

ORDINANCE NO. 2024- 17

**AN ORDINANCE OF THE TOWNSHIP OF OCEAN,  
COUNTY OF OCEAN, STATE OF NEW JERSEY  
ESTABLISHING CHAPTER 192 OF THE  
TOWNSHIP CODE ENTITLED "GRADING AND  
DRAINAGE"**

**NOW THEREFORE BE IT ORDAINED** by the Mayor and Township Committee of the Township of Ocean, County of Ocean, and State of New Jersey establishing Chapter 192 of the Township Code entitled "Grading and Drainage" shall read as follows:

**SECTION 1.**

**§192-1. Definitions.**

All terms mentioned in this article shall be understood to have the meaning applied to such terms in the Uniform Construction Code

**§192-2. Permit required.**

In accordance with §192-4 below, a permit for grading and drainage shall be required prior to construction of the following:

- A. A single-family dwelling.
- B. Any structure or improvements which the Township Engineer, Construction Official or Zoning Officer have determined may cause an adverse impact

to any adjoining property.

**§192-3. Permit fees.**

A. Prior to the issuance of a grading and drainage permit, the applicant shall pay to the Township the sum of \$75.00 for the permit.

B. Additional review and inspection fees shall be assessed in accordance with the following schedule:

- (1) Initial grading plan review fee: \$200.

- (2) Review of revised grading plan: \$100.
- (3) As-built review (submit with final as-built plan): \$250.
- (4) Review of revised as-built plan: \$100.
- (5) Reinspection of site/report preparation: \$150.

**§192-4. Plan standards.**

A. Prior to the issuance of a zoning permit for the construction of a single-family dwelling, or any other required permits for construction delineated under §192-2B herein, the applicant for the permit shall submit to the Zoning Officer the required fee as set forth in §192-3 and three copies of a grading plan accompanied by a certification from a New Jersey licensed professional engineer or architect as required by N.J.A.C. 13:40-7.3 that the plan has been prepared by said engineer or architect and includes all of the items as delineated herein. Said certification shall further set forth that the proposed grading and floor elevation will not impact detrimentally upon any adjoining owner; and further that the plan provides for proper on-site runoff that is adequate to prevent ponding, severe erosion and positive drainage away from the proposed building construction in accordance with Chapters 135 and 308 of the Township Code

B. The grading plan map prepared based on survey measurements, drawn to a scale of not more than one-inch equals 10 feet or less than one inch equals 50 feet, shall include the following, as applicable to the proposed construction:

- (1) Property lines and dimensions based upon a current (within the last two years) outbound survey prepared by a New Jersey licensed land surveyor.
- (2) Building dimensions and proposed setback dimensions.
- (3) Existing structures on the property and within 50 feet of property.
- (4) Existing and proposed contour lines at one-foot intervals with reference datum to NAVD 1988 for the property upon which the dwelling is to

**DASTI STAIGER**  
ATTORNEYS AT LAW

310 Locey Road P.O. Box 779  
Forked River, NJ 08731

be constructed. Proposed grades shall include sufficient spot elevations at the building corners, driveway and yard areas and extend 20 feet in all directions from the property to clearly show impact of grading.

(5) Finished floor grades of house and garage, description of house style (ranch, bi-level, two story), and applicable critical grade.

(6) A description of the building to be constructed (basement, crawl space or slab construction).

(7) Where applicable, sufficient information to show impact, if any, on adjoining properties.

(8) Total area of the tract and the total area upland or buildable area.

(9) The percentage of lot coverage by structures.

(10) The existing/proposed sidewalk/curb and fence locations including the type of material to be used for construction.

(11) The existing/proposed driveway locations including the type of material to be used.

(12) The location and identification of flood zones, conservation easements, and wetland areas.

(13) Location of all existing utilities and proposed connections thereto, and any utility relocations.

(14) The proposed method of providing water and sewer services shall be clearly indicated.

(a) In the case of connecting to a public source for these services, the sewer lateral and water sewer line locations shall be shown. Utility connection permits from the appropriate utility companies shall be provided, if required.

(b) In the case where a septic system and/or well is proposed, the plot plan shall include the following information:

- [1] Description and location of all components of the disposal system and/or well.
- [2] Distances from structures.
- [3] Distances from property lines.
- [4] Separation distances from each other and other septic disposal systems and/or wells within one-hundred-foot radius of the lot in questions.
- [5] Grade elevations and inverts required by the component installation.
- [6] Results of soil borings and permeability test, including depth to the actual or estimated seasonal high water table and groundwater observation.
- [7] All systems shall comply with N.J.A.C. 7:9A. Standards for Individual Subsurface Sewerage Disposal Systems.

(15) Stormwater flow direction arrows must be provided for both on-site and off-site conditions.

(16) Location of all existing sewer and water utilities and proposed connections thereto, and any required utility relocations.

(17) The width of street rights-of-way, the width of street pavements and the material composition of the street surface.

(18) A North arrow shall be shown with datum referenced.

(19) When basements are proposed, the results of soil test borings taken to a depth of 20 feet, reflecting the nature of the subsoil conditions, the height of the surface water table on a basis of seasonal average and the height of the surface water table on a basis of seasonal average and the height of the surface water table at the maximum wet season.

(20) Septic system approval from the Ocean County Health Department, if applicable.

(21) United States Army Corps of Engineers, New Jersey Department of Environmental Protection or Pinelands Commission approved wetlands and wetlands buffer delineations by metes and bounds, if applicable. Calculated wetland and wetland buffer areas shall be noted.

(22) The land shall be graded so that the stormwater from each lot shall drain directly to the street. If it is not possible to drain directly to the street, it shall be drained to a system of interior yard drainage designed in accordance with Chapters 135 and 308 of the Township Code.

(23) Alternate elevations are permitted subject to the approval of the Township Engineer, subject to a showing that required drainage to the point of discharge and away from the structure is provided at all locations on the site.

(24) The minimum slope for drainage swales shall be 1 1/2%.

(25) Schedule showing zoning of property, zoning requirements and plan provisions in relation to each zoning requirement.

(26) Submission of a development permit application in accordance with Chapter 180, Flood Damage Prevention, of the Township Code for any development within flood hazard areas.

(27) Proposed or existing retaining walls.

C. The Township Engineer shall review and provide either an approval or rejection of the grading plan in writing to the applicant a maximum of 10 business days after receipt of the grading plan by the Construction and Zoning Office.

**§192-5. Additional permit requirements.**

A. For new home construction, two copies of a recent survey showing all proposed structures, along with all setbacks and height measurement, shall be submitted to the Zoning Officer. If located in a flood hazard area, the proposed first floor elevation

or lowest structural member elevation, as required by Chapter 180, Flood Damage Prevention, of the Township Code, must be provided. Additional grading and drainage information shall be in accordance with the criteria found in §192-4 herein.

B. Prior to a foundation inspection being performed by the Building Inspection Department, an as-built foundation location shall be submitted for review by the Township Engineer and Zoning Officer in accordance with the criteria found in §192-6 herein.

C. For final zoning approval, prior to a certificate of occupancy being issued by the Building Inspection Department, an as-built grading plan certifying compliance with the approved grading permit and §192-7 herein shall be submitted to the Zoning Officer.

**§194-6. Foundation as-built plan.**

A. Prior to framing or placing the modular units or pre-fab units on the foundation as constructed, a New Jersey professional land surveyor shall submit to the Zoning Officer three copies of a plan showing the setbacks and elevations as to said as-built foundation and specifically showing the top of block elevation and any other critical floor elevation.

B. The foundation as-built plan shall be accompanied by a certificate from the preparer that same conforms with the above-listed items.

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Forked River, NJ 08731

**§192-7. Final as-built plan.**

A. Prior to the issuance of a certificate of occupancy, the Zoning Officer shall require three copies of an as-built plan be submitted, signed and sealed by a New Jersey professional land surveyor for a final zoning permit review. The plans utilized for a request for a final zoning permit review shall be accompanied by a copy of the initial review plans. The Township Engineer will, in addition to said review, cause an on-site inspection and submit a written report to the Zoning Officer and Construction Code Official as to the status of all improvements required and as-built conditions that conform satisfactorily to the approved plans and that a certificate of occupancy may be issued. In the event that the final as-built plan does not conform to the requirements herein set forth, a report shall be prepared by the Township Engineer indicating conditions, which must be satisfied prior to the issuance of a certificate of occupancy. The as-built plans shall include the following:

- (1) Property lines and dimensions.
- (2) Existing elevations of the lot and adjacent roadway, building corners grades, lot corner grades, drainage swale grades, as well as contours and critical spot elevations to clearly define surface flow.
- (3) Finish floor grades of house and garage and description of house style (ranch, bi-level, two story) and applicable critical grade.
- (4) All distances from structures in relation to property lines, height of structures.
- (5) Describe building constructed; basement, crawl space or slab construction.
- (6) Where applicable, sufficient information to show impact, if any, on adjoining properties.
- (7) All completed improvements, including but not limited to walks, drives, curbs and landscaping, shall be shown.
- (8) Compliance with Chapter 180, Flood Damage Prevention, of the Township Code for all development within flood hazard areas.

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Forked River, NJ 08731

- (9) Submission of a certified FEMA elevation certificate in flood hazard areas and in accordance with Chapter 180, Flood Damage Prevention.

B. The final as-built plan shall be accompanied by a certificate from the preparer that same conforms with the above-listed items and is substantially in conformance with the plan previously submitted for initial review for a building permit. One copy of each of the previously submitted plans shall be attached. If alterations have been made, same shall be explained by notes or attachments, with an explanation of how the changes are different from the approval and that there are no significant impacts to adjoining properties.

#### **194-8. Temporary certificate of occupancy (TCO).**

If, in the opinion of the Township Engineer, inclement weather prohibits the completion of the improvements required on the approved grading plan and under Chapter 410-162C of the Township Code, a temporary certificate of occupancy (TCO) may be issued by the Construction Official. The issuance of the TCO shall be conditioned upon the following items:

- (1) The estimated construction costs to complete the improvements are placed in the applicant's attorney escrow account by the builder. The estimated costs for the incomplete improvements shall be determined by the Township Engineer.
- (2) Written proof of the escrow amount must be given to the Township Community Development Officer by the applicant's attorney.
- (3) Proof of receipt of a conditional or permanent report of compliance from the Ocean County Soil Conservation District, where applicable, shall be submitted to the Construction Official.
- (4) All escrowed improvements shall be completed and ready for final inspection no later than May 1 next occurring, unless an extension is granted by the Township Construction Official and/or Township Engineer.

B. Lot reinspection fees, in accordance with this section, shall be paid by the builder prior to the conversion of the TCO to a final certificate of occupancy.

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**SECTION 2.** Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

**SECTION 3.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

**SECTION 4.** If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

**SECTION 5.** This ordinance shall take effect after second reading and publication as required by law.

**NOTICE**

**NOTICE IS HEREBY GIVEN** that the foregoing ordinance was introduced and passed by the Township Committee on first reading at a meeting of the Township Committee of the Township of Ocean on the 16<sup>th</sup> day of July, 2024, and will be considered for second and final passage at a meeting of the Township Committee to be held on the 20<sup>th</sup> day of August, 2024, at 6:00 PM. at the Municipal Building located at 50 Railroad Avenue, Waretown, New Jersey. at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.

  
**DIANE B. AMBROSIO, RMC, Clerk**  
Township of Ocean

