

SOIL REMOVAL

Chapter 214

SOIL REMOVAL

- § 214-1. Purpose.
- § 214-2. Definitions.
- § 214-3. Soil-moving permit required.
- § 214-4. Soil-moving permit applications.
- § 214-5. Major soil-moving permit applications.
- § 214-6. Fees.
- § 214-7. Performance bond.
- § 214-8. Permit form, contents, expiration.
- § 214-9. Unlawful acts.
- § 214-10. Movement and storage of topsoil.
- § 214-11. Excavation below final grades restricted.
- § 214-12. Final grades.
- § 214-13. Exempt operations.
- § 214-14. Inspection.
- § 214-15. Violations and penalties.
- § 214-16. Supplemental provisions.

[HISTORY: Adopted by the Mayor and Council of the Borough of Wood-Ridge 9-21-2005 by Ord. No. 2005-21.<sup>1</sup> Amendments noted where applicable.]

<sup>1</sup> Editor's Note: This ordinance also repealed former Ch. 214, Soil Removal, adopted 12-26-1975 by Ord. No. 700 as Chapter XIV of the 1975 Revised General Ordinances, as amended.

**GENERAL REFERENCES**

General penalty — See Ch. 1, Art. II.  
Land use procedures — See Ch. 45.  
Uniform construction codes — See Ch. 126.  
Flood damage prevention — See Ch. 150.  
Stormwater management — See Ch. 216.  
Streets and sidewalks — See Ch. 218.  
Subdivision of land — See Ch. 220.  
Zoning — See Ch. 247.

**§ 214-1. Purpose.**

The purpose of this chapter shall be to prevent the unregulated and uncontrolled relocation, filling, excavation and removal of soil by developers and excavators which may result in conditions detrimental to the public safety, health and general welfare substantially hampering and deterring the efforts of the Borough to effectuate the general purpose of municipal planning. The continuation of the unregulated and uncontrolled relocation, filling, excavation and removal of soil and filling with unsuitable material may cause serious and irreparable damage to the public welfare by reason of consequent soil erosion by water and wind; inadequate and improper surface water drainage; decrease in or destruction of the fertility of soil; removal of lateral support of abutting streets, lands and premises; creation of dust storms and mosquito breeding places; creation of dangerous depressions or pits; deterioration of property values; rendering of lands unfit or unsuitable to their most appropriate uses; and creation of other factors and elements hampering and deterring the coordinated, adjusted and harmonious physical development of the Borough.

**§ 214-2. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

**DEVELOPER** — Any person who, either directly or through an agent or independent contractor, engages or intends to engage in land subdivision or in the construction of two or more dwelling houses, business or

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)

**§ 214-13. Exempt operations.**

Nothing in this chapter shall be construed to affect or apply to any person engaged in the moving of soil in and upon lands enrolled in the soil conservation program of the Northeastern Jersey Soil Conservation District of the United States Department of Agriculture Soil Conservation Service, and for which lands an approved farm plan has been established by said agency, provided that all soil-moving operations in and upon such lands are performed in accordance with said approved farm plan.

**§ 214-14. Inspection.**

For the purpose of administering and enforcing this chapter, any member of the Planning Board or duly authorized agent of the office of the Borough Engineer and Building Department of the Borough shall have the right to enter into and upon any lands in or upon which soil-moving operations are being conducted, to examine and inspect such lands.

**§ 214-15. Violations and penalties.**

Any person who violates any provision of this chapter or conditions attached to the issuance of any permit shall, upon conviction thereof, be punished by a fine not exceeding \$1,000, imprisonment for a term not exceeding 90 days and/or a period of community service not exceeding 90 days. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

**§ 214-16. Supplemental provisions. [Added 5-20-2008 by Ord. No. 2008-6]**

Notwithstanding anything in this chapter to the contrary, the following circumstances shall not require formal application to the Planning Board of the Borough of Wood-Ridge and in lieu

thereof the Construction Code Department and/or Division shall be empowered to issue any permit hereunder:

- A. A project subject to a redevelopment agreement between the Borough of Wood-Ridge and a designated entity.
- B. Circumstances in which Planning Board and/or Zoning Board review and approval have already been obtained and the matter of the issuance of a soil removal permit was not vetted and not made subject to such review and/or approval.