

ORDINANCE No. RO-07-23

AN ORDINANCE OF THE TOWNSHIP OF WASHINGTON, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING CHAPTER 164 "SOIL DISTURBANCE" OF THE CODE OF THE TOWNSHIP OF WASHINGTON

WHEREAS, the Township Code contains regulations and definitions associated with the movement and disturbance of soil throughout the Township; and

WHEREAS, a review of the Code determined that the procedures associated with permit application for soil movement and/or disturbance are unclear; and

WHEREAS, the Township Planner has reviewed and recommended that the Code be amended to clarify the process; and

WHEREAS, the Township Committee has reviewed and approved of the recommended amendment.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Washington, County of Morris, State of New Jersey, as follows:

SECTION ONE. Chapter 164 "Soil Disturbance", Section 164-3 "Permit/Waiver Required" shall be amended to read as follows:

§ 164-3 Permit/waiver required.

No person shall perform soil disturbance without first having procured a permit from the Township Committee. Any waiver to this permit requirement must be submitted in writing to the Township Committee with a detailed explanation as to why a waiver should be granted. Waiver approval shall be memorialized by resolution from the Township Committee. Soil disturbance permits shall not be required for the following:

- A. Soil disturbance, other than for installation of a driveway, in connection with the construction of a building on such premises and excavation or grading incidental thereto, provided that no soil is transferred to or from the lot.
- B. Soil disturbance in connection with construction for an approved subdivision or site plan, or for development in accordance with a variance issued in accordance with N.J.S.A. 40:55D-36 or N,J,S,A, 40:55D-70.c. or d., provided that the applicant submits to the Planning Board/Board of Adjustment all information required by this chapter, the performance bond required by § **164-10** and the approval resolution includes approval of soil disturbance. If an applicant/developer wishes to amend his/her approval under this provision, then the applicant shall apply to the Board that granted the original soil disturbance approval for an amended approval.
- C. Soil disturbance in connection with projects on municipal land and/or rights-of-way.
- D. Soil disturbance of insignificant amounts, wherein "insignificant" is defined as less than 100 cubic yards in any twelve-month period.
- E. Soil disturbance in connection with agricultural uses, except that agricultural

activities that do not produce plants, animals or their products worth \$2,500 or more annually shall not be entitled to import or export more than 100 cubic yards of soil in any twelve-month period without securing a soil disturbance permit.

- F. Soil disturbance in connection with septic system repairs to existing building.
- G. Soil disturbance in connection with percolation tests and/or soil borings.
- H. Soil disturbance for the construction of a swimming pool for which a permit has been issued.
- I. Soil disturbance for the construction of a driveway pursuant to a permit issued in accordance with Chapter **172**, Streets and Sidewalks, Article **III**, Driveway Construction.

All remaining provisions of this Section not addressed herein shall remain unchanged.

SECTION TWO. Chapter 164 "Soil Disturbance", Section 164-6 "Public Hearing on Application" shall be amended to read as follows:

§ 164-6 Public hearing on application.

A. When the application has been deemed complete by the Planning Board/Board of Adjustment Engineer and the Township Soil Consultant the applicant shall submit 15 copies of the application to the Planning Board Clerk. The Planning Board Clerk shall refer an application that has been deemed complete by the Planning Board/Board of Adjustment Engineer and the Township Soil Consultant to the Washington Township Planning Board.

- 1. An Application for a Soil Disturbance Permit in connection with an approved subdivision or site plan, or for development in accordance with a variance granted as specified above shall be heard by the Board which initially granted the development approval.

B. The Washington Township Planning Board or Zoning Board of Adjustment, as appropriate, shall hold a public hearing on each application for a soil disturbance permit within 30 days of its receipt by the Planning Board Secretary.

C. No later than 10 days after the public hearing, the Washington Township Planning Board or Zoning Board of Adjustment shall recommend, in writing, to the Township Committee that the permit applied for be either granted or denied. Any conditions for approval or the reasons for denial shall be included in the recommendations.

All remaining provisions of this Section not addressed herein shall remain unchanged.

SECTION THREE. RENUMBERING. This Ordinance may be renumbered for codification purposes.

SECTION FOUR. SEVERABILITY. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or

clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder off this Ordinance shall not be affected thereby.

SECTION FIVE. REPEALER. Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as to their inconsistencies only.

NOTICE OF FINAL ADOPTION

Notice is hereby given that the Ordinance published herewith was introduced and passed upon first reading at a meeting of the Township Committee of Washington Township, in the County of Morris, New Jersey, held on the 15th of May, 2023, and the same came up for final passage at a meeting of said Township Committee on the 19th day of June, 2023 at which time, after persons interested were given an opportunity to be heard concerning said ordinance, the same was passed and will be in full force in the Township according to law. By order of the Township Committee of the Township of Washington, County of Morris and State of New Jersey.

Dated: June 19, 2023

**TOWNSHIP OF WASHINGTON
COUNTY OF MORRIS
STATE OF NEW JERSEY**

ATTEST:

Denean Probasco, Township Clerk

Matthew T. Murello, Mayor

Attest: I herein certify that the foregoing Ordinance was duly adopted by the Washington Township Committee at a regular meeting held by the Township Committee on June 19, 2023.

Denean Probasco, Township Clerk