 3) the piping will not discharge water onto adjoining property.

B. If the storm sewer is not available, the sump pump floor drain, roof drain and/or related apparatus discharge piping may be connected underground through the curb opening to the gutter line, provided there is more than 0.5 percent gutter slope. In existing roadways, a road opening permit shall be required for the Public Works Department.

C. In all other cases, the discharge shall be directed to the nearest ditches or contained on the owner's property so that it does not adversely affect neighboring land.

D. Assistance and guidance with respect to layout and the location of proper discharge points may be obtained through the Hillsborough Township Board of Health or the Hillsborough Township Municipal Utilities Authority in those areas with its jurisdiction.

Section VII – Inspection and Enforcement

A. Reasonable Basis to Inspect - Before any inspection is made of the suspected premises, the Board of Health shall have a reasonable basis to suspect that a violation of Section IV of the Ordinance has occurred. Such a reasonable basis shall exist whenever a petition supported by reasonable facts, is filed with the Board of Health by the Hillsborough Township Municipal Utilities Authority and/or whenever the Sanitary Inspector of the Board of Health or any other duly authorized person by the Board of Health to enforce the terms and conditions of this Ordinance so determines based on reasonable facts in the official's possession.

B. Property Owner Consent – Upon satisfaction of Paragraph A hereinabove, the Sanitary Inspector of the Board of Health or other duly authorized representative shall visit the premises in question and request permission to inspect the premises for a violation of Section IV of this Ordinance. If such permission is granted, entry shall not be made until the property owner has signed a written consent form to be supplied by the Board of Health. Once written permission is obtained, the Board of Health representative shall inspect the premises to determine if such violations of Section IV do exist. The premises shall be made available and accessible for such inspection by the property owner between the hours of 9:00 a.m. and 5:00 p.m. Monday through Friday provided, however, that the inspections may be made at other times, with the property owner's consent, if one of the following conditions exist:

1. The premises are not available during the foregoing hours for inspection;
2. There is reason to believe that violations are occurring on the premises which can only be fully determined and proved by inspection during other than the prescribed hours;
3. There is reason to believe that a violation exists of the character which is an immediate threat to health or safety, requiring inspection without delay;
4. Emergency inspections may be authorized if the Sanitary Inspector or any other duly authorized person has reason to believe that a condition exists which poses an immediate threat to life, health or safety.

C. Search or Access Warrants – In the event written consent cannot be obtained the Sanitary Inspector or any other duly authorized person may, upon affidavit, apply to the Judge of the Municipal Court of the Township of Hillsborough for a search warrant setting forth factually the actual conditions and circumstances that provide a reasonable basis for believing that a violation of Section IV of this Ordinance may exist on the premises. If the Judge of the Municipal Court of the Township of Hillsborough is satisfied as to the matter set forth in the affidavit, he shall authorize the issuance of a search warrant permitting access to an inspection of that part of the premises on which the suspected violation of Section IV of this Ordinance may exist.

D. Issuance of a Warrant – If the inspection reveals infiltration of other than normal sanitary sewage, for example – storm water improperly connected to the sanitary sewerage system, a warning and notice of abatement shall be provided to the property owner. A disconnect shall be effected by the property owner within fourteen (14) days of issuance of the warning.

E. Reinspection – If, upon reinspection of the premises with written consent or via a search warrant, the Ordinance violation has not been abated, the Sanitary Inspector or any other duly authorized person shall issue a summons for violation of this ordinance.

Section VIII – Violations and Penalties

A. Any person or persons violating any of the provisions of this Ordinance shall, upon conviction thereof, be deemed guilty of a Class C violation, punishable as provided in Chapter 156, General Provisions, Board of Health Article II.

B. For the purpose of assessing penalties, the continuation of a particular violation for each successive day shall constitute a separate offense and the person or persons allowing or permitting the continuation of the violation may be punished as proved above for each separate violation.

C. The imposition of a penalty as provided hereinabove, shall be in addition to any injunctive or remedial relief which is authorized under the laws of the State of New Jersey with the same force and effect as though provided for herein.

Section IX – Severability

If any part of this Ordinance shall be invalid, such part shall be deemed severable, and the invalidity thereof shall not affect the remaining part of this Ordinance.