

**ORDINANCE NO. 2009 - 31**

**ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 55 OF THE BARNEGAT TOWNSHIP CODE ENTITLED "LAND USE" TO INCLUDE NEW ARTICLE XXIV ENTITLED "STEEP SLOPE ORDINANCE"**

**NOW THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey, as follows:

**ARTICLE XXIV. STEEP SLOPE ORDINANCE:**

**SECTION 1. Purpose.** The purpose of this ordinance is to regulate the intensity of use in areas of steeply sloping terrain in order to limit soil loss, erosion, excessive stormwater runoff, the degradation of surface water and to maintain the natural topography and drainage patterns of land.

**SECTION 2. Background.** Disturbance of steep slopes results in accelerated erosion processes from stormwater runoff and the subsequent sedimentation of waterbodies with the associated degradation of water quality and loss of aquatic life support. Related effects include soil loss, changes in natural topography and drainage patterns, increased flooding potential, further fragmentation of forest and habitat areas, and compromised aesthetic values. It has become widely recognized that disturbance of steep slopes should be restricted or prevented based on the

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impact disturbance of steep slopes can have on water quality and quantity, and the environmental integrity of landscapes.

**SECTION 3. Applicability.** This ordinance shall be applicable to minor and major site plans and subdivisions on a steep slope within the Township of Barnegat.

**SECTION 4. Definitions.**

“Disturbance” means the placement of impervious surface, the exposure or movement of soil or bedrock, or the clearing, cutting, or removing of vegetation.

“Impervious Surface” means any structure, surface, or improvement that reduces or prevents absorption of stormwater into land, and includes porous paving, paver blocks, gravel, crushed stone, decks, patios, elevated structures, and other similar structures, surfaces, or improvements.

“Redevelopment” means the construction of structures or improvements on areas which previously contained structures or other improvements.

“Steep Slopes” means any slope equal to or greater than 20 percent as measured over any minimum run of 10 feet. Steep slopes are determined based on contour intervals of two feet or less.

**SECTION 5. Designation of Areas.** The percent of slope (rise in feet per horizontal distance) shall be established by measurement of distance perpendicular to the contour of the slope. The percent of slope

shall be calculated for each two-foot contour interval. For example, any location on the site where there is a one-foot rise over a 10-foot horizontal run constitutes a 10 percent slope; a 1.5 foot rise over a 10-foot horizontal run constitutes a 15 percent slope; a two-foot rise over a 10-foot horizontal run constitutes a 20 percent slope.

**SECTION 6. Steep Slope Limits.** For steep slopes any disturbance shall be prohibited except as provided below:

A. Redevelopment within the limits of existing impervious surfaces; for example, redevelopment within the footprint of existing impervious cover should be allowed to support efforts to revitalize development that has fallen into disrepair.

B. New disturbance necessary to protect public health, safety or welfare, or to provide an environmental benefit, such as remediation of a contaminated site.

The applicant shall demonstrate through site plans depicting the proposed development and topography that new disturbance is not located in areas with a 20 percent or greater steep slope.

**SECTION 7. Compliance.** The applicant or designated representative shall be responsible for the initial determination of the presence of a steep slope on a site, and for identifying the steep slope on any plan submitted to the approving authority of Barnegat Township in conjunction with a development application. This initial determination shall be subject to review and concurrence of the Planning or Zoning Board engineer or the municipal engineer.

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**SECTION 8. Severability.** The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

**SECTION 9. Repealer.** Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

**SECTION 10. Effective Date.** This Ordinance shall take effect upon publication in an official newspaper of the Township, as required by and in conformance with law.

**NOTICE**

**NOTICE IS HEREBY GIVEN** that the foregoing Ordinance was introduced and passed by the Township Committee of Barnegat on first reading on the **21<sup>st</sup> day of September, 2009** at **6:30 p.m.** The Ordinance will be considered for second and final reading at a meeting of the Township Committee which is scheduled for the 19<sup>th</sup> **day of October, 2009**, at **6:30 p.m.**, or as soon thereafter as the matter may be reached, at the Municipal Building located at 900 West Bay Avenue, Barnegat, New Jersey, at which time the public is invited to ask questions, raise objections, or provide public comment with regard to the proposed adoption of this Ordinance.

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Kathleen T. West, RMC  
Municipal Clerk