

SOIL REMOVAL PERMIT PROCESS

- 1 APPLICATION: APPLICATION FORM TO BE COMPLETED AND SUBMITTED TO THE ENGINEERING DEPARTMENT.
- 2 FEE: APPLICANT IS TO DEPOSIT A \$250.00 NON-REFUNDABLE CHECK MADE PAYABLE TO FRANKLIN TOWNSHIP OR CASH TO BE SUBMITTED WITH APPLICATION.
- 3 PLANS: SUBMIT 2 COPIES OF APPROVED PLOT PLAN OR SITE PLAN SHOWING EXISTING AND PROPOSED ELEVATION CONTOURS AT ONE FOOT INTERVALS.
- 4 REVIEW: ENGINEERING DEPARTMENT WILL REVIEW APPLICATION.
- 5 GUARANTEE: APPLICANT IS TO PROVIDE A PERFORMANCE GUARANTEE TO BE DETERMINED BY THE TOWNSHIP ENGINEER (NO LESS THAN \$1,000.00). WAIVER OF THE PERFORMANCE GUARANTEE IS AT THE DISCRETION OF THE TOWNSHIP ENGINEER.
- 6 PERMIT: UPON APPROVAL OF APPLICATION AND RECEIPT OF GUARANTEE, THE ENGINEERING DEPARTMENT WILL ISSUE A **SOIL REMOVAL PERMIT**.
- 7 INSPECTION OF SITE: APPLICANT IS TO CONTACT ENGINEERING DEPARTMENT FOR INSPECTION WHEN SOIL REMOVAL HAS COMMENCED.
- 8 APPROVAL AND RETURN OF PERFORMANCE GUARANTEE:

APPLICANT TO NOTIFY ENGINEERING FOR FINAL APPROVAL AFTER WORK IS COMPLETED AND SITE HAS BEEN STABILIZED. ENGINEERING MAY REQUIRE AN "AS-BUILT" PLAN OF THE COMPLETED SITE DEPENDING ON THE COMPLEXITY OF THE PROJECT PRIOR TO FINAL APPROVAL AND RELEASE OF THE PERFORMANCE GUARANTEE. RELEASE OF THE PERFORMANCE GUARANTEE IS TO BE MADE BY WRITTEN REQUEST OF THE APPLICANT TO THE TOWNSHIP CLERK.

APPLICATION FOR SOIL REMOVAL PERMIT

- 1 APPLICANT/CONTRACTOR NAME: _____ PHONE: _____
ADDRESS: _____
- 2 OWNER/PROJECT NAME: _____ PHONE: _____
ADDRESS: _____
- 3 NAME AND PROJECT TO WHERE SOIL WILL BE DELIVERED ^{to}: _____
ADDRESS: _____
CONTACT: _____ PHONE: _____
- 4 PROJECT NAME AND LOCATION OF PROPERTY SOIL WILL BE REMOVED FROM _____
BLOCK _____ LOT _____
- 5 ROUTE TO BE TAKEN DURING THE REMOVAL OPERATIONS _____

- 6 REASON FOR REMOVING SOIL _____
- 7 STARTING DATE OF SOIL REMOVAL _____
- 8 COMPLETION DATE (PERMIT FOR 3 MONTHS ONLY) _____
- 9 AMOUNT OF TOPSOIL TO BE REMOVED _____ C.Y.
- 9 AMOUNT OF TOPSOIL TO REMAIN ON SITE _____ C.Y.
- 10 AMOUNT OF FILL DIRT TO BE REMOVED _____ C.Y.
- 11 ARE PLOT PLANS OR SITE PLANS ATTACHED TO THE APPLICATION? YES _____ NO _____
- 12 HAS BUILDING PERMIT BEEN SECURED? _____
- 13 METHOD TO BE USED FOR DUST CONTROL? _____

FOR OFFICIAL USE

PERMIT NUMBER

CHECK #

DATE APPLICATION RECEIVED: _____ DOCKET#(IF APPLICABLE) _____

FEES RECEIVED: A. PERMIT FEE _____ B. PERFORMANCE GUARANTEE _____

DATE APPLICATION APPROVED _____ DATE APPLICATION DENIED _____

REASON FOR DENIAL _____

DATE PERMIT ISSUED _____

DATE OF INITIAL INSPECTION _____ DATE OF FINAL INSPECTION _____

DATE OF PERFORMANCE GUARANTEE RELEASE _____

NOTE: A SUMMONS WILL BE ISSUED TO THE OPERATOR OF ANY VEHICLE FOUND TRACKING MUD ONTO PUBLIC STREETS.

SIGNATURE OF APPLICANT / DATE

SIGNATURE OF TOWNSHIP ENGINEER / DATE

SOIL

Chapter 206

ARTICLE I

Soil Removal

- 206-1. Findings.
- 206-2. Definitions.
- 206-3. Permit; disposal.
- 206-4. Conditions for permit requirement and approval.
- 206-5. Application for permit.
- 206-6. Consideration of applications.
- 206-7. Appeals.
- 206-8. Fees.
- 206-9. Bond.
- 206-10. Regulations.
- 206-11. Sand banks, pits and quarries.
- 206-12. Injunctive proceedings.
- 206-13. Inspections.
- 206-14. Storage of topsoil.
- 206-15. Violations and Penalties.

[HISTORY: Adopted by the Township Council of the Township of Franklin 3-11-86 as Ord. No. 1266 Amendments noted where applicable.]

CODE OF THE TOWNSHIP OF FRANKLIN, SOMERSET COUNTY, NEW JERSEY

ARTICLE I

Soil Removal

206-1. Findings.

The Council, in order to promote, develop and maintain a harmonious balance between man and the natural processes and to effectuate the general purpose of municipal planning, with an intent towards the promotion of sensitive land development, the guiding of inevitable land development and the opposition to unnecessary or detrimental land development and the deterioration of property values, through the consideration of aesthetics, good landscaping and sound engineering practice, hereby finds and determines that the unregulated and uncontrolled relocation, excavation and removal of soil on a large scale has or will result in conditions detrimental to the public safety, health and general welfare and to the development of the township.

206-2. Definitions.

For the purposes of this chapter, the following terms shall have the meanings indicated:

APPLICANT - The person requesting a soil removal permit as provided for in this chapter.

DEVELOPER - Any person who, either directly or through an agent or independent contractor, engages or intends to engage in land subdivision for the purpose of sale to or occupancy by another person or persons.

EXCAVATOR - Any person engaged in the moving, removal or excavation of soil from, in or upon any land in the township.

LOT - A parcel or plot of land occupied or designed to be occupied by a building and its accessory building or by a dwelling group and its accessory buildings, together with such open spaces as are arranged and designed to be used in connection with such building.

MOVE - To dig, excavate, remove, deposit, fill, grade, replace, level or otherwise alter or change the location or contour of land; to plow, spade, cultivate, harrow or disc the soil; or any other operation usually and ordinarily associated with the tilling of soil for agricultural or horticultural purposes.

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OWNER - Any person seized in fee simple of any lot, subdivision or premise or having any interest or estate therein which would permit effective possession thereof or dominion therefor.

PREMISES - One (1) or more contiguous lots in single ownership.

REDISTRIBUTION - Any change or alteration in the grade of any land.

SOIL - Earth, sand, clay, loam, gravel, humus, rock or dirt, without regard to the presence or absence of organic matter.

SUBSOIL - All soil except topsoil.

TOPSOIL - The top layer of soil [usually eight (8) to ten (10) inches deep] in which most of the organic matter occurs and where leaching of the suspended and dissolved solids is the greatest. [Amended 4-16-87 by Ord. No. 1330]

206-3. Permit; disposal.

- A. No owner, developer, excavator or other person shall move or cause, allow, permit or suffer to be moved or removed any topsoil or subsoil in the township for use other than on the lot from which it shall be taken, except as otherwise defined or provided for in this chapter, unless and until after application to the Township Engineer.
- B. The Township Engineer shall first determine that the excavation, grading or removal of the amount of soil applied for is necessary and essential to the development or the improvement of the premises. Removal of soil from the township shall only be permitted after the Township Engineer determines that there exists no alternative location for said topsoil within the township. In determining whether there exists no alternative location, the Township Engineer shall ascertain from the Departments of Public Works and Recreation whether the township has need to purchase a quantity of topsoil or, in the absence of such need, whether any other person or entity within the township has, in writing, expressed a willingness to purchase a quantity of topsoil.

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206-4. Conditions for permit requirement and approval.

Should the Township Engineer find and determine that the excavation, grading or removal of the amount and type of soil applied for is necessary and essential to the development or improvement of the premises and that the applicant has complied with the provisions hereof and all other applicable ordinances, then the appropriate soil removal permit may be issued. If the lot is part of an approved subdivision or site plan presently under construction, then a permit shall be required only if the soil is to be removed from the subdivision premises or premises within the site plan.

206-5. Application for permit.

Applications shall contain the following information in a form and to a degree to be determined by the Township Engineer:

- A. The names and addresses of the applicant, the owner, the developer and the excavator.
- B. The lot and block numbers of the land from which soil is to be removed, as shown on the current Tax Map of the township.
- C. The location to which soil is to be removed.
- D. The route to be taken during the removal operation.
- E. The reason for removing soil.
- F. The proposed dates for the commencement and completion of the soil removal, not to exceed three (3) months for any single application.
- G. A map of the lot showing the present contour lines and the proposed future contour lines resulting from the intended excavation or redistribution of soil and the location of streams, watercourses or other environmentally sensitive areas, if different from any such information appearing on an approved site plan or subdivision.
- H. The amount of soil and/or topsoil to be removed from the site and the amount of soil and/or topsoil to remain on the site.

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- I. Such other pertinent data as the Township Engineer may deem necessary.

206-6. Consideration of applications.

- A. In considering the application, the Township Engineer shall be guided by the following factors:

- (1) Soil erosion by water and wind.
- (2) Inadequate and improper surface water drainage.
- (3) Impairment of soil fertility.
- (4) Removal of lateral support of abutting streets and lands.
- (5) Creation of dangerous depressions and declivities.
- (6) The statements and findings in 206-5 of this chapter.
- (7) Availability of alternative sites within the township, as defined herein.
- (8) Such other factors as the Township Engineer may deem necessary or appropriate in light of the particular application.

- B. If, after considering the above factors, the Township Engineer determines that the proposed excavating, grading or removal or redistribution of soil will not be detrimental to the health, safety and welfare of the township or its inhabitants and complies with the terms hereof, he shall issue the necessary permit. Otherwise, he shall deny the application and shall notify the applicant. The Township Engineer shall have thirty (30) days after the application is filed within which to notify the applicant whether the application has been granted or denied.

206-7. Appeals.

If an application is denied, the applicant may appeal the decision of the Township Engineer by filing a written notice of appeal with the Council within ten (10) days after receiving the notice of denial of the application.

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206-8. Fees.

A fee of two hundred fifty dollars (\$250) shall accompany each application to cover the cost incurred in investigating and processing the application and will be retained by the township whether the permit is issued or denied.

206-9. Bond.

Before the permit is issued, the applicant shall file with the Township Engineer cash, certified check, letter of credit or a bond executed by the applicant as principal and a surety company licensed to do business in the State of New Jersey as surety unless the applicant, owner or developer has previously posted such security covering the work to be performed hereunder in connection with an approved subdivision or site plan. The amount of the bond shall be determined by the Township Engineer but in no event shall be less than one thousand dollars (\$1,000) and shall be conditioned as follows:

- A. That the applicant will complete the work authorized by the permit in conformity with the terms of the permit and the provisions of this chapter on or before the date of completion set forth in the application.
- B. That the applicant will repair any public street, structure or land which may be damaged as a result of the work authorized by the permit.

206-10. Regulations.

- A. Soil removal or redistribution conducted under a permit issued under this chapter shall be in accordance with the following regulations:
 - (1) Operations shall be conducted so that there shall be no sharp declivities, pits or depressions.
 - (2) Lands shall be graded so as to conform to the approved contour lines and grades and shall be cleared of debris.
 - (3) A minimum of six (6) inches of topsoil shall remain over the entire lot from which soil was removed, except for those portions of the lot occupied by a building or structure or pavement, in accordance with the approved plans and specifications for the development thereof, upon completion of the intended construction.

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- (4) All of the work described in this chapter shall be performed between the hours of 8:00 a.m. and 4:30 p.m., Monday through Saturday. Where possible, work should be performed during regular business hours of the Department of Land Use so that appropriate inspections may be accomplished.
 - (5) Adequate measures shall be taken to prevent erosion and sedimentation of soil upon surrounding lands, streets, municipal facilities, bodies of water or waterways, in accordance with the provisions of the Soil Erosion and Sediment Control Ordinance. No soil shall be removed during periods of rain or other precipitation or within forty-eight (48) hours thereafter.
 - (6) The Department of Land Use shall be notified at least forty-eight (48) hours before the removal of soil begins.
- B. An accounting of the soil removed shall consist of inspection by the Township Engineer of the receipts given the applicant by the excavator for the soil removed. The receipts shall record the type and amount of soil taken, the date it was removed and the capacity of the truck. A final written estimate of the amount removed shall be submitted by the applicant. The Township Engineer must be satisfied that the inspected receipts account for all of the amounts indicated in final estimate.

206-11. Sand banks, pits and quarries. [Added 4-16-87 by Ord. No. 1330]

Nothing in this chapter shall be deemed to apply to any licensed sand bank, pit or quarry, except to the extent that the operator of any such sand bank, pit or quarry seeks to remove topsoil, in which case this chapter shall be fully applicable.

206-12. Injunctive proceedings.

Nothing in this chapter shall be construed to prevent the township from taking injunctive proceedings to restrain removal of soil as described in this chapter.

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206-13. Inspections.

Any officials from the township and their agents shall have the right at all times to inspect any property where a permit has been issued under this chapter.

206-14. Storage of topsoil.

Topsoil which is to remain for future use shall be stored and maintained at designated locations within the permit area, in accordance with an ordinance to regulate and control the destruction and removal of trees, the movement of topsoil, erosion of soil and sedimentation within the Township of Franklin.

206-15. Violations and penalties. [Amended 4/23/02 by Ord. No. 3289]

Any person, firm or corporation who or which shall violate any provision of this Ordinance shall pay the required fees in connection with the permit as outlined herein, plus a cost of \$5.00 for each and every cubic yard of material that has been removed from the site, as determined by the Township Engineer. Such person, firm or corporation shall also be liable to a fine of not more than One Thousand Dollars (\$1,000.00) or to imprisonment for a term not to exceed 90 days, or both, such fine or imprisonment at the direction of the Court. Every day in which such violation continues after due notice has been served shall constitute a separate violation or offense.