

**ORDINANCE NO. 13-09**  
**INTRODUCTION DATE: 06-19-13**  
**ADOPTION DATE: 07-17-13**

**AN ORDINANCE AMENDING CHAPTER XXXV  
"LAND USE AND DEVELOPMENT REGULATIONS" SECTIONS 11-15 "EXCAVATIONS  
AND FILLS (GRADING PLAN)" & 11-18 "TOPSOIL PROTECTION" IN ARTICLE 11,  
"DESIGN AND PERFORMANCE STANDARDS AND CONSTRUCTION SPECIFICATIONS"  
OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF MILLSTONE  
COUNTY OF MONMOUTH, STATE OF NEW JERSEY**

**BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP**

**OF MILLSTONE**, in the County of Monmouth and the State of New Jersey, that Chapter XXXV, the "Land Use and Development Regulations" Ordinance, Article 11, "Design and Performance Standards and Construction Specifications" are hereby amended as follows:

**SECTION 1.** Delete existing Section 11-15.14, in its entirety and add the following new section 11-15-.14:

**"11-15.14** Removal of excess soil or importing of new soil to any property is also bound by the Provisions of Chapter 23, Soil Removal and Import, of the General Ordinance of the Township of Millstone which may require a separate permit.

**SECTION 2.** Delete existing Sections 11-18.5 and 11-18.6, in its entirety and add the following new Section 11-18.5:

**"11-18.5** No topsoil shall be imported to any site until the following requirements are met.

- a. At least forty eight (48) hours prior to importing any topsoil, the developer shall cause notice of the intent to import topsoil to be given to the Township Engineer and Construction Official.
- b. Soil removal and import permit has been secured pursuant to Chapter 23, soil removal and import, of the General Ordinances of the Township of Millstone, if required.
- c. Topsoil shall meet the requirements of Article 2, Definitions, "replacement topsoil" resulting in a six (6) inch minimum thickness.
- d. Prior to import of any replacement topsoil onto a site, the developer shall provide a certification to the Township Engineer from an independent soils testing laboratory that the replacement topsoil meets the requirements of the Millstone Township ordinance for replacement topsoil. Said certification shall be issued by an AASHTO-accredited laboratory. The Township, at the Applicant's expense

from the posted escrow account, shall have the right to undertake in-place testing of any replacement topsoil to ensure conformance to the topsoil requirements of the Millstone Township Ordinance.

**SECTION 3.** All Ordinances and parts of Ordinances inconsistent herewith are repealed.

**SECTION 4.** If any section, subparagraph, sentence, clause or phrase of this Ordinance shall be held to be invalid, such decision shall not invalidate the remaining portion of this Ordinance.

**SECTION 5.** This Ordinance shall take effect upon adoption and publication according to law and filing with the Monmouth County Planning Board.

**EXPLANATORY STATEMENT:** This Ordinance amends Sections 11-15 and 11-18 of the Chapter XXXV “Land Use and Development Regulations” to clarify and amend requirements for soil removal and import” permits.