



BOROUGH OF OCEANPORT CONSTRUCTION DEPARTMENT

SOIL DISTURBANCE PERMIT APPLICATION

Name of Applicant: _____ Name of Property
Owner (if different): _____
Address: _____ Address: _____
City/State/Zip: _____ City/State/Zip: _____
Home Phone: _____ Home Phone: _____
Cell Phone: _____ Cell Phone: _____

Site Address: _____ Block _____ Lot(s) _____

Purpose for importing soil/fill: _____

Kind & Quantity, in cubic yards, of acceptable soil/fill material to be placed/removed: _____

Destination of soil to be moved: _____

Anticipated date of placement: _____

Anticipated date of final grading: _____

Anticipated date of securing the deposited fill (seeding, macadam, etc.): _____

The name, address and telephone number of the person having direct charge over the soil-moving operation.

Certification

I, the undersigned, certify under penalty of law that the information provided is true and correct to the best of my knowledge, information and belief. I also certify, based upon visual inspection, that the soil material does not contain solid waste, any free liquid other than water, obvious signs of staining or discoloration, and that it will not create a public nuisance such as, but not limited to, odors.

Signature: _____



BOROUGH OF OCEANPORT CONSTRUCTION DEPARTMENT

SOIL DISTURBANCE PERMIT APPLICATION

_____ FEES

Cubic Yards of Soil To Be Moved Permit Fee

Up to 100

\$ 50

Above 100

\$100, plus a sum computed at \$0.10 per cubic yard multiplied by the number of yards in excess of 500

_____ PERFORMANCE BOND

The Construction Official may require the applicant to post with the Borough a performance guaranty conditioned upon full compliance with all the terms and conditions of approval. The amount of the bond shall be in accordance with the recommendations of the Borough Engineer, which amount shall be sufficient to ensure the faithful performance of the work to be undertaken as approved. The form of the bond shall be approved by the Borough Attorney. If a bond is not obtainable, the Borough Council may waive the bonding requirement and establish other requirements to secure compliance with the permit.

_____ ATTACH TOPOGRAPHICAL MAP (WHEN REQUIRED)

If required by the Borough Engineer, and in all cases where more than 100 cubic yards of soil are to be moved, the application shall be accompanied by a topographical map, in triplicate, of the lands in question. Said map shall be prepared and certified by a licensed professional engineer or a licensed land surveyor, on a scale of not less than 50 feet to the inch, showing the following:

- (1) The present grades on a 5-foot grid layout.
- (2) The proposed finished grades.
- (3) The quantity in cubic yards of the soil to be moved.
- (4) The grades of all streets and lots within 100 feet of the property in question.
- (5) Proposed slopes and lateral supports.
- (6) Present and proposed surface water drainage.

BOROUGH OF OCEANPORT

SOIL REMOVAL ORDINANCE

§320-1 Definitions.

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

PERSON

Includes corporations, companies, associations, societies, firms, partnerships and joint-stock companies, as well as individuals.

SOIL

Any earth, topsoil, clay, loam, gravel, brick, concrete, masonry materials, stone, sand, dirt or rock, without regard to the presence or absence of organic matter.

SOIL MOVING

Any removal of soil from or depositing of soil on any premises except as otherwise exempted by this chapter.

TOPSOIL

Upper layer of soil which contains humus and bacteria necessary to plant growth.

§ 320-2 Permit required; exceptions.

[Amended 6-2-1988 by Ord. No. 570]

No person shall remove or deposit soil on any premises in the Borough of Oceanport unless a permit therefor is first secured from the Construction Official as hereinafter set forth; provided, however, that no permit shall be required for the following:

- A. The moving of excess soil resulting from foundation or cellar excavations or grading incidental thereto.
- B. The moving of less than 100 cubic yards of soil upon any lot on which there is an existing or proposed one- or two-family dwelling.
[Amended 6-17-1993 by Ord. No. 635]
- C. The moving of soil for gardening primarily for home consumption or landscaping for aesthetic purposes.
- D. The moving of soil for the agricultural use of lands.
- E. The moving of soil which does not result in either substantial changes in grade and/or elevation or does not significantly alter drainage runoff patterns from said lot.

§ 320-3 Permit application; topographical map.

- A Application for a soil-moving permit shall be filed with the Construction Official in triplicate accompanied by the fee set

- an application for a soil-moving permit shall be filed with the Construction Official, in triplicate, accompanied by the fee set forth in § 320-4 hereof, setting forth the following:
- (1) The name and address of the applicant.
 - (2) The name and address of the owner if other than the applicant.
 - (3) The description and location of the land in question, including the Tax Map lot and block numbers.
 - (4) The purpose or reason for moving the soil.
 - (5) The kind and quantity, in cubic yards, of soil to be moved.
 - (6) The destination of soil to be moved.
 - (7) The proposed date of commencement and completion of the soil moving.
 - (8) The name, address and telephone number of the person having direct charge over the soil-moving operation.
- B.** The Construction Official shall refer the application(s) to the Borough Engineer if 100 cubic yards of soil or more are to be moved and may also refer application(s) for movement of lesser quantities of soil if he deems it necessary.
[Amended 6-17-1993 by Ord. No. 635]
- C.** If required by the Borough Engineer, and in all cases where more than 100 cubic yards of soil are to be moved, the application shall be accompanied by a topographical map, in triplicate, of the lands in question. Said map shall be prepared and certified by a licensed professional engineer or a licensed land surveyor, on a scale of not less than 50 feet to the inch, showing the following:
[Amended 6-17-1993 by Ord. No. 635]
- (1) The present grades on a fifty-foot grid layout.
 - (2) The proposed finished grades.
 - (3) The quantity in cubic yards of the soil to be moved.
 - (4) The grades of all streets and lots within 100 feet of the property in question.
 - (5) Proposed slopes and lateral supports.
 - (6) Present and proposed surface water drainage.

§ 320-4 Fees.

- A.** Along with the application, there shall be deposited with the Borough Clerk a permit fee calculated in accordance with the following schedule:
[Amended 5-16-1985 by Ord. No. 506; 6-17-1993 by Ord. No. 635]

Cubic Yards of Soil To Be Moved	Permit Fee
Up to 100	\$50
Above 100	\$100, plus a sum computed at \$0.10 per cubic yard multiplied by the number of yards in excess of 500

- B.** The charge in accordance with the schedule hereinbefore set forth shall include all engineering and other services the Borough may deem desirable or necessary to assure an orderly soil operation in full compliance with provisions of this chapter.

§ 320-5 Considerations governing grant of permit.

In acting upon applications for soil-moving permits, the Construction Official shall take into consideration the public health, safety and general welfare, with emphasis given to the following factors:

- A. Soil erosion by water and wind.
- B. Drainage.
- C. Soil fertility.
- D. Lateral support, slope and grades of abutting streets and lands.
- E. Environmental impact.
- F. Coordinated, adjusted and harmonious physical development of the Borough.

§ 320-6 Appeal to Borough Council; notice to neighboring property owners.

- A. The applicant may appeal in writing to the Borough Council at a meeting to be held not less than 30 nor more than 60 days thereafter. Upon being advised by the Borough Clerk, the applicant shall serve written notice, either by personal service or by certified mail, return receipt requested, upon all property owners within 200 feet of the extreme limits of the property as their names appear on the Borough tax records. Said notice shall be served as aforesaid not later than seven days prior to the date of the meeting scheduled for consideration of the application. The applicant shall deliver an affidavit of service to the Borough Clerk at least two days prior to the date of said meeting.
- B. If, following the hearing during which all persons shall be given an opportunity to be heard, the Borough Council shall be of the opinion that the proposed soil-moving will conform to the considerations set forth in § 320-5 above, permission to move soil shall be granted.

§ 320-7 Regulation of soil-moving operations.

If a permit to move soil is issued in accordance with the provisions of this chapter, the operation conducted thereunder shall be subject to the following conditions:

- A. The person or persons receiving the permit shall properly level off, remove debris and grade the premises to conform to the contour lines established and approved within the time periods established by the Construction Official. Said time periods shall in no event extend 30 days beyond each soil moving.
- B. Operations shall be conducted only between the hours of 8:00 a.m. and 9:00 p.m., Monday through Saturday.
- C. Soil-moving operations shall be restricted to street routes established by the Construction Official.
- D. All reasonable means shall be employed by the person or persons conducting a soil-moving or grading or excavating operation to prevent air pollution by large quantities of dust and dirt. Such means may include spraying water or nonpolluting dampening agents on the surface of the ground.
- E. Unless authorized by the Borough Council, the person or persons receiving the permit shall not remove from the premises any topsoil. The topsoil shall be set aside and shall be respread over the premises, in conformity with the contour lines approved by the Construction Official.
- F. Unless authorized by the Borough Council, the person or persons receiving the permit shall not remove any soil to a destination outside of the Borough of Oceanport.
- G. Where applicable, all soil moving shall be done in compliance with the requirements of the Monmouth County Soil Conservation District in effect at the time the soil is to be moved.

§ 320-8 Deposit of removed soil; depth of excavations.

- A. Where soil moving is permitted, no person, owner, developer or excavator shall deposit soil upon, fill in or raise the grade of any lot without first making provisions for:
 - (1) The use in said work of soil or such other materials as will not result in deviation from the proposed final grades or the uniformity thereof by reasons of shrinkage or settlement.

- (2) The collection and storage upon the lot of original topsoil so that it is not buried beneath soil or other material of inferior quality. Said topsoil shall be respread uniformly over the entire area or surface of the fill soil or other material. In the event that it is not practicable to use the original topsoil, topsoil not inferior in quality to that of the original topsoil shall be used to a depth of not less than six inches.
- (3) The preservation of existing watercourses, in accordance with the plans on file.
- (4) The planting of shrubbery and trees as may be directed by the Shade Tree Committee.
- (5) The seeding of the entire area upon completion of the restoration of the topsoil with seed which will germinate so as to minimize soil erosion by wind and water.

B. At no time will excavations be permitted to go below the final grade as established by the approved plans.

§ 320-9 Performance bond.

The Construction Official may require the applicant to post with the Borough a performance guaranty conditioned upon full compliance with all the terms and conditions of approval. The amount of the bond shall be in accordance with the recommendations of the Borough Engineer, which amount shall be sufficient to ensure the faithful performance of the work to be undertaken as approved. The form of the bond shall be approved by the Borough Attorney. If a bond is not obtainable, the Borough Council may waive the bonding requirement and establish other requirements to secure compliance with the permit.

§ 320-10 Enforcement officer; inspections.

The Construction Official is hereby designated as the officer whose duty it shall be to enforce the provisions of this chapter. He shall, from time to time, upon his initiative, and whenever directed by the Borough Council, inspect the premises for which permits have been granted to ensure compliance with the terms of the permit and of this chapter.

§ 320-11 Abandonment or delay of project; extension of permit.

- A. In the event that, in the opinion of the Construction Official, the soil-moving project has been abandoned or cannot be completed within the time set forth in the soil-moving permit, the Construction Official may so certify to the Borough Council in writing. The Borough Council may then revoke the permit or call upon any surety or the performance guaranty to complete the project after hearing on seven days' written notice to the permittee by certified mail at the address on the permit application. In the event that a cash deposit guaranty is posted, the Borough may complete the project and deduct the cost thereof from the deposit.
- B. A permit hereunder shall be in force for one year. Applications for the extension of the permit shall be made upon the submission of the data required in § 320-3 hereof. As of the date of the application for renewal, a renewal permit may be issued by the Construction Official once but for a period of no longer than one year.

§ 320-12 Violations and penalties.

Any person violating any of the provisions of this chapter shall be subject to a penalty as set forth in Chapter 1, § 1-15, General penalty, in the discretion of the Judge before whom such conviction may be had. Each and every violation of this chapter, or each day that any provision of this chapter shall have been violated, shall be construed as a separate and distinct violation thereof.^[1]

[1] *Editor's Note: Original § 50-13, Effect on other provisions; inconsistencies, which immediately followed this section, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*