

**BOROUGH OF FRANKLIN LAKES BOARD OF HEALTH
ORDINANCE NO. BH2022-1**

**AN ORDINANCE OF THE BOARD OF HEALTH OF THE BOROUGH
OF FRANKLIN LAKES SUPPLEMENTING CHAPTER 567 "WATER
SYSTEMS" OF THE CODE OF THE BOROUGH OF FRANKLIN LAKES
TO REQUIRE WATER TESTING LABS, FOR RE-SAMPLES, TO STATE
OR CERTIFY THAT WELL WATER MEETS STANDARDS**

BE IT ORDAINED by the Board of Health of the Borough of Franklin Lakes, County of Bergen, and State of New Jersey, as follows:

Section 1. Chapter 567 "Water Systems" of the Code of the Borough of Franklin Lakes" is hereby supplemented by the addition of the following:

§567-1 Sale or transfer of ownership of real property upon which a well is located.

No real property nor any interest in the same shall be sold or transferred which utilizes a well for its potable water supply until:

- A. The well water has been sampled and analyzed in accordance with the provisions of the Private Well Testing Act, N.J.S.A. 58:12A-26, *et seq.*, and the regulations promulgated thereunder.
- B. The Borough's Registered Environmental Health Specialist or Health Officer has certified that the laboratory analysis of the water sample collected from said well does not disclose the presence of any of the hazardous contaminants or substances set forth in N.J.S.A. 58:12A-28 and N.J.A.C. 7:9E-2.1 in an amount which exceeds the maximum contaminant level established under the Private Well Testing Act and the regulations promulgated thereunder.
- C. If the water sample discloses the presence of any hazardous contaminants or substances which exceed the maximum contaminant level, the hazardous contaminants or substances shall be mitigated and, following said mitigation, the well water shall be sampled and

analyzed again. For all such re-samples, the certifying lab shall provide a statement or certification, with supporting documentation, that the well water does not disclose the presence of any of the hazardous contaminants or substances in an amount which exceeds the maximum contaminant level established under the Private Well Testing Act and the regulations promulgated thereunder.

Section 2. Repealer.

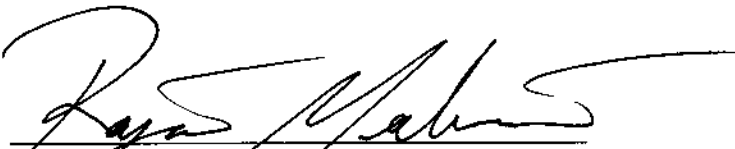
All ordinances or parts of ordinances inconsistent or in conflict with this Ordinance are hereby repealed as to said inconsistencies and conflicts.

Section 3. Severability.

If any section, part of any section, or clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the remaining provisions of this ordinance. The Board of Health of the Borough of Franklin Lakes declares that it would have passed the ordinance and each section and subsection thereof, irrespective of the fact that any one or more of the subsections, sentences, clauses or phrases may be declared unconstitutional or invalid.

Section 4. Effective Date.

This ordinance shall take effect immediately upon passage and publication according to law.

APPROVED: 
Rajan Melwani, board of Health President

ACCEPTED: 
Nancy Yarish, Board of Health Secretary

Introduced: 03-07-2022
Adopted: 04-07-2022