

**ORDINANCE NO. 2019-13**  
**TOWNSHIP OF GREEN, COUNTY OF SUSSEX, STATE OF NJ**

**AN ORDINANCE ADOPTING NEW ARTICLE III, SOIL IMPORTATION, TO  
CHAPTER XXVI, SOIL AND SOIL REMOVAL, OF THE GREEN TOWNSHIP CODE**

**WHEREAS**, the Township of Green has reviewed the current Code and determined that additional regulations are required related to soil importation within the Township.

**NOW THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Green, Sussex County, New Jersey as follows:

**SECTION 1.**

A new Article III, Soil Importation, added to Chapter XXVI, Soil and Soil Removal, is hereby adopted and set forth herein:

**Article III – Soil Importation**

**26-23 Soil Importation Regulations**

**26-23.1 Definitions**

**ACCEPTABLE SOIL MATERIAL**

Earth, sand, clay, loam, gravel, humus, rock or dirt, and may include soil, subsoil or topsoil. No construction debris or contaminated material is permitted.

**APPLICANT**

The person requesting a soil permit as provided for in this Article.

**CONTAMINANT**

Any hazardous substance, hazardous constituent, hazardous waste or pollutant.

**CONTAMINATED MATERIAL**

Any soil containing contaminants exceeding the present requirements for residential direct contact pursuant to N.J.A.C. 7:26E-1.1 et seq., technical requirements for site remediation, as may be amended.

**FILL/FILL MATERIAL**

Any sand, gravel, earth, soil, dredged material or other material of any composition whatsoever, the placement of which upon a site results in a change of topography of the site.

**GARBAGE**

Meat and vegetable waste solids resulting from the handling, preparation, cooking and consumption of foods. Garbage is considered to originate primarily in kitchens, stores, markets, restaurants, hotels and other places where food is stored, cooked and consumed.

**HAZARDOUS SUBSTANCE**

Any hazardous substance as defined pursuant to the Spill Compensation and Control Act (N.J.S.A. 58:10-23.11b), hazardous waste as defined pursuant to the Solid Waste Management Act (N.J.S.A. 13:1E-38), and/or pollutant as defined pursuant to the Water Pollution Control Act (N.J.S.A. 58:10A-3) as may be amended.

**REFUSE**

Includes all miscellaneous matters, such as, but not limited to, bottles, construction debris, rags, mattresses, worn-out furniture, old clothes, old shoes, broken glass, leather, carpets, crockery, rubber, newspaper, cartons, tin cans, metals, abandoned automobiles or parts thereof.

**SOIL**

All unconsolidated mineral and organic material of any origin.

**26-23.2 Depositing of contaminated or unwholesome material prohibited.**

No owner, agent, lessor, lessee, tenant or occupant of any lot, grounds, street, road or alley in the Township of Green shall deposit thereon or permit the depositing thereon of any contaminated material, or animal or vegetable substance or garbage or refuse or dirt gathered in cleaning sewers, or waste of mills or factories, or any materials which are offensive to health or tend to decay, to become putrid or to render the atmosphere impure or unwholesome, or any other environmentally inappropriate materials as determined by the New Jersey Department of Environmental Protection.

**26-23.3 Permit required for deposit of acceptable soil material; exemptions.**

No owner, agent, lessor, lessee, tenant or occupant of any lot, grounds, street, road or alley in the Township of Green shall deposit thereon or permit the depositing thereon of any acceptable soil material unless a permit is issued by the Township Engineer.

Exempt from the provisions of this section shall be the following:

- A. Select fill for septic installation and/or repair certified to be such by a licensed New Jersey Professional Engineer; or
- B. Routine landscaping activities that do not require an excess of 100 cubic yards of approved soil material, in any 12-month period, conducted in connection with residential use not subject to any other permitting requirements set forth in the ordinances of the Township of Green. Any materials used in activities permitted herein shall nevertheless conform to all applicable local, state and federal regulations.

- C. Soil material moved to and from properties located within Green Township, so long as all properties have common ownership.

**26-23.4 Hours of Operation.**

Hours of operation shall be limited, from 7:00 a.m. to 6:00 p.m., Mondays through Saturdays, except in emergencies when authorized by the Township Committee. There shall be no operation of any kind or character on Sundays, or legal holidays, except in emergencies when authorized by the Township Committee.

**26-23.5 Deposit of acceptable soil material in connection with development approval.**

Unless otherwise exempt under the terms of this Chapter, no permit to deposit approved soil material upon or used to fill up or raise the surface or level of any lot, grounds, street, road, or alley in the Township of Green shall be issued unless such fill operation is performed in connection with:

- A. A grading permit; or
- B. Site plan or subdivision approval granted by the Township of Green Land Use Board.

**26-23.6 Proof of compliance with soil cleanup criteria.**

- A. Unless otherwise exempt under the terms of this Chapter, no permit to deposit acceptable soil material upon or used to fill up or raise the surface of any lot, grounds, street, road, or alley in the Township of Green shall be issued unless the applicant submits proof that the acceptable soil material has been tested in conformance with § 26-23.8 of this Chapter, if required, and that it complies with the Technical Requirements for Site Remediation found in N.J.A.C. 7:26E-1.1 et seq., as may be amended.
- B. Proof shall be a letter from a laboratory certified by the State of New Jersey to perform soil analysis, stating that results meet or exceed the present requirements for residential direct contact as contained above, along with the actual test results.

**26-23.7 Fees – Soil Importation.**

0 to 100 cubic yards:      \$0.00

Over 100 cubic yards:      \$150.00 + 0.25 cents for each additional cubic yard



**26-23.8 Supplemental specifications for fill operations with acceptable soil material.**

- A. Any acceptable soil material that will be deposited within the Township of Green, which is to be brought into the Township from outside sources, or from sources as within the Township, must be reviewed by the Township engineer, and, if required by the Township engineer, tested at the source for compliance with the requirements found in N.J.A.C. 7:26E-1.1 et seq., in accordance with § 26-23.8 of this Chapter, and collected and evaluated by a laboratory certified by the State of New Jersey.
- B. Further:
- (1) All expenses connected with such testing are to be borne by the recipient of the fill;
  - (2) The Township shall have the authority to order additional reports or inspections as it may deem necessary and appropriate;
  - (3) Acceptance or rejection of any approved soil material is to be made according to this Chapter and any additional rules or regulations it may from time to time enact; and
  - (4) A minimum of two samples are to be extracted from the source for laboratory analysis for each 500 cubic yard lot, or fraction thereof if from undisturbed natural ground. Testing for all other sources shall be determined based upon the source and volume of the fill to be imported. Samples are to be extracted, tested and evaluated by a state certified laboratory. Samples must be biased to the location of the highest suspected contaminated concentrations, as determined by the laboratory professional or his duly assigned representative.

**26-23.9 Responsibility for obtaining permits.**

Responsibility for obtaining a permit for approval to deposit approved soil material is with the property owner.

**26-23.10 Duration of permit.**

Each permit issued under the terms of this chapter shall be valid only for the location(s) described in the permit and shall be valid for one year from the date of issuance, subject to renewal.

**26-23.11 Violations and penalties.**

Any person, firm or corporation who or which shall violate any provision of this Chapter shall pay the required fees in connection with the permit as outlined herein, plus all costs associated with having the material tested, plus a cost of \$5 for each and every cubic yard of material that has been imported to the site, as determined by the Township. Such person, firm or corporation shall also be liable to a fine of not more than \$2,000 or to imprisonment for a term not to exceed 90 days, or both such fine and imprisonment, at the direction of the Municipal Court. Every day in which such violation continues after due notice has been served shall constitute a separate violation or offense.

**SECTION 3. SEVERABILITY**

If any provision of this Ordinance or the application of this Ordinance to any person or circumstances is held invalid, the remainder of this Ordinance shall not be affected and shall remain in full force and effect.

**SECTION 4. REPEALER**

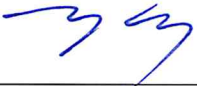
All ordinances or parts of ordinances or resolutions that are inconsistent or in opposition to the provisions of this Ordinance are hereby repealed in their entirety.


**SECTION 5. EFFECTIVE DATE**

This Ordinance shall take effect immediately upon adoption and publication in accordance with law.

ATTEST:

TOWNSHIP OF GREEN,  
IN THE COUNTY OF SUSSEX

  
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Mark Zschack, Township Clerk

  
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Margaret "Peg" Phillips, Deputy Mayor

**Record of Vote – Introduction:**

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
Mr. Chirip			√			
Mrs. Phillips			√			
Mr. Qarmout	√		√			
Mrs. Raffay		√	√			
Mr. Conkling					√	

**Record of Vote – Adoption:**

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
Mr. Chirip	√		√			
Mrs. Phillips			√			
Mr. Qarmout		√	√			
Mrs. Raffay			√			
Mr. Conkling					√	

INTRODUCED: September 4, 2019  
PUBLIC HEARING: September 16, 2019  
ADVERTISED ADOPTION: September 19, 2019

ADVERTISED: September 8, 2019  
ADOPTED: September 16, 2019