

ORDINANCE 50-2006

ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER 195 OF THE MADISON BOROUGH CODE ENTITLED "LAND DEVELOPMENT ORDINANCE OF THE BOROUGH OF MADISON" REGARDING EXCAVATION AND SITE GRADING

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WHEREAS, the Borough Engineer has recommended that the Madison Land Development Ordinance be amended to amend certain sections regarding excavation and site grading; and

NOW THEREFORE BE IT ORDAINED by the Council of the Borough of Madison, in the County of Morris and the State of New Jersey, that Chapter 195, "The Land Development Ordinance of the Borough of Madison," of the Revised General Code of the Borough of Madison is hereby amended and supplemented as follows:

SECTION 1: Section 195-27H entitled "Excavations" shall be appended as follows:

...All open excavations of greater than 4 feet in depth shall be fully encircled with durable and stable 4 foot high construction fence (or 6 foot high chain link fence if required elsewhere in the Code due to excavation depth or proximity to public facilities). Topsoils must have an approved stockpile location. Subsoils can not function as screened well graded organic topsoils. Subsoils can only be used for structural backfills where suitable engineered properties can be demonstrated. Tree root systems must be protected from grading cuts and fills. Excess excavation subsoils must be removed from the site entirely in conjunction with soil movement ordinances. Individual Lot Grading Plans are required wherever new grades are to be established on a property.

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SECTION 2: Section 195-30 E shall be recited as Section 195 30 F.

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SECTION 3: Section 195-30 E shall read:

Upon issuance of any demolition permit, the site grading, particularly open foundation areas, shall be filled, stabilized and regraded within one week after initiating said demolition work, weather permitting, in such a manner as to prevent the collection of water, increase of erosion, damage to shade tree root systems, or any slope related hazards associated with open excavation in residential areas. Alternatively, demolition permits are not encouraged to be sought until all related applications for permits under the local Development Regulations (zoning, site, environmental or special regulated features) are submitted as complete and approved.

SECTION 4: Section 195-7 entitled "Definitions", the definition of "Grade" shall be appended as follows:

. . . No increase in the grade reference plane between existing and proposed conditions will be allowed in any zone without detailed written justification and sight line surveys to adjoining properties within 200 feet, as a part of the individual lot grading plan and zoning permit review requirements.

SECTION 5: If any section or provision of this Ordinance is held invalid in any court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance except so far as the section or provision so declared invalid shall be separable from the remainder or any portion thereof.

SECTION 6: All ordinances or parts thereof which are inconsistent or in conflict with the provisions of this ordinance or any part thereof are hereby repealed to the extent of said inconsistency or conflict.

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SECTION 7: This ordinance shall take effect as provided by law.

ADOPTED AND APPROVED

ELLWOOD R. KERKESLAGER, Mayor

Attest:

MARILYN SCHAEFER, Borough Clerk

Introduced and passed: September 25, 2006

Referred to Planning Board: September 26, 2006

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