

TOWNSHIP OF SPRINGFIELD

ORDINANCE 2023-13

AN ORDINANCE OF THE TOWNSHIP OF SPRINGFIELD, COUNTY OF BURLINGTON CREATING A NEW CHAPTER 178 ENTITLED “STEEP SLOPES” TO PROTECT LANDS FROM THE IMPACTS CAUSED BY EXCESSIVE WATER RUNOFF

WHEREAS, the Township seeks to adopt an ordinance to regulate the intensity of use in areas of steeply sloping terrain in order to limit soil loss, erosion, excessive stormwater runoff, the degradation of surface water and to maintain the natural topography and drainage patterns of land; and

WHEREAS, disturbance of steep slopes results in accelerated erosion processes from stormwater runoff and the subsequent sedimentation of waterbodies with the associated degradation of water quality and loss of aquatic life support. Related effects include soil loss, changes in natural topography and drainage patterns, increased flooding potential, further fragmentation of forest and habitat areas, and compromised aesthetic values; and

WHEREAS, it has become widely recognized that disturbance of steep slopes should be restricted or prevented based on the impact disturbance of steep slopes can have on water quality and quantity, and the environmental integrity of landscapes; and

WHEREAS, this ordinance and the requirements contained herein are consistent with those found in the State of New Jersey’s Water Quality Management Planning rule (N.J.A.C. 7:15);

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Township Council of the Township of Springfield, County of Burlington, State of New Jersey that a new Chapter 178 entitled “Steep Slopes” be and is hereby enacted to read as follows:

“Chapter 178 Steep Slopes

§ 178-1. Purpose; Incorporation of Recitals

This Chapter regulates the intensity of use in areas of steeply sloping terrain in order to limit soil loss, erosion, excessive stormwater runoff, the degradation of surface water and to maintain the natural topography and drainage patterns of land and shall be applicable to new development or land disturbance on a steep slope within Springfield. The Township incorporates the recitals to this Ordinance as if the same were written herein to further emphasis the importance of this ordinance.

§ 178- 2. Definitions

As used in this Chapter, the following words shall have the following meanings:

“Disturbance” means the placement of impervious surface, the exposure or movement of soil or bedrock, or the clearing, cutting, or removing of vegetation.

“Impervious surface” means any structure, surface, or improvement that reduces or prevents absorption of stormwater into land, and includes porous paving, paver blocks, gravel, crushed stone, decks, patios, elevated structures, and other similar structures, surfaces, or improvements.

“Redevelopment” means the construction of structures or improvements on areas which previously contained structures or other improvements.

“Steep Slopes” means any slope equal to or greater than 15 percent as measured over any minimum run of 10 feet. Steep slopes are determined based on contour intervals of two feet or less.

§ 178-3. Designation of Areas.

The percent of slope (rise in feet per horizontal distance) shall be established by measurement of distance perpendicular to the contour of the slope. The percent of slope shall be calculated for each two-foot contour interval. For example, any location on the site where there is a one-foot rise over a 10-foot horizontal run constitutes a 10 percent slope; a 1.5 foot rise over a 10-foot horizontal run constitutes a 15 percent slope; a two foot rise over a 10-foot horizontal run constitutes a 20 percent slope.

§ 178-4 Steep Slope Limits

For steep slopes any disturbance shall be prohibited except as provided below:

1. Redevelopment within the limits of existing impervious surfaces;
2. New or continued disturbance in furtherance of and customary to sustained agricultural or silvicultural production; and
3. New disturbance necessary to protect public health, safety or welfare, such as necessary linear development with no feasible alternative; to provide an environmental benefit, such as remediation of a contaminated site; to prevent extraordinary hardship on the property owner peculiar to the property; or to prevent extraordinary hardship, provided the hardship was not created by the property owner, that would not permit a minimum economically viable use of the property based upon reasonable investment. For example, redevelopment, within the footprint of existing impervious cover should be allowed to support efforts to revitalize development that has fallen into disrepair.
4. The applicant shall demonstrate through site plans depicting proposed development and topography that new disturbance is not located in areas with a 15 percent or greater slope.

§ 178-5 Enforcement and Penalties

- A. This Chapter shall be enforced by the Township Zoning Code Enforcement Officer and the Township Engineer. The Township Manager may designate additional municipal officials including contracting with additional experts to ensure the appropriate enforcement of this Chapter.
- B. Maximum penalty. For violation of any provision of this Chapter, the maximum penalty, upon conviction, shall be one or more of the following:
- (1) A fine not to exceed \$2,000.
 - (2) Imprisonment for a period not exceeding 90 days.
 - (3) A period of community service not exceeding 90 days.
- C. Separate violations. Except as otherwise provided, each and every day in which a violation of any provision of this chapter exists shall constitute a separate violation.
- D. Application. Due to the severity of potential damage to the lands of the Township of Springfield for a violation of this Chapter, the Court, upon application from the municipal prosecutor should consider imposition of the maximum penalty on a first offence violation as well as on any additional violations.
- E. In addition to the penalty set forth in this section, the Court may direct the Defendant to post a bond or cash sum equivalent as determined by the Township Engineer to remediate the existence of a steep slope and for restoration of any damages, costs, fines and penalties due to the existence of a steep slope on the impacted property as well as any other damage on other properties caused by any condition created by the steep slope.
- F. A prompt investigation shall be made by the appropriate personnel of Springfield Township, of any person or entity believed to be in violation hereof. If, upon inspection, a condition which is in violation of this Ordinance is discovered, a civil action in the Special Part of the Superior Court, or in the Superior Court, if the primary relief sought is injunctive or if penalties may exceed the jurisdictional limit of the Special Civil Part, by the filing and serving of appropriate process. Nothing in this Ordinance shall be construed to preclude the right of [municipality], pursuant to N.J.S.A 26:3A2-25, to initiate legal proceedings hereunder in Municipal Court. The violation of any section or subsection of this Ordinance shall constitute a separate and distinct offense independent of the violation of any other section or subsection, or of any order issued pursuant to this Ordinance. Each day a violation continues shall be considered a separate offense.”

Article II Amendments to Land Development Code.

Section 164-11(A) of the Township Code concerning Site Plan Requirements is amended to be consistent with this Ordinance and shall read as follows:

“§164-11 The Planning Board shall grant final approval of a site plan application if the detailed drawings, specifications and estimates based upon the application for final approval conform with the standards established herein:

(A) The details of the site plan are in accordance with the standards of Chapter 215, Zoning, Chapter 178 Steep Slopes, and any and all other ordinances of the Township which may be in existence at the time of the application, and in harmony with any officially adopted comprehensive Master Plan of the Township of Springfield which may hereafter be adopted by the Township.”

B. through M. [No changes.]

Article III Conflicts, Severability, Effective Date.

A. Conflicts: All other ordinances, parts of ordinances, or other local requirements that are inconsistent or in conflict with this ordinance are hereby superseded to the extent of any inconsistency or conflict, and the provisions of this ordinance apply.

B. Severability:

1. Interpretation: This Ordinance shall be so construed as not to conflict with any provision of New Jersey or Federal law.

2. Notwithstanding that any provision of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, all remaining provisions of the Ordinance shall continue to be of full force and effect.

3. The provisions of this Ordinance shall be cumulative with, and not in substitution for, all other applicable zoning, planning and land use regulations.

C. Effective Date. This Ordinance shall take effect upon final adoption and publication in accordance with the law.

CERTIFICATION

I HEREBY CERTIFY that the foregoing is a true copy of the ordinance that was introduced after first reading at a meeting of the Springfield Township Council held on November 29, 2023 and adopted on second passage after a public hearing at a meeting of the Springfield Township Council held on December 13, 2023.

1st Reading: November 29, 2023

Council	Motion	2 nd	Ayes	Nays	Abstain	Absent
Mr. Eaton						X
Mr. Hermesmann					X	
Mr. McDaniel		X			X	
Mr. Sobotka	X				X	
Mayor Frank					X	

Publication Date: Pending Ordinance December 08, 2023

2 Reading: Public Hearing: December 20, 2023

Council	Motion	2 nd	Ayes	Nays	Abstain	Absent
Mr. Eaton			X			
Mr. Hermesmann						X
Mr. McDaniel		X	X			
Mr. Sobotka	X		X			
Mayor Frank			X			

Brandy Boyington,
Acting Township Clerk