

**TOWNSHIP OF WHITE
WARREN COUNTY, NEW JERSEY
ORDINANCE NO. 2023-07**

**ORDINANCE TO AMEND THE TOPSOIL PROVISIONS IN CHAPTER 160 OF THE
CODE OF THE TOWNSHIP ENTITLED “LAND USE” AND CHAPTER 254 OF THE
CODE OF THE TOWNSHIP ENTITLED “SOIL REMOVAL AND SURFACE MINING”**

WHEREAS, both Chapter 160 and Chapter 254 of the Code of the Township of White contain provisions for the protection of topsoil; and

WHEREAS, the preservation and protection of topsoil is important as the topsoil layer is where nutrients are delivered to plants, water is absorbed, sunlight is received, and interactions with wildlife and microorganisms occur; and

WHEREAS, the Township of White has highly valuable agricultural lands with nutrient rich topsoil that is a resource to the community; and

WHEREAS, due to the valuable nature of the topsoil in the Township, there is a need to augment the current topsoil protection requirements in Chapters 160 and 254 of the Code.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of White that the topsoil protection provisions in Chapters 160 and 254 of the Code of the Township of White be amended to read as follows:

Section 1 - Section 160-64A (7), of the Code entitled “Topsoil Protection” shall be revised in its entirety to read as follows:

(7) Topsoil Protection

- (a) Removal of Topsoil. No topsoil will be permitted to be removed from the premises unless otherwise approved by the Township Committee.
- (b) Storage of Topsoil. Whenever any owner, developer or excavator removes topsoil from any land in the Township, provision shall be made for the storage of topsoil within the boundary lines of the property.
- (c) Replacement of Topsoil. All topsoil excavated on the premises shall be stored and uniformly replaced over the entire area at a minimum depth of six (6”) inches so that the final grades of the replaced topsoil conform to the proposed final grades as shown on the approved subdivision plan or site plan.
- (d) Requirements for Replacement When No or Insufficient Topsoil Exists on the Premises.
 - i. Each site, area or premises shall be covered with a minimum of six (6”) inches of topsoil upon completion as part of the permanent stabilization of the site.
 - ii. Topsoil as defined in Section 254-1 of the Code of the Township of White shall be brought to the premises from an approved off-tract source where there is not sufficient topsoil material to comply with the requirements in Subsection (7)(c) above. Topsoil shall be placed and fine graded prior to the placement of permanent vegetative cover.

- iii. Topsoil shall be friable and loamy, free of debris, objectionable weeds and stones and contains no toxic substance that may be harmful to plant growth, APH range of 5.0-7.5 is acceptable. Soluble salts shall not exceed five hundred (500) ppm.
- iv. Topsoil shall be tested by a recognized testing laboratory, U.S. Department of Agriculture or Rutgers University Soil Testing Laboratory, with test results submitted to the Township Engineer for approval prior to import and placement.

(e) Site Preparation.

- i. Grade as needed, to conform to the final contours on the approved subdivision plan or site plan.
- ii. Subsoil shall be tested for lime requirement and limestone, if needed, shall be applied to bring soil pH to 6.5 and incorporated into the soil as nearly as practical to a depth of four (4") inches.
- iii. Immediately prior to topsoil distribution, the surface shall be scarified to provide a good bond with the topsoil.
- iv. Erosion control practices such as diversions, grade stabilization structures, berms, channel stabilization measures, desilting basins and waterways shall be implemented while topsoil is being placed and stabilized.

(f) Applying Topsoil.

- i. Topsoil shall be handled only when it is dry enough to work without damaging soil structure.
- ii. A uniform application to a depth of six (6") inches (unsettled) is required.

(g) Applicability.

The Topsoil Protection provisions in Section 160-64A (7) of the Code are only applicable on projects where the total area of disturbance exceeds 5,000 square feet.

Section 2 - Section 254-3 of the Code of the Township of White entitled "Transportation of Topsoil" shall be retitled "Topsoil Protection" and be revised to read as follows:

254-3 Topsoil Protection.

All entities performing surface mining in the Township of White in accordance with a Surface Mine Permit issued in accordance with the provisions in Chapter 254 of the Code of the Township of White shall comply with the topsoil protection provisions in Section 160-64A(7) of the Code of the Township.

Section 3 – Portions of the Code not set forth above shall remain unchanged.

Section 4 - This ordinance shall take effect upon adoption by the Township Committee in accordance with the law.

Section 5 - Any section, subsection or portion of this ordinance that may be found to be invalid by a competent court of jurisdiction shall not invalidate any other section, subsection or portion of this ordinance.

CERTIFICATION

The foregoing ordinance was adopted at the Regular Meeting of the White Township Committee held on the 28th day of December 2023.

Kathleen Reinalda, Clerk