

ORDINANCE NO. 13-10
INTRODUCTION DATE: 06-19-13
ADOPTION DATE: 07-17-13

**AN ORDINANCE AMENDING CHAPTER XXIII, SOIL REMOVAL, 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 State of New Jersey, that Chapter XXIII,

“SOIL REMOVAL” Ordinance is hereby amended as follows:

SECTION 1. The title of this chapter is revised to “Soil Removal and Import”

SECTION 2. Section 23-2 Definitions

a. The definition of “excavator” is revised to:

Excavator shall mean any person engaged in the moving, importing, removal or excavation of soil, sand, stone, clay, gravel, topsoil, peat, and other organic or inorganic or mineral materials, and/or removing it from or importing to the premises.

b. New definition for “Major Soil Removal and Import Permit” is added as follows:

Major Soil Removal and Import Permit shall mean permit required for removing or importing soil over 400 cubic yards.

c. New definition for “Minor Soil Removal or Import Permit” is added as follows:

Minor Soil Removal and Import Permit shall mean permit required for removing or importing soil of 40 to 400 cubic yards.

d. The definition of “Soil” is revised to:

Soil shall mean topsoil, any earth, sand, clay, loam, gravel, humus, rock or dirt, irrespective of the presence or absence therein of organic matter.

e. New definition of “Soil Removal” is added as follows:

Soil Removal, all references to soil removal in this chapter shall also apply to soil import operation where applicable.

f. New definition of “Township Soil Removal Engineer” is added as follows:

Township Soil Removal Engineer shall mean the Township Engineer.

SECTION 3. Subsection 23-3.1 “Permit Required” is hereby deleted and replaced with the following:

"23-3.1 Permit Required No owner developer, excavator or other person shall dig, excavate, import, remove, scrape, or otherwise disturb or move or cause, allow, permit or suffer to be moved the soil on any premises in the Township for use other than on the premises from which it shall be taken, unless and until a soil removal and import permit has been issued pursuant to this chapter or the soil removal activity meets the exceptions listed in the section 23-6.2.

- a. Soil removal and import permits for 40 to 400 cubic yards of soil will be reviewed and issued by the Township Engineer.
- b. Soil removal and import permits for over 400 cubic yards of soil will be reviewed and issued by the Planning or Zoning Board.
- c. No permits for soil removal and import will be issued for any premises for importing any soil over 200 cubic yards until the owner or developer has provided a certification to the Township Engineer from an independent soil testing laboratory that new soil meets the requirements of the Millstone Township Ordinance 11-30, site investigation and soil sampling. The Township, at the Applicant’s expense, from the posted escrow account, shall have the right to undertake in-place testing of new soil to ensure conformance to Ordinance 11-30.

SECTION 4. Subsection 23-3.2.a.6. is hereby revised as follows:

"23-3.2.a.6 A master Soil Removal and Import Plan and detailed Soil Plan updated every two (2) years shall be filed with the Reviewing Board drawn by a licensed surveyor/ licensed engineer to a scale of not less than one (1”) inch to one hundred (100’) feet, showing:

(a)-(r) No change.

SECTION 5. Subsection 23-6.2 “Exceptions” is hereby revised as follows:

"23-6.2 Exception This chapter shall not apply to the following:

- a. Removal or importing for building a private sewage disposal system.
- b. No change.
- c. No change.
- d. No change
- e. Removing or importing soil not to exceed 40 cubic yards during each year on any premises without creating problems of erosion, siltation, dust and drainage detrimental to adjoining lands as well as to the health and general welfare of the

citizens of the Township.

SECTION 6. All Ordinances and parts of Ordinances inconsistent herewith are repealed.

SECTION 7. 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 8. 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 Chapter XXIII, "Soil Removal" Ordinance to provide additional exceptions for removing or importing soil and providing procedures for minor and major soil removal and import permits.