

ORDINANCE NO. 2006-1037

AN ORDINANCE AMENDING THE PROPERTY MAINTENANCE CODE BY ADOPTING A SECTION 307 ENTITLED "SOIL"

BE IT ORDAINED by the Mayor and Council of the Borough of Manville in the County of Somerset and State of New Jersey, as follows:

SECTION I. AMENDMENT OF PROPERTY MAINTENANCE CODE

The *International Property Maintenance Code* as amended and adopted by Ordinance No. 2001-960 is hereby further amended by adding thereto a Section 307 to read as follows:

"SECTION 307 SOIL

307.1 Definitions. As used in this Section 307 the following words shall have the meanings stated:

SOIL. Earth or ground including topsoil and fill.

STORE. To keep available on premises for future use.

307.2 Regulation.

A. No person shall knowingly deliver to, place, deposit or store soil on any premises unless same meets the soil ranking criteria as set forth in *N.J.A.C. 7:26F, APPENDIX C, Table 1-A*.

B. No person shall deliver to, place, deposit or store soil on any premises unless such soil is intended for use on such premises in connection with construction or landscaping.

C. No person shall store any soil on any premises for longer than one year. Provided, however, the Borough Engineer, for good cause, may extend said one year period.

D. No person shall deliver to, place, deposit or store soil on any premises in an amount greater than ten (10) cubic yards without notifying the Borough Engineer and furnishing a written certification of the source of the soil.

E. No owner, occupant, person in charge or agent of premises shall permit or allow another to perform any act proscribed by paragraphs A, B, C or D. hereof.

307.3 Testing. No person shall be required to test soil for compliance with soil ranking criteria unless there is reasonable cause to believe the soil does not satisfy the soil ranking criteria. In the event testing is required, the same shall be performed by a state approved laboratory and

the cost thereof shall be borne by the person(s) delivering, placing, depositing and/or storing the soil."

SECTION II. CONSTRUCTION

Where consistent with the context in which used in this ordinance, words importing the singular shall include the plural; words importing the plural shall include the singular; and, words importing one gender shall include all other genders.

SECTION III. INCONSISTENCY

Should any provision of this ordinance be inconsistent with the provisions of any prior ordinances, the inconsistent provisions of said prior ordinances are hereby repealed, but only to the extent of such inconsistencies.

SECTION IV. SEVERABILITY

In the event that any provision of this ordinance, or the application thereof to any person or circumstance is declared invalid by a court of competent jurisdiction, such declaration of invalidity shall not affect any other provision or application of this ordinance which may be given effect, and, to realize this intent, the provisions and applications of this ordinance are declared to be severable.

SECTION V. PURPOSE OF CAPTIONS

Captions contained in this ordinance have been inserted only for the purpose of facilitating reference to the various sections, and are not intended and shall not be utilized to construe the intent and meaning of the text of any section.

SECTION VI. EFFECTIVE DATE

This ordinance shall be effective immediately upon final adoption, approval and publication in accordance with law.

Borough of Manville

Angelo Corradino, Mayor

ATTEST:



Philip E. Petrone, Borough Clerk

STATEMENT OF PURPOSE

The purpose of this Ordinance is to regulate the delivery, placement, deposit or storage of soil on premises within the Borough of Manville.

ORDINANCE #2006-1037

FIRST READING:

Introduced	Seconded	Council	Yes	No	Abstain	Absent
√		ASHER	√			
		OTRIMSKI				√
	√	PETROCK	√			
		PETRONE	√			
		QUICK	√			
		SZABO	√			
		MAYOR CORRADINO				

PASSED this 22nd day of May, 2006.

Attest:

Philip E. Petrone, Borough Clerk

SECOND READING:

Introduced	Seconded	Council	Yes	No	Abstain	Absent
		ASHER	√			
	√	OTRIMSKI	√			
		PETROCK				√
		PETRONE	√			
√		QUICK	√			
		SZABO	√			
		MAYOR CORRADINO				

PASSED this 26th day of June, 2006.

Attest:

Philip E. Petrone, Clerk