

ARTICLE XXXIX
Steep Slopes
[Added 10-1-2012 by Ord. No. 12-18]

§ 205-176. Scope and purpose.

- A. The purpose of this article 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.
- B. 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 impact disturbance of steep slopes can have on water quality and quantity, and the environmental integrity of landscapes.

§ 205-177. Applicability.

This article shall be applicable to new development or land disturbance on a steep slope within the Township of North Brunswick.

§ 205-178. Definitions.

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

DISTURBANCE — The placement of impervious surface, the exposure or movement of soil or bedrock, or the clearing, cutting, or removing of vegetation.

IMPERVIOUS SURFACE — 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 — The construction of structures or improvements on areas which previously contained structures or other improvements.

STEEP SLOPES — Any slope equal to or greater than 20% as measured over any minimum run of 10 feet. Steep slopes are determined based on contour intervals of two feet or less.

§ 205-179. 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 ten-foot horizontal run constitutes a ten-percent slope; a one-and-one-half-foot rise over a ten-foot horizontal run constitutes a fifteen-percent slope; a two-foot rise over a ten-foot horizontal run constitutes a twenty-percent slope.

§ 205-180. Steep slope limits.

For steep slopes any disturbance shall be prohibited except as provided below:

- A. Redevelopment within the limits of existing impervious surfaces.
- B. New disturbance necessary to protect public health, safety or welfare, such as necessary linear development with no feasible alternative; to provide an environmental benefit, such as remediation of a contaminated site; or, to prevent an extraordinary and exceptional situation uniquely affecting a specific property that would create a hardship affecting the property, preventing a minimum economically viable use of the affected property based upon reasonable investment, provided that the hardship was not created by the property owner, for example, redevelopment, within the footprint of existing impervious cover should be allowed to support efforts to revitalize development that has fallen into disrepair.
- C. The applicant shall demonstrate through site plans depicting proposed development and topography that new disturbance is not located in areas with a twenty-percent or greater slope.

§ 205-181. Enforcement; violations and penalties.

- A. A prompt investigation shall be made by the appropriate personnel of the Township of North Brunswick, of any person or entity believed to be in violation hereof. If upon inspection, a condition which is in violation of this article is discovered, a civil action in the Special Civil Part of the Superior Court, or in the Superior Court, if the primary relief sought is injunctive or if penalties may exceed the jurisdictional limit of the Special Civil Part, may be commenced by the filing and serving of appropriate process. Nothing in this article shall be construed to preclude the right of the Township of North Brunswick, pursuant to N.J.S.A. 26:3A2-25, to initiate legal proceedings hereunder in Municipal Court. The violation of any section or subsection of this article shall constitute a separate and distinct offense independent of the violation of any other section or subsection, or of any order issued pursuant to this article. Each day a violation continues shall be considered a separate offense.
- B. Any person who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure or land in violation of this article shall be subject to a fine not exceeding \$2,000 or imprisonment for a term not exceeding 90 days, or both. Each day in which such violation continues shall constitute a separate violation or offense. Nothing herein contained shall prevent the Township of North Brunswick from taking such other lawful action as is necessary to prevent or remedy any violation.