

Chapter 214

SOIL REMOVAL

- § 214-1. Permit required; exception.
- § 214-2. Filing of application and map.
- § 214-3. Request for hearing.
- § 214-4. Factors to be considered for permit issuance.
- § 214-5. Issuance of permit.
- § 214-6. Bond required.
- § 214-7. Conduct of operations.
- § 214-8. Retention and respreading of topsoil.
- § 214-9. Conformance with provisions required.
- § 214-10. Violations and penalties.

[HISTORY: Adopted by the Mayor and Council of the Borough of Wood-Ridge 12-26-75 by Ord. No. 700 as Chapter XIV of the 1975 Revised General Ordinances of the Borough of Wood-Ridge. Section 214-10 added at time of adoption of Code; see Ch. 1, General Provisions, Art. III. Other amendments noted where applicable.]

GENERAL REFERENCES

General penalty — See Ch. 1, Art. II.
 Land use procedures — See Ch. 45.
 Uniform construction codes — See Ch. 126.
 Subdivision of land — See Ch. 220.

§ 214-1. Permit required; exception.

No person shall excavate or otherwise remove soil for sale or for use other than on the premises from which the soil shall be taken,

except in connection with the construction or alteration of a building on such premises and excavation or grading incidental thereto, without first having procured a permit therefor from the Mayor and Council.

§ 214-2. Filing of application and map.

The Mayor and Council shall not consider any application for the removal of soil from the premises for sale or otherwise unless and until the owner of the premises shall first file with the Borough Clerk an application requesting such permission, together with a map of the premises showing the contour lines and the proposed contour grades resulting from such intended removal of soil in relation to the topography of the premises. The proposed contour lines and proposed grades shall be subject to the inspection and approval of the Mayor and Council. No permit for soil removal shall be issued until such map has been filed, and until the proposed contour lines and grades have been approved by the Mayor and Council.

§ 214-3. Request for hearing.

Upon written request for a hearing made by the applicant to the Mayor and Council, an opportunity to be heard shall be granted within thirty (30) days thereafter.

§ 214-4. Factors to be considered for permit issuance.

The Mayor and Council, in considering and reviewing the application and in arriving at its decision, shall be guided and take into consideration the public health, safety and general welfare. Particular consideration shall be given to the following factors:

- A. Soil erosion by water and wind.
- B. Drainage.
- C. Soil fertility.
- D. Lateral support slopes and grades of abutting streets and lands.

industrial buildings in any subdivision for the purpose of sale to or occupancy by another person or persons.

EXCAVATOR — Any person who moves soil.

LOT — Any parcel of land or portion thereof, the boundary lines of which can be ascertained by reference to the maps and records, or either, in the office of the Tax Assessor of the Borough or in the office of the Bergen County Clerk. For the purposes of this chapter, a "lot" shall also be deemed to be any contiguous parcels of land under common ownership, which ownership can be ascertained by reference to the maps and records, or either, in the office of the Tax Assessor of the Borough or in the office of the Bergen County Clerk.

MAJOR SOIL PERMIT — Any soil permit for the moving of soil in excess of 100 yards within any period of 12 consecutive months. One-family- and two-family-dwelling lots, two-lot residential subdivisions, together with the excavation of in-ground pools for such parcels, shall be exempt from the provisions of this chapter. **[Amended 10-10-2006 by Ord. No. 2006-10]**

MOVE — To dig; excavate; remove; deposit; place; fill; grade; re-grade; level or otherwise alter or change the location or contour; or transport; or supply. This term shall not be construed to include plowing, spading, cultivating, harrowing or discing of soil or any other operation usually and ordinarily associated with the tilling of soil for agricultural or horticultural purposes, landscaping and gardening by homeowners or agents of homeowners, provided that it does not substantially alter existing drainage patterns.

OWNER — Any person seized in fee simple of any lot or having such other interest or estate therein as will permit exercise of effective possession thereof or dominion thereover.

SOIL — Any earth, sand, clay, loam, gravel, humus, rock or dirt, without regard to the presence or absence therein

of organic matter, including any synthetic substance used as a substitute or in conjunction with soil.

SUITABLE FILL — The Borough Engineer shall determine whether the fill is suitable or unsuitable to the particular location. Suitable materials shall include, but not be limited to, materials such as earth, clay, gravel, stone, dirt, etc.

§ 214-3. Soil-moving permit required.

No developer and/or excavator shall move or cause, allow, permit or suffer to be moved or removed any soils in excess of 100 yards in or upon any lot in the Borough unless and until a soil-moving permit has first been issued in accordance with the provisions of this chapter.

§ 214-4. Soil-moving permit applications.

All applications for soil movement shall be made through the Planning Board. Soil movements less than 100 yards are exempt.

§ 214-5. Major soil-moving permit applications.

The procedure for applying for the issuance of a major soil-moving permit shall be as follows:

- A. On forms prescribed and supplied by the Planning Board, the applicant shall set forth, in duplicate, to the Planning Board, the following information.
 - (1) The identity and location of the applicant.
 - (2) The description of the lands in question, including lot and block number of all lots involved.
 - (3) Name and address of property owner, if different from the applicant.

- (4) The purpose for moving the soils and whether it will be done in connection with a proposed subdivision or site plan. If so, include the date of filing of the subdivision or site plan.

(Cont'd on page 21405)