

58:11 - 23 to -42

L 1954 C-199

June 27, 1962

Dear Assemblyman:

Your letter to Mr. McDonough was referred to me for reply.

We have looked into the background of the Realty Improvement Sewerage and Facilities Act, P.L. 1954, Ch. 199, R.S. 58: - 23 to - 42, however, we could not find anything that would explain the intention of the introducer of this legislation.

This law was introduced a A-100 by Mrs. Vervast. The bill had **no statement**. It passed without amendment; There were no hearings or reports. We looked into the publication of the New Jersey Municipal League to see wheather any discussion could be found. We could not locate any mention of the bill.

We regret that we cannot be of help to you in this matter.

Yours very truley,

(Mrs.) Herta Prager, Head
Bureau of Law & Legislative Reference

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ASSEMBLY, No. 100

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 8, 1954

By Mr. VERVAET

Referred to Committee on Institutions, Public Health and Welfare

AN ACT to protect the public health by regulating the installation or erection of potable water supply and sewerage services upon certain realty improvements within this State and providing for the enforcement thereof.

1 *BE IT ENACTED by the Senate and General Assembly of the State of New*
2 *Jersey:*

1 **1.** This act shall be known and may be cited as "The Realty Improvement
2 Sewerage and Facilities Act (1954)."

1 **2.** As used in this act, unless the context clearly indicates otherwise, the
2 following words shall have the following meanings:

3 (a) "Approved potable water supply" means water supply which has
4 been approved by the State Department of Health, pursuant to Title 58 of
5 the Revised Statutes, or any other law.

6 (b) "Approved sewer system" means a sanitary sewer system which
7 has been approved by the State Department of Health pursuant to Title 58
8 of the Revised Statutes, or any other law.

9 (c) "Water supply system" means any installation or structure de-
10 signed to provide domestic or potable water supply.

11 (d) "Sewerage facilities" means any installation or structure designed
12 to provide for the collection and disposal of sewage.

13 (e) "Realty improvement" means any proposed new residence or other
14 building the useful occupancy of which will require the installation or erec-

15 tion of a water supply system or sewerage facilities, other than one which
 16 is to be served by an approved water supply and an approved sewerage sys-
 17 tem.

18 (f) "Board" or "board of health" means the board of health of any
 19 municipality or the boards, bodies or officers in such municipality lawfully
 20 exercising any of the powers of a board of health under the laws governing
 21 such municipality, and includes any consolidated board of health or county
 22 board of health created and established pursuant to law.

23 (g) "State Department" means the State Department of Health.

24 (h) "Professional engineer" means a person licensed to practice profes-
 25 sional engineering in this State.

1 3. No building permit for the construction of a realty improvement shall
 2 be issued by any municipal or other authority in this State nor shall the con-
 3 struction of any realty improvement be begun until the board of health hav-
 4 ing jurisdiction shall have certified that the proposed water supply system
 5 and sewerage facilities for the proposed realty improvement are in compliance
 6 with the provisions of this act and the standards for construction of such
 7 water supply and sewerage facilities promulgated by the State Department
 8 as herein provided and those established by local ordinances, where such lo-
 9 cal ordinances prescribe higher standards than those promulgated by the State
 10 Department.

1 4. Any board of health which has in its employ a licensed health officer or
 2 sanitary inspector of the first grade licensed by the State Department or a
 3 professional engineer shall issue certifications as provided in section 3 of
 4 this act if such health officer, sanitary inspector or professional engineer cer-
 5 tifies to the board that the application and accompanying engineering data
 6 are in compliance with this act and the standards for construction hereinbe-
 7 fore referred to.

8 A board of health not having personnel as described above may issue
 9 such certification, if an applicant for certification files with the board
 10 a certificate made by a professional engineer stating that the proposed water

11 supply system and sewerage facilities are in compliance with this act and
12 said standards for construction.

1 5. Application for certification shall be in writing and shall be made on a
2 formal application blank when such blanks are provided by the board, and
3 each application shall include such engineering data as shall be prescribed
4 by said standards for construction.

5 Copies of all applications and the accompanying engineering data for
6 certifications to cover 50 or more realty improvements shall be filed
7 with or mailed to the State Department on the date on which application is
8 made to the board.

9 Copies of all certifications by boards of health covering 50 or more
10 realty improvements shall be mailed to the State Department by the board
11 issuing the same on the date of issue.

1 6. The board of health shall issue or deny certification within 15 days
2 after receiving an application for certification except that, in case the board
3 finds the data submitted by an applicant incomplete, the time for acting
4 thereon shall be extended by 15 days beyond the date of submission of ade-
5 quate supplementary or amendatory data. Denial of certification shall be
6 supported by a statement of the reasons for such action.

1 7. The State Department may revoke any certification covering
2 50 or more realty improvements; provided, that such action is taken within
3 15 days of the date of certification by the board of health; and pre-
4 vided, that such action is supported by a statement of the reasons therefor.
5 If after revocation of any certification by the State Department, or denial
6 of certification by the board, in any such case, such application is amended or
7 supplemented, a copy thereof shall be filed with or mailed to the department
8 on the date of its submission.

1 8. If any change in the physical conditions of any lands of a realty im-
2 provement, which will materially affect the operation of the water supply
3 system or sewerage facilities covered by any certification issued under this
4 act, shall be made after certification, the certification shall become null and

5 void and a new certification shall be obtained before construction shall pro-
6 ceed. If 50 or more realty improvements are covered by such a valid
7 certificate a copy of the application for a new certificate shall be mailed to the
8 State Department on the date upon which it is submitted to the board.

1 9. In case any certification is denied by the board of health or is revoked
2 by the State Department, a hearing shall be held thereon before the board or
3 the State Department, as the case may be, within 15 days after re-
4 quest therefor is made by the applicant and upon such hearing the board of
5 health or the State Department, as the case may be, shall affirm, alter or
6 rescind its previous determination and take action accordingly within 15 days
7 after the date of such hearing.

1 10. A board of health shall have power to make, or cause to be made,
2 such inspections and tests as may be necessary to carry out the purposes of
3 this act and its authorized representatives shall at all times have the right
4 to enter upon lands of realty improvements for said purposes.

1 11. No septic tank, tile field, seepage pit or system or structure designed
2 to provide sewerage facilities to any realty improvement shall be covered
3 from view until the same has been inspected by an authorized representative
4 of the board of health and permission to cover the same has been given by the
5 board or its authorized representative.

1 12. Copies of any ordinances, which have been or shall be adopted by
2 any municipality, establishing requirements equivalent to those required by
3 this act and minimum standards for construction equivalent to those prom-
4 ulgated or to be promulgated by the State Commissioner of Health under
5 this act, shall be filed with the State Department within 10 days after the
6 effective date of this act or within 10 days after the adoption thereof, which-
7 ever shall be later.

1 13. There shall be appointed biennially an advisory committee to draft and
2 recommend standards for the construction of water supply systems and sew-
3 erage facilities for realty improvements in order to insure their safety, ade-
4 quacy and propriety for the purposes for which they are to be installed. One

5 member of such committee shall be appointed by the Commissioner of Conservation and Economic Development from his department, 1 member shall be appointed by the State Commissioner of Health from his department and 1 member shall be appointed by the State Commissioner of Health from each list of 3 persons submitted by each of the following associations, namely:

- 11 New Jersey Association of Real Estate Boards,
- 12 New Jersey Health Officers Association,
- 13 New Jersey Society of Professional Engineers,
- 14 New Jersey State League of Municipalities,
- 15 New Jersey Home Builders Association,
- 16 New Jersey Institute of Municipal Attorneys, and
- 17 New Jersey Title Insurance Association.

18 In event that any of said associations shall fail to submit a list of such names within 10 days after written request to it by the State Commissioner of Health, the State Commissioner of Health may make the appointment according to his own discretion.

1 14. Such draft of recommended standards shall be submitted to the State Commissioner of Health who, having given due consideration to the same, shall promulgate standards for the construction of water supply systems and sewerage facilities for realty improvements in order to insure their safety, adequacy and propriety for the purposes for which they are to be installed, which standards shall constitute the minimum requirements to be met by applicants for certifications under this act. The standards shall specify the engineering data required to be submitted with applications for certification which shall include a plan of the land to be used for the realty improvement, elevations of existing and proposed physical features, reasonable details on surface and subsurface soil conditions, and, details of the type of construction and the physical features of the proposed water and sewerage facilities, and shall specify minimum requirements for the construction or erection of proposed water supply systems and sewerage facilities. Amendments

18 of standards for construction shall be made in the manner prescribed for the
19 establishment of the original standards and the advisory committee shall be
20 consulted on all proposed amendments.

1 15. In case the State Commissioner of Health shall not concur in any of
2 the advisory committee's recommendations as to the standards for con-
3 struction or any amendments thereof or supplements thereto, and shall prom-
4 ulgate standards not in accord with the committee's recommendations, the
5 committee may appeal to the State Public Health Council thereon and shall
6 be entitled to a hearing before the Council. After such hearing the Council
7 shall make appropriate recommendations to the State Commissioner of Health
8 who shall in turn make such changes, if any, in the standards for construc-
9 tion promulgated by him, as he deems in the interest of the public health.

1 16. No person or corporation shall construct or install any water supply
2 system or sewerage facilities for a realty improvement, which are not in ac-
3 cordance with the provisions of the application or any amendment thereof
4 or supplement thereto, made for any certification on which a certification
5 shall be issued as herein provided, and any person or corporation violating
6 any provisions of this section shall be subject to the penalties and remedies
7 hereinafter provided for, which may be recovered and enforced by the board
8 of health having jurisdiction in the municipality in which such violation
9 shall occur.

1 17. Any person or corporation violating any provision of this act shall
2 be liable to a penalty of \$200.00 for each offense and an additional penalty of
3 \$25.00 for each day of continuance of violation after notice of the violation
4 shall have been given to such person or corporation by the board of health
5 having jurisdiction in the municipality in which such violation occurs, to be
6 collected and enforced by summary proceedings for the collection of penalties
7 pursuant to the "Penalty Enforcement Law."

1 18. The board of health having jurisdiction in the municipality in which
2 any violation of any provision of this act occurs shall have the right to order

3 all further work in and about any water supply system or sewerage facilities,
4 which is being erected or installed in violation of this act, to be stopped forth-
5 with, except such work as shall be necessary to remedy such violation, and,
6 thereafter, to continue such work without any violation of any of the provi-
7 sions of this act, and after the issuance of any such order and the service of
8 a copy thereof upon any person connected with or working in and about the
9 erection or installation of any such water supply system or sewerage facilities,
10 or any part thereof, no further work shall be done thereon except as aforesaid
11 and any person or corporation who, after having been served with a copy of
12 such an order, shall do any work or cause or permit any work to be done in or
13 about the same, except such as is hereinbefore provided, shall be liable to a
14 penalty of \$200.00 to be collected and enforced by summary proceedings for
15 the collection of penalties pursuant to the "Penalty Enforcement Law."

1 19. In case any water supply system or sewerage facilities or any part
2 thereof is about to be, or is, or has been, erected or installed after the effect-
3 ive date of this act in violation of any of the provisions of this act as afore-
4 said, such erection or installation is hereby declared to be a nuisance and the
5 board having jurisdiction in the municipality in which the realty improve-
6 ment is situate, may institute a civil action for an injunction to prohibit the
7 further violations of this act in any court of competent jurisdiction, which
8 court shall have power to order an abatement of such nuisance, and to pre-
9 vent its further maintenance, and any further violation of this act, by injuno-
10 tion or otherwise according to the practice of said court.

1 20. This act shall take effect September 1, 1954.