

Town of Morristown
Department of Public Works
Division of Engineering

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Policy and Procedures for Soil Removal / Soil Disturbance Permits
in the Town of Morristown
Chapter 27 of the Morristown Code
(Ordinance No. O-20-89, O-21-89, O-42-00 and O-6-05)

Permit Required

Prior to disturbing a site, land or land area exceeding 500 square feet or 10 cubic yards of rock or soil a permit must be obtained from the Town Engineer. Projects having approved site plans from the Planning Board or Board of Adjustment are exempt from this requirement.

Application

Submit the following to the office of the Town Engineer;

- Completed Application Form
- Permit Fee – Two percent of the cost of soil disturbance, removal or excavation work to be performed as determined and certified by the applicant's engineer. Maximum \$2,000.00. Certification of fee calculation by applicant's engineer must be submitted with fee.
- Three copies of a plan prepared by a Licensed Professional Engineer containing all information required by Section 27-4. Disturbances of less than 2,000 square feet may be exempted from some of these requirements as per Section 27-10. Exemption requests must be listed on the permit application with reasons for same.
- Engineering Details of proposed stormwater management measures, retaining walls or other significant engineering features.
- Drainage Calculations

Design Criteria

- The General Design Principals of Section 27-6 should be followed.
- The New Jersey Residential Site Improvement Standards apply to residential applications.
- Drainage calculations must show that there is zero post construction increase in peak flow rate and runoff volume leaving the site for the two, 10 and 100-year storm events. Or, if that is not practical, in the opinion of the Town Engineer, that there is no increase in the peak flow rate and that the increase in volume or change in timing of stormwater runoff will not increase flood damage at or downstream of the site.
- On site ground water recharge is encouraged.

- Use of stormwater management strategies detailed in the New Jersey Stormwater Best Management Practices Manual is encouraged.

Dry Well Design

- For projects with net gains in impervious area equal to or less than 2,000 square feet a dry well storage capacity of one gallon per square foot of net gain in impervious area is acceptable, provided there are no unusual conditions.
- For projects with net gains in impervious area of more than 2,000 square feet dry wells must be designed by a licensed professional engineer.
- Dry wells shall have a minimum single tank capacity of 500 gallons.
- Dry wells shall be placed a minimum of fifteen feet from any existing or proposed structure foundation.
- Dry wells shall have a minimum of two feet of cover.
- Dry wells shall be connected to leaders with a minimum six inch diameter pipe.
- Cleanouts must be provided to allow proper maintenance of drainage system.

Enclosures

Soil Removal / Soil Disturbance Permit Application

Chapter 27 of the Code of the Town of Morristown: "Land Disturbance"

Anthony M. DeVizio, P.E., P.L.S.
Town Engineer
July 11, 2016

CHAPTER XXVII LAND DISTURBANCE*

27-1 PURPOSE.

The purpose of this chapter is to control the disturbance of land and related changes in grades, elevations or surface conditions by requiring adequate provisions for surface water retention and drainage in order to promote the safety, public health, convenience and general welfare of the community. (Ord. No. O-20-89 § 174-1)

27-2 DEFINITIONS.

As used in this chapter:

Applicant shall mean a person, property owner, partnership, corporation or public agency requesting permission to engage in land disturbance activity.

Complete Application shall mean an application which addresses and contains all information, as required by this chapter, in sufficient detail so as to enable the Town to make an informed decision.

Excavation or Cut shall mean any act by which soil or rock is cut into, dug, quarried, uncovered, removed, displaced or relocated.

Land shall mean any ground, soil or earth, including marshes, swamps, drainageways and areas not permanently covered by water within the municipality.

Land Disturbances shall mean any activity involving the clearing, grading, transporting, filling and any other similar activity.

Permit shall mean a certificate issued by the Town Engineer authorizing performance of work in accordance with this chapter.

Rock shall mean all mineral material, other than soil.

Site shall mean any plot, parcel or parcels of land.

Soil shall mean all unconsolidated mineral and organic material of any origin.

Stripping shall mean any activity which removes or disturbs vegetated or otherwise stabilized soil surface, including clearing and grubbing operations.

(Ord. No. O-20-89 § 174-2)

***Editor's Note:** Ord. No. O-12-88 amended Chapter 174, Soil Removal, of the 1980 Code in its entirety and established the new title of Soil Disturbance. Ord. No. O-20-89 subsequently amended the chapter in its entirety and established the new title of Land Disturbance.

27-3 PERMIT REQUIRED.

No site, land or land area exceeding five hundred (500) square feet or ten (10) cubic yards of rock or soil shall be disturbed by any person, partnership, corporation, municipal corporation or other public agency within this municipality, unless prior thereto, the applicant has obtained a valid permit issued by the Town Engineer in accordance with the requirements of this chapter. (Ord. No. O-20-89 § 174-3)

27-4 APPLICATION.

A valid permit shall be obtained by filing in triplicate, an application which shall be accompanied by three (3) copies of a plot plan with the Town Engineer. The application, which shall be prepared by a professional engineer licensed to practice in the State of New Jersey, shall consist of the following:

- a. Property line boundaries, bearings and distances.
- b. Property Block and Lot number.
- c. Property street address.
- d. Property owner's name and address.
- e. A brief statement as to the purpose and intent of the proposed activities.
- f. Existing and proposed:
 1. Topographic contour lines, at all even two (2) foot intervals.
 2. Spot grades at each property corner.
 3. Spot grades at the limit of all proposed activity.
 4. Walls, fences.
- g. Limits of tree removal.
- h. Limits of proposed disturbance.
- i. Source of the proposed fill material.
- j. Location of ultimate disposal of excess spoil material.
- k. Proposed dates for commencement and completion of the work.
- l. Such pertinent data as the Town Engineer may deem necessary.
- m. An engineer's estimate of the cost of work to be performed.
- n. Plans shall be drawn to scale and shall show actual dimensions in figures
- o. A copy of a soil conservation survey.

p. A description of proposed drainage and water flow, and existing and proposed soil characteristics.
(Ord. No. O-20-89 § 174-4)

27-5 TIME FOR ACTION. MUNICIPAL ACTION.

Within thirty (30) days of receipt of a complete application and plans as required hereunder, the Town Engineer shall either approve or disapprove same. In the case of a disapproval, the Town Engineer shall state in writing, the reasons for same. (Ord. No. O-20-89 § 174-5)

27-6 GENERAL DESIGN PRINCIPLES.

The following principles shall apply to the plan:

- a. Stripping of vegetation, grading or other soil disturbance shall be done in a manner which will minimize soil erosion.
- b. Whenever feasible, natural vegetation shall be retained and protected.
- c. Drainage provisions shall accommodate increased runoff resulting from modified soil and surface conditions, during and after development or disturbance.
- d. Water runoff shall be minimized and retained on site whenever possible to facilitate ground water recharge.
- e. Land disturbance shall be done in a manner that shall not cause a change in slope which would result in said slope exceeding ten (10%) percent.
- f. The top layer of soil to a depth of six (6) inches shall not be removed from the premises but shall be set aside and respread over the premises when the remainder of the soil has been removed.
- g. All of the work described in this chapter shall be performed between the hours of 8:00 a.m. and 8:00 p.m. on any working day.
- h. Approval must be obtained from the Morris County Soil Conservation District, if required under legislation establishing that body.
- i. Any land disturbance which alters surface water flows, quantity of runoff or creates or causes ponding is prohibited.
- j. All lots shall be graded so that surface waters will be carried away from buildings with no diversion of existing surface water flows and so as not to permit the collection of surface waters on the lot.
(Ord. No. O-20-89 § 174-6)

27-7 FEES.

No soil disturbance permit shall be issued until the fees are paid by the applicant to the Town and the bond requirements have been met.

a. Soil disturbance permit shall be two (2%) percent of the cost of soil disturbance, removal or excavation work to be performed as determined and certified by applicant's engineer, but not to exceed a maximum of two thousand (\$2,000.00) dollars.

b. Charge per cubic yard for each cubic yard removed.\$0.01
(1980 Code § 98-174; Ord. No. O-21-87 § 174; Ord. No. O-20-89 § 174-7)

27-8 BOND REQUIREMENTS.

Before the permit is issued, the applicant shall file with the Town Engineer a bond executed by the applicant as principal and by a surety company licensed to do business in the State of New Jersey as surety. The amount of the bond shall be for the full cost of the work to be performed. The bond shall be conditioned as follows:

a. That the permittee 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 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.
(Ord. No. O-20-89 § 174-8)

27-9 VIOLATION AND PENALTIES.

The person who violates, and any landowner who permits any person to violate, any of the provisions of this chapter or fails to comply or adhere to the permit granted hereunder shall be subject to any action filed in Superior Court for injunctive relief and or damages for the restoration or correction of said violation or violations.

In addition, any person who violates any of the provisions of this chapter or fails to comply or adhere to the permit granted hereunder, shall be subject upon conviction in the Municipal Court of such punishable offense, to be fined not exceeding five hundred (\$500.00) dollars or imprisonment. Each and every day that such violation continues shall be considered a separate offense.

Any land disturbance which creates a drainage problem, as determined by the Town Engineer, shall represent a violation of this chapter. (Ord. No. O-20-89 § 174-9; New)

27-10 EXEMPTIONS.

a. Specifically exempted from the terms of this chapter are sanitary land fills for which permits have been issued by the New Jersey Department of Environmental Protection or an

applicant whose project is governed by a site plan approved by the Zoning Board of Adjustment or the Planning Board.

b. Gardens and landscaping in residential zones involving changing of grades twelve (12) inches or less shall be exempt provided that the general design principles set forth in Section 27-6 are adhered to.

c. Mulch piles used for on-site gardening or soil revitalization shall be exempt.

d. One to four (1-4) family residential dwellings, where the project involves disturbance of less than two thousand (2,000) square feet of soil, may be exempt from some or all of the requirements of Section 27-4 at the discretion of the Town Engineer, where he determines that the general design principles of Section 27-6 are satisfied, after a review of the proposed plans and site conditions.

e. The Town Engineer is authorized to promulgate regulations establishing standards for exemption of some or all of the requirements of Section 27-4, in accordance with paragraph d. (Ord. No. O-20-89 § 174-10; Ord. No. O-6-05)

27-11 ENFORCEMENT OFFICER.

The requirements of this chapter shall be enforced by the Mayor or his designee, who shall also inspect or require adequate inspection of the work. If the Enforcement Officer finds conditions not as stated in the applicant's plan, he or she may refuse to approve further work and may seek other penalties as provided in Section 27-9. (Ord. No. O-20-89 § 174-11; Ord. No. O-42-00)

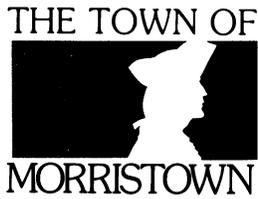
27-12 APPEALS.

Appeals from the Town Engineer's decision under this chapter may be made to an appellate committee comprised of three (3) Council Members. The appeal shall be made in writing by the applicant, submitted to the Town Business Administrator, within ten (10) days from the date of such decision. The applicant shall be entitled to a hearing before the appellate committee within twenty (20) days from the date of the appeal and a decision shall be rendered within ten (10) days following the completion of the hearing. (Ord. No. O-20-89 § 174-12)

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in the Town of Morristown
Chapter 27 of the Morristown Code
(Ordinance No. O-20-89, O-21-89, O-42-00 and O-6-05)
Rev 12-10-2010

App # S
Date Received
By:

file 110

Project Location	
Address	
Block #	Lot #

Applicant
Name:
Address
Phone
email

Project Description, purpose, special considerations,
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Submittal Checklist

- Permit fee and fee certification
- Plan (three copies)
- Details, List >
- Drainage Calculations

Fee Submitted \$

Applicant's Engineer
Name:
Company Name
Address
Phone
email

Exemptions Requested from Application Requirements of 174-4 with reasons for request

Review Comments (Town Engineer)
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Permit Approved by;
Date:

Applicant must notify Engineering Division of Construction Schedule at 973-292-6722
Inspection must be made prior to backfilling improvements

Construction Inspection Notes (Town Engineer)
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Construction Approved by;
Date: