

**TOWNSHIP OF WYCKOFF
340 FRANKLIN AVENUE
WYCKOFF, NJ 07481**

ORDINANCE #2092

AN ORDINANCE AMENDING CHAPTER 157, "SEWERS," OF THE CODE OF THE TOWNSHIP OF WYCKOFF, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO REVISE CERTAIN PROVISIONS CONCERNING REQUIRED CONNECTIONS TO PUBLIC OR AUTHORITY SEWERS AND TO REPEAL THE CONNECTION OPTION WHEN MORE THAN ONE SEWER IS AVAILABLE

Note: Matters enclosed in bold-faced brackets **[thus]** are intended to be omitted. Matters **bolded and underlined** thus are new matters.

WHEREAS, the Township Committee has reviewed Chapter 157 of the Code of the Township of Wyckoff concerning sewer connections and individual sewage disposal facilities; and

WHEREAS, the Township Engineer has recommended certain revisions to clarify when connection to a public sewer or Authority sewer is required, to revise distance thresholds, to update connection-triggering events, and to repeal the existing provision permitting an election where more than one sewer is available;

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Wyckoff, in the County of Bergen, State of New Jersey, as follows:

SECTION 1. Section 157-4, entitled "Maintenance of privy or septic tank restricted," is hereby amended to read as follows:

§ 157-4. Maintenance of privy or septic tank restricted.

[Except as hereinafter provided,] Except as otherwise provided in this Part, it shall be unlawful to construct or maintain any privy vault, septic tank, cesspool or other similar facility intended or used for the disposal of sewage within the Township of Wyckoff.

SECTION 2. Section 157-5, entitled Connections to public sewers required; exemption, is hereby retitled and amended to read as follows:

§ 157-5. **[Connections to public sewers required; exemption]
Connections to public sewers required.**

All owners of buildings situated in the Township of Wyckoff on premises abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sewer or Authority sewer **[is] are** hereby required, at **[his] their** own expense, to install suitable toilet facilities therein and to connect such facilities directly to the public sewer or Authority sewer in accordance with the provisions of Part 1 of this chapter within 30 calendar days after the date of official notice requiring such action **[unless specifically exempted by provisions of this Part 1].**

SECTION 3. Section 157-6, entitled "Permitted maintenance of individual sewage disposal system; change requiring sewer connection," is hereby amended to read as follows:

§ 157-6. Permitted maintenance of individual sewage disposal system; change requiring sewer connection.

A. All owners of buildings situated within the Township of Wyckoff on premises abutting any street, alley or right-of-way **[as designated in Wyckoff Ordinance No. 579, in which there is located a public sewer or Authority sewer installed prior to January 1, 1977, as part of Wyckoff pollution control system under contracts 1, 2, 4 and 7 of said system; and all owners of buildings situated within the Township of Wyckoff upon premises abutting any street, alley or right-of-way, designated in Wyckoff Ordinance No. 886, as part of Wyckoff pollution control system under Contract 15, and as designated in Wyckoff Ordinance No. 943, as part of Wyckoff pollution control system under Contract 22 of said system,] in which there is located an active public sewer or Authority sewer,** who have an existing individual sewage disposal facility which is operating satisfactorily and constructed and maintained in accordance with local law, shall not be required to connect the toilet facilities therein directly to the public sewer or Authority sewer lines unless:

- 1) **[The individual sewage disposal facility requires substantial repair. The Wyckoff Board of Health shall determine on the basis of the public health and welfare whether any individual sewage disposal facility is in need of substantial repair. Pumping of such a facility shall be permitted at reasonable intervals, the frequency of which shall be determined by the Wyckoff Board of Health. No person shall pump or empty an individual sewage disposal system without first obtaining a permit from the**

Wyckoff Board of Health.] The individual sewage disposal facility is malfunctioning as defined by N.J.A.C. 7:9A-3.4.

2) **[There is a change of use, ownership, or occupancy of the building.] There is a change of use, ownership, or occupancy of the building, a transfer of title to the property, or the structure undergoes a renovation as defined by the Uniform Construction Code, N.J.A.C. 5:23.**

B. Upon the occurrence of the event stated in Subsection A(1) above, **[the owner of the building is required, at the owner's own expense, to connect] the owner shall, at the owner's expense, connect** the toilet facilities with the public sewer or Authority sewer in accordance with the provisions of this Part 1 of this chapter within 30 calendar days after the date of official notice requiring such action, **which work may include extending the municipal sewer main as necessary.**

C. Upon the occurrence of an event stated in Subsection A(2) above, including a real property transfer, the owner of the property shall abandon all subsurface sewage disposal systems and connect to **[public or Sewer Authority sanitary sewer system] the public or Authority sanitary sewer system** if the property abuts any street, alley or right-of-way in which there is located **[a public sewer or Authority sewer] an active public sewer or Authority sewer**. Said connection must be completed prior to obtaining a **[continued certificate of occupancy] certificate of approval for resale** for the property **in accordance with Chapter 94 of the Code.**

SECTION 4. Section 157-7, entitled "Public sewers not convenient to property," is hereby amended to read as follows:

§ 157-7. Public sewers not convenient to property.

A. In the event a public sanitary sewer or Authority sewer to which the owner of a building is required to connect, pursuant to the aforementioned sections of this Article, is not available within **[150 feet of such building] 100 feet of such property**, existing individual **[sewer] sewage** disposal facilities may be utilized, provided:

1) The building is used solely as a single-family residence.

- 2) The building is in existence as of the effective date of this Article.
- 3) Such facilities strictly conform to all applicable state and local laws, ordinances, rules and regulations.

B. Anything herein to the contrary notwithstanding, in the event a public sanitary sewer or Authority sewer is available for use within **[150 feet of a building] 100 feet of such property**, it shall be unlawful, **pursuant to N.J.A.C. 7:9A-1.6(e)**, to construct or reconstruct any individual sewage disposal facility or part thereof or any leaching pit, trench or field.

SECTION 5. Section 157-8, entitled "Connection option when more than one sewer available," is hereby repealed in its entirety and reserved.

§ 157-8. [Connection option when more than one sewer available] Reserved.

All owners of buildings situated within the Township of Wyckoff on premises abutting on any street, alley or right-of-way in which there is located or may in the future be located two public sewers, including Authority sewers, one of which is within 150 feet of the building, shall have the option to connect to either sewer, provided such election is made within 30 calendar days after receiving written notification from the Township of Wyckoff, and such election may not be revoked without approval of the Township Committee of the Township of Wyckoff.]

SECTION 6. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 7. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance.

SECTION 8. This ordinance shall take effect upon final passage and publication according to law.