

**LEGAL NOTICE  
ORDINANCE NO.54  
2024  
TOWNSHIP OF WAYNE  
COUNTY OF PASSAIC  
STATE OF NEW JERSEY**

**AN ORDINANCE TO AMEND AND SUPPLEMENT  
CHAPTER 56 (QUARRYING), PART II (GENERAL LEGISLATION) OF  
THE CODE OF THE TOWNSHIP OF WAYNE**

**WHEREAS**, Wayne Township is responsible for the licensing and regulation of quarries for the protection of persons and property and for preservation of public health, safety and welfare; and

**WHEREAS**, the governing body proposes certain revisions to chapter 56 that will permit quarries to continue operation while enhancing the Township's ability to conduct more in-depth inspections and enforcement by requiring updated information as to continuing operational conformance; and

**NOW, THEREFORE, BE IT ORDAINED** by the Township Council of the Township of Wayne in the County of Passaic, State of New Jersey, as follows:

**SECTION 1.** Chapter 56 (Quarrying), Part II (General Legislation) of the Code of the Township of Wayne is hereby repealed and replaced as follows:

**Chapter 56: Quarrying**

**§ 56-1 Purpose; intent.**

It is the intent of this chapter to license and regulate quarries for the protection of persons and property and for the preservation of the public health, safety and welfare of the Township and its inhabitants and to ensure that quarrying operations shall be conducted in such a manner as to create a minimum of annoyance from noise and dust to nearby owners or occupants of property, to provide for the safety of persons, and further to ensure that the quarried area shall be suitably and reasonably rehabilitated after quarrying operations have been completed or otherwise terminated.

**§ 56-2 Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

**OPERATOR**

Any person engaged in and controlling the business of conducting a quarry.

**QUARRY**

An open pit mine from which building materials (sand, gravel, construction aggregate) and dimension stone are excavated from the ground.

**QUARRYING**

Those aspects of the business of conducting a quarry as relate directly to the excavation and processing of stone, shale and slate and the removal thereof from quarry premises.

## RECLAMATION

The reconditioning of the area of land affected by quarrying operations to restore the same to a productive use after termination of quarrying operations consistent with the Master Plan adopted by the Planning Board of the Township in effect at the filing of the initial Reclamation Plan.

## RECLAMATION PLAN

A written proposal approved by the Planning Board of the Township for reclamation of the area of land affected by quarrying operations, including land use objectives, specifications for grading and manner and type of vegetation, and such maps and other supporting documents as may be required by the Planning Board, to be reasonably for use or uses permitted by the Township Zoning Ordinance and conformance with the rehabilitation standards established herein.

### § 56-3 License required.

It shall be unlawful for any person to conduct the business of quarrying within the Township without first having obtained a license therefor in accordance with this chapter.

### § 56-4 Application for license.

Applications for licenses required by this chapter shall be made upon forms provided by the Township Clerk and shall be signed and verified by the applicant, setting forth or accompanied by the following information:

- A. The name and address of the applicant, if an individual; the name, and business address of the applicant, if an entity other than an individual; each partner, if a partnership; and the name, date and state under which organized, if a corporation or Limited Liability Company (LLC), and if a foreign corporation or LLC, whether the same is authorized to do business in the State of New Jersey.
- B. A legal description of the premises where the business is to be conducted and a map based on a topographic survey no more than two years old of the premises prepared by an engineer or land surveyor licensed in the State of New Jersey showing the entire tract involved, all roads or buildings within thereof, existing and proposed future contours of the land involved and, contours to be created by the quarrying operation at twenty-foot intervals and all brooks, streams or bodies of water on the tract involved and within therefrom.
- C. Date relative to the ownership of the tract involved or any interest of the applicant, its officers, directors or stockholders in adjoining property. In the event that the applicant is not the owner, written consent of the owner must be furnished.
- D. Plans and specifications based upon a topographic survey no more than two years old indicating places where quarrying is to be conducted; all entrances or exits to the tract involved; fences, gates or buildings erected or to be erected; proposed locations of storage; equipment used or to be used in the operation; and a narrative describing the method of operation.

- E. The hours during which the quarry will be operated.
- F. Certificates of insurance attached to the application evidencing liability insurance coverage in amounts of not less than \$1,000,000 for personal injury, including death (for each person or each occurrence), and \$300,000 for property damage.
- G. Certifications regarding proposed conformance with 56-9 Regulation of Operation, including the following:
  - (1.) Specification of method of dust control proposed under 56-9.B
  - (2.) Specification of schedule and method of treatment for dust on public roadways under 56-9.C
  - (3.) Certification by licensed engineer that quarrying operations conform to the requirements of 56-9.D and have not endangered the lateral support of the abutting properties.
  - (4.) Certification that operations will comply to height and spraying requirements under 56-9.L
  - (5.) Certification that dust control of crushing and processing of quarry materials conforms to 56-9.K
  - (6.) Certification as to means to conform with 123-3.B as noted in 56-9.L
  - (7.) Certification as to means to conform with 56-9.M
- H. Certifications regarding conformance with 56-9 Regulations of Operation over the past licensing period, including the following
  - (1.) Certification of method of dust control used under 56-9.B
  - (2.) Certification of dates of treatment for dust on public roadways under 56-9.C
  - (3.) Certification that work completed conformed to 56-9.D
  - (4.) Certification of method of dust control used under 56-9.K
  - (5.) Certification of dates and methods of treatment to conform with 123-3.B as noted in 56-9.L
  - (6.) Copies of filing with NJDEP as to dates and amounts of water removed, method of treatment and disposal under 56-9.M

§ 56-5 Quarry Inspector.

The Zoning Officer shall serve as the Quarry Inspector and is further designated as the enforcing officer of this chapter. If there is no Zoning Officer at the time that enforcement or inspections are required, the Township Business Administrator may assign the role of Quarry Inspector until a new Zoning Officer is hired. The duty of the Quarry Inspector shall be as follows:

- A. Review annual license application and issue a report to the Township Council identifying conformance with the requirements of this Chapter, making recommendations regarding any waivers requested under 56-11, and basis for the recommendation on the waivers.
- B. To investigate and enforce any and all alleged violations of the requirements of this Chapter.
- C. To submit written reports of such inspections from time to time as may be required by the Township Council.

§ 56-6 ISSUANCE OF LICENSE; WAIVERS; DURATION

- A. All license applications shall be reviewed by the Quarry Inspector and certified as to whether or not they comply with the requirements of this chapter and, if so certified to comply with the requirements of this chapter.
- B. After receiving the reports of the Quarry Inspector, at a public meeting the Township Council shall determine whether the application meets the requirements of this chapter and, if so, shall issue approval to operate the quarry in the manner set forth in the application.
- C. Upon prior written request by the applicant setting forth sufficient evidence, the Township Council may grant waivers and exceptions from the requirements of this chapter as may be reasonable and within the general purpose and intent of the provisions of this chapter if the literal enforcement of one or more provisions is impracticable and will exact undue hardship because of peculiar conditions pertaining to the land in question. Any waivers granted shall apply only to the specific area or condition for which the waiver is granted. Any specific area or condition, specifically related to the boundaries, depths, or slopes of quarrying, for which a waiver was granted will not require any future additional renewals of those waivers. The change of a condition beyond that which was previously granted by waiver shall require a new waiver.
- D. Licenses shall be issued for a period three-year period expiring on December 31 of each year divisible by three and shall be renewed every three years upon filing an application at least 60 days prior to expiration. A quarry presently in operation, upon filing an application for a license as provided herein, may continue operation pending action upon said application by the Township Council.

§ 56-7. Revocation or suspension of license.

After 10 days' notice and an opportunity to be heard, the Township Council may revoke or suspend any license issued under this chapter if it finds that the licensee is violating the terms or provisions hereof or of any applicable statute or regulation of the State of New Jersey.

§ 56-8 Regulation of operation.

Any quarrying since the establishment of Chapter 56 by Ordinance 55 of 1992 is subject to the following requirements.

- A. Quarrying may be conducted only from Monday through Saturday between the hours of 6:00 a.m. and 6:30 p.m., prevailing time, except that:
  - (1.) No quarrying shall be conducted on Sundays.
- B. All drilling must be done by the wet drilling method or by any other method of equivalent effectiveness for dust control.
- C. All roads or traveled rights-of-way within the licensed premises must be treated with State-approved agents in order to reduce the accumulation and dissemination of dust. State-approved agents must be applied at least once every 10 days during the period of May 1 to November 15 of each year.

- D. No quarrying shall be permitted that will endanger the lateral support of abutting properties. In the event that quarrying or excavation should result in face slopes in excess of 45 degrees, a minimum leveled (or natural) buffer area of 50 feet shall be provided between any quarry boundary line and the commencement of the slope.
- E. In no case shall any quarry products, equipment or other materials be deposited or stored on any property within the Township, public or private, other than the licensed premises, except as permitted under Chapter 134. No buildings, equipment, quarry products or other materials shall be erected or stored within a distance of 50 feet of any quarry boundary line.
- F. A chain link fence of a minimum height of 6 feet shall be erected around the perimeter of the licensed premises, except for abutting property where any interest of the applicant, its officers, directors or stockholders possess an interest in that adjoining property, and all means of ingress and egress shall be controlled by substantial gates of similar height, which gates shall be closed and securely locked when not in actual use. Reasonable variations of fence alignment may be made along the perimeter in order to accommodate existing natural features and terrain, thereby making erection of the fence practicable within the boundary lines of the quarry premises.
- G. (Reserved)
- H. Signs shall be maintained at all entrances or exits of the quarried premises indicating the name and address of the licensee and that the business being conducted is a licensed quarry operation.
- I. Where conveyors discharge material of less than one inch in diameter onto stockpiles of such material, either of the following requirements shall be observed:
  - (1.) The free and uncontained fall of the material being stockpiled from the conveyor to the highest point of the stockpile shall not exceed a distance of 6 feet; or
  - (2.) Where the free and uncontained fall of the material being stockpiled from the conveyor to the highest point of the stockpile shall exceed a distance of 6 feet, a high-pressure water mist spray shall be directed onto the material as it falls from the conveyor to the stockpile in such a manner as to reduce the accumulation and dissemination of dust.
- J. Wherever the licensed premises abuts a public street or road, a solid and continuous landscape screen shall be planted and maintained but may consist of existing or natural growth contributing to the intent of this provision. The landscaping shall consist of massed evergreen and deciduous trees and shrubs of such species and density as will provide a solid and continuous screen throughout the full course of the year.
- K. All crushing and processing of quarry materials must be conducted by use of a wet method of dust control or by local exhaust systems of equivalent effectiveness.
- L. All areas of standing water shall be managed pursuant to applicable federal, state, county, and Township regulations to prevent breeding habitat for mosquitos.
- M. Any removal of standing water from the site be done in accordance with applicable federal and state requirements regarding water quality, treatment, and disposal.

56-9 Reclamation plan.

B. Prior to approval of any application, a plan for reclamation of the site shall be submitted to the Township Clerk and referred to the Planning Board for report in accordance with the provisions of N.J.S.A. 40:55D-26. The Planning Board shall make its report within a period of 35 days after the referral. The reclamation plan shall, in addition to showing the ultimate plans therefor, indicate measures to be taken during the course of quarrying operations which will lead to reclamation of the site and shall include the following:

- (1.) The data required under § 56-4B above.
- (2.) Wherever practicable, provisions shall be made for grading of all slopes to a rolling topography not to exceed 45 degrees. After the effective date of this chapter, ultimate quarry faces sloped in excess of 45 degrees shall be benched at heights not exceeding 50 feet to permit trimming of faces and removal of loose material. Adequate access ways shall be provided to all benches.
- (3.) Where topsoil has been removed, provisions shall be made for setting aside and retention on the premises of sufficient arable soil to be distributed over the premises to a depth capable of supporting vegetation. Where final contours are of such slope as to make the replacement of topsoil impractical, such slopes (except quarry faces in excess of 45 degrees) shall be planted with rootable plant material in sufficient number and of sufficient size to minimize erosion.
- (4.) Provisions shall be made for reasonable portions of initial or existing quarrying operations to be reclaimed prior to the opening of new areas. To the extent practicable, the reclamation plan shall make provisions for simultaneous quarrying and reclamation.
- (5.) Provisions shall be made for adequate drainage during quarrying operations and after termination of the same.
- (6.) Provisions shall be made for lateral support of slopes and grades abutting streets and lands during quarrying operations and after termination of the same.
- (7.) Provisions shall be made for the preservation of land values and uses of the quarry premises and surrounding areas after quarrying operations have been terminated.
- (8.) Such other factors that may bear upon or relate to the coordinated, adjusted and harmonious physical development of the Township.
- (9.) Where roads are proposed, provisions shall be made to ensure resulting grades conform with 134-74.2.A.

C. The reclamation plan shall remain in effect until such time as quarrying operations are terminated. Nothing herein shall require that a reclamation plan be resubmitted annually; however, reclamation plans may be amended or revised from time to time as quarrying operations proceed.

D. Provisions shall be made for the completion of all reclamation within a period of five years after termination of quarrying operations.

E. An original reproducible copy of the reclamation plan and any amendments or revisions thereof shall be filed with the Township Clerk.

§ 56-10 Performance bond.

Prior to and as part of approval of any application for a license, the applicant shall submit an annual performance bond with adequate surety to assure reclamation of the site of operations in accordance with the following standards:

- A. The form of the performance bond shall be subject to approval by the Township Attorney and shall be in such amount as may be approved by the Township Council, but in no event to exceed one percent of the highest annual gross sales of quarry material over the preceding six-year period. Assume this is an appropriate and acceptable amount.
- B. The surety thereon shall be a recognized surety company authorized to do business in the State of New Jersey and approved by the Township Council. In lieu of a corporate surety, the applicant may assign to the Township a savings account in the amount of the bond as aforesaid and in such form as approved by the Township Attorney.
- C. Periodic inspections shall be made by the Quarry Inspector to evaluate performance of the applicant with respect to reclamation procedures. A report of his/her findings shall be submitted from time to time to the Township Council.
- D. At the request of the applicant, the amount of the performance guaranty shall be adjusted annually, provided that the basis therefore is substantiated by said applicant.
- E. The performance guaranty shall remain in full force and effect during the entire period that quarrying operations are conducted and until completion of reclamation after termination of the same. Performance bonds are not issued without an end date.

§ 56-11 Fees.

Each application shall be accompanied by a fee as provided in Chapter 75, Fees, to be applied toward the cost of engineering examination of the application, and the applicant shall further deposit a sum as provided in Chapter 75, Fees, to be applied toward the cost of inspection as provided herein.

§ 56-12 Enforcement.

This chapter shall be enforced by the Quarry Inspector, who shall investigate any violation of this chapter coming to his/her attention, whether by complaint or arising from his/her own personal knowledge. If a violation is found to exist, he/she shall serve a written notice by certified mail or personal service upon the owner or other party in charge of the licensed premises, which notice shall require the violation to be abated within a period of 10 days from the date of service thereof or within such lesser period of time as the Quarry Inspector shall deem reasonable in cases where the danger to public health, safety and general welfare is so imminent as to require more immediate abatement. If such person fails to abate the violation within the time specified, the Quarry Inspector shall notify the Township Council and prosecute a complaint to terminate the violation in Municipal Court.

**SECTION 2:** All other provisions of Chapter 56 of the Code of the Township of Wayne shall remain unchanged.

**SECTION 3. Severability.** The provisions of this Ordinance are declared to be severable and if any section, sub-section, sentence, clause, phrase, or any other part of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not affect, impair, or invalidate the validity of the remaining sections, subsections, sentences, clauses, and phrases of this Ordinance, but shall remain in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**SECTION 4: Repeal of Inconsistent Provisions.** All ordinances or parts thereof in conflict or inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency or conflict.

**SECTION 5: Codification.** This Ordinance shall be a part of the Code of the Township of Wayne as though codified and fully set forth therein. The Township Clerk shall have this ordinance codified and incorporated in the official copies of the Code. The Township Clerk and the Township Attorney are authorized and directed to change any Chapter, Article and/or Section number of the Code of the Township of Wayne in the event that the codification of this Ordinance reveals that there is a conflict between the numbers and the existing Code, and in order to avoid confusion and possible accidental repealers of existing provisions not intended to be repealed.

**SECTION 6.** This ordinance shall take effect twenty (20) days after final passage by Council and approval by the Mayor in the manner prescribed by law at N.J.S.A. 40:69A-181.

ATTEST:

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PAUL V. MARGIOTTA  
TOWNSHIP CLERK

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JASON DESTEFANO  
PRESIDENT OF THE COUNCIL

**NOTICE**

I hereby certify that the aforementioned ordinance was published in the Herald News, a newspaper published in the County of Passaic and circulated in the Township of Wayne, in the issues of September 11, 2024 and September 25, 2024.

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PAUL V. MARGIOTTA  
Township Clerk

This ordinance is hereby  
approved this 19th day  
of September 2024.

ADOPTED ON: September 18, 2024

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CHRISTOPHER P. VERGANO, Mayor