

**SOIL EROSION & SEDIMENT CONTROL
MODEL ORDINANCE**

1. STATUTORY AUTHORIZATION

This ordinance is adopted pursuant to the provisions of the Soil Erosion and Sediment Control Act, Chapter 251 of the New Jersey Public Laws of 1975, N.J.S. 4:24-39 and following.

1. PURPOSE

This Ordinance is intended to promote the public health, safety, convenience, and general welfare of _____, including overall water quality, through the protection of environmental resources by preventing floods and controlling soil erosion, sedimentation, and related environmental damage resulting from, but not necessarily limited to, the disturbance of land or earth by construction activities such as those for housing, commercial, utility, highway, public works and other similar developments, as well as from the modification of stream channels and drainageways and the creation of recreational facilities. This Ordinance shall be known as the Soil Erosion and Sediment Control Ordinance of _____,

The specific purposes of this Ordinance are to require adequate provisions for:

- A. Protecting land from soil erosion.
- B. Protecting the water quality and biodiversity of streams and waterbodies by preventing sedimentation.
- C. Preventing danger to life and property from flooding resulting from excessive runoff and sedimentation of waterways and drainage facilities.
- D. Detaining surface runoff, including both temporary and permanent measures.
- E. Preserving the recreational use of water bodies for swimming and fishing.
- F. Reducing public expenditures for repair and maintenance of public facilities resulting from flooding, soil erosion and sedimentation.
- G. Conserving the taxable value of property by preserving the environmental character of the municipality.
- H. Ensuring that adequate inspection and enforcement procedures are followed.

4. APPLICABILITY

This ordinance shall be applicable to any major subdivision or site plan application as defined in the Municipal Land Use Law, or any project as defined in this ordinance. The provisions in this ordinance shall also be applicable to the new construction of single and multi-family dwelling units, as well as all building additions.

5. DEFINITIONS

(Municipalities should include the following definitions in their adopted ordinance unless the definition is already provided for in the adopted zoning ordinance)

Applicant - a person requesting the issuance of a land disturbance permit

Application - a submission meeting the requirements of a complete application, as hereinafter defined

Approved Plan - a plan, as hereinafter defined, which has been reviewed and approved by the proper municipal authority

Certification - a written and signed statement by the municipal engineer that specific construction and/or land treatment measures required by a Plan, as hereinafter defined, have been performed in accordance with all of the terms and conditions therefore and in accordance with State standards, as hereinafter defined, and the provisions of this ordinance

Clearing - any activity which removes all of the vegetative ground cover

Complete Application - the submission to the municipality of the following:

- a. an application form completed and executed by the applicant
- b. a Plan, as hereinafter defined
- c. all required accompanying documents
- d. the appropriate review, escrow and inspection fees

Conditional use - a land use permitted under the Zoning Ordinance of (insert municipal name), but only upon the issuance of an authorization therefore by the municipal Planning Board or Zoning Board of Adjustment

Construction permit - a permit issued for a building or structure in accordance with the State Uniform Construction Code Act and Regulations promulgated thereunder

Critical area - an area which has a high potential for erosion, sedimentation or related environmental damage, or an area which has experienced such damage

Cut - a portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below original ground surface to excavated surface

Detention pond or basin - a pond, basin or other structure or measure that provides for temporary storage of storm water and which includes a spillway or other facility to release the water at a controlled rate of flow

Diversions - a channel with or without a supporting ridge on the lower side constructed across or at the bottom of a slope

Embankment - a man-made deposit of soil, rock or other materials

Erosion - the detachment, wearing away or movement of soil or rock fragments by the action of water, wind, ice or gravity

Excavation - any act by which soil or rock is cut into, dug, quarried, uncovered, removed, displaced or relocated and shall include the conditions resulting therefrom

Existing grade - the vertical location of the existing ground surface prior to excavation, cutting or filling

Farm conservation plan - a plan developed in accordance with the _____ County Soil Conservation District which provides for use of land, within its capabilities and treatment, within practical limits, according to chosen use to prevent further deterioration of soil and water resources

Fill - a man-made deposit of soil, rock or other materials

Finished grade - the final grade or elevation of the ground surface conforming to a proposed design

Floodplain - the land bordering or adjacent to a river, stream, brook, lake, pond, swamp or other waterway which is subject to flooding as evidenced by a. observed or recorded flood events; b. alluvial soil as shown on soil maps; or c. as determined by other soil or hydraulic studies

Government agency - any department, commission, independent agency or instrumentality of the United States or of the State of New Jersey, and any County or other governmental unit

Grading - any stripping, cutting, filling or stockpiling, or any combination thereof, this term including the land in its cut or filled condition

Land - any ground, soil or earth including marshes, swamps, drainage ways and areas not permanently covered by water

Land disturbance - any activity involving the clearing, cutting, excavation, grading, filling, storing, transporting of land or any other activity which causes land to be exposed to the danger of erosion

Land disturbance permit - a permit issued pursuant to the provisions of this ordinance authorizing land disturbance subject to the terms and conditions of the permit

_____ **County Soil Conservation District** - a governmental subdivision of this State, which encompasses (insert municipal name), organized in accordance with the provisions of N.J.S. 4:24-1 and following

Mulching - the application of plant or other suitable materials on the soil surface to conserve moisture, hold soil in place and aid in establishing plant cover

Multi-family dwelling unit - any building containing two or more dwelling units per building and

being designed for occupancy of families living independently of one another

Natural ground surface - the existing surface of land prior to any land disturbance

Natural drainage - channels formed in the existing surface topography of the earth prior to changes made by unnatural causes

Permit - see land disturbance permit

Person - any individual, firm, partnership, corporation or other legal entity, public or private, including a government agency

Plan - see Soil Erosion, Sediment Control and Flood Prevention Plan

Planned development- any planned development that may be permitted under the provisions of the Zoning Ordinance of (insert municipality name)

Professional engineer - an engineer duly registered or licensed by the State of New Jersey to practice in the field of civil engineering

Project - any activity, undertaking, construction or work of any nature which involves land disturbance. The term includes but is not limited to the improvement or development of land pursuant to any conditional use, construction permit, planned development, site plan, subdivision or zoning variance

Retention pond or basin - a facility designed to retain stormwater runoff on a development site

Sediment - soil material, both mineral and organic, that is in suspension, is being transported or has been moved from its site of origin by erosion

Sediment basin - a pond, basin or other structure or measure that provides for the detention of water and the deposit of sediment

Single-family dwelling unit - a detached building designed and occupied by a single family

Site - a lot, tract or parcel of land or a combination of contiguous lots, tracts or parcels of land

Site plan - a plan for the development of one (1) or more lots required to be reviewed and approved in accordance with the provisions of the Site Plan Review and Approval ordinance of the municipality

Slope - the degree of deviation of a surface from the horizontal usually expressed in percent or degree

Soil - all unconsolidated mineral and organic material of whatever origin which overlies bedrock and which can be readily excavated

Soil Erosion, Sediment Control and Flood Prevention Plan - a plan (referred to in this

ordinance by the term "Plan") which indicates construction and/or land treatment measures, including a schedule of the timing for their performance, to effectively prevent floods and minimize soil erosion and sedimentation. Every Plan shall meet or exceed State standards as hereinafter defined

Soils engineer - a professional engineer who is qualified by education, training and experience to practice applied soil mechanics and foundation engineering

Standards - State standards

State standards - standards for soil erosion and sediment control in New Jersey as promulgated by the State Soil Conservation Committee

Stripping - any activity which removes or significantly disturbs vegetated or otherwise stabilized soil surface, including clearing and grubbing operations

Subdivision - the division of a lot, tract or parcel of land into two (2) or more lots, tracts or parcels in accordance with provisions of the Subdivision Ordinance of (insert municipal name)

Temporary protection - stabilization of erosion or sediment-producing areas of land

Vegetative protection - stabilization of erosive or sediment-producing areas of land by covering the soil with one (1) or more of the following: permanent seeding or permanent plantings producing long-term vegetative cover; short-term seeding or short-term plantings producing temporary vegetative cover; and sodding, producing areas covered with a turf or perennial sod-forming grass

Watercourse - a natural or artificial river, stream, brook, ditch, channel, conduit, gully, drain, culvert, ravine, wash or other waterway in which water flows in a definite direction or course, either continuously or intermittently, within a definite channel, and including any area adjacent thereto subject to inundation by reason of overflow of flood water

Zoning variance - any land use which may be permitted as a departure from the provisions of the Zoning Ordinance of (insert municipal name)

For the purposes of this ordinance the word "shall" indicates a mandatory requirement, and the word "may" indicates a permissive action

6. LAND DISTURBANCE PERMIT REQUIRED

No person within (insert municipal name) shall undertake or commence any project, as defined in this ordinance, except a project which is exempt under the provisions herein without first having obtained a land disturbance permit.

7. ACTIVITIES EXEMPT FROM PERMIT REQUIREMENTS

The following projects are exempt from the provisions of this ordinance:

A. Land disturbance in accordance with a farm conservation plan.

2. The planting and harvesting of crops, plants, flowers or shrubs in fields or areas devoted to such use prior to the adoption of this ordinance.
3. Road and road shoulder maintenance work performed by the (insert municipal name) Department of Public Works.
4. Projects exempt from the requirements of State law.
- E. Land disturbance of an area less than one thousand (1,000) square feet.

8. APPLICATIONS FOR LAND DISTURBANCE PERMITS

A. Jurisdiction Over Applications

All other applications for land disturbance permits shall be reviewed and acted upon by the municipal engineer.

B. Application Forms

An applicant shall obtain application forms from the municipality. The form shall require at a minimum, the name of the applicant, the site location by street address and block and lot number, the proposed use of the site, any related applications for land use development approval and sufficient information for calculation of the filing fee required by (insert municipal name). The form shall also provide adequate space for approval or disapproval as well as the insertion for special provisions of terms and conditions of approval and the amount of any performance guarantee required.

C. Plan to Accompany Application - Every application for a land disturbance permit shall be accompanied by a Plan meeting the requirements set forth in this Section.

1. The Plan

1. other instruments, writings, drawings, plans or specifications are necessary or appropriate as required by the governing body under the circumstances) which fully and adequately describe both temporary and permanent measures to be employed to control, minimize and protect against soil erosion, sedimentation and flooding from a proposed land disturbance, taking into account the particular nature and characteristics of the land, the surrounding area, the watercourses, the land disturbance and the development involved.
2. The Plan shall cover all stages and aspects of the proposed land disturbance and planned development from grading, stripping, excavation and other site preparation through and including both finished grade and the installation of permanent improvements. It shall accordingly include a

timing schedule or schedules indicating both:

1. The anticipated starting and completion dates of each step in the land disturbance and development sequence and the time of exposure of each land area prior to the completion of effective erosion and sediment control measures,
2. The sequence of installation of planned erosion and sediment control measures as related to the disturbance and development sequence referred to in paragraph 1. above, including anticipated starting and completion dates of such installations. The Plan shall include a soil map prepared by the Soil Conservation Service upon which the proposed development shall be superimposed. The soil boundaries shall also be shown on the Plan.

2. General Conditions

1. It shall be the responsibility of the applicant to design the project so as to maintain as nearly as possible in its present state and condition any stream, watercourse, swale, floodplain, wetland, swamp, pond or lake.
 2. The maintenance or repair of any of the above or of drainage facilities damaged or otherwise adversely affected by reason of the applicant's project shall be the responsibility of the applicant. Such maintenance or repair work shall be promptly performed.
 3. It shall be the responsibility of the applicant to promptly remove sediment from any stream or watercourse, pond, lake, or drainage facility resulting from the applicant's project.
 4. No person shall block, impede the flow of, alter or construct any structure or deposit any material or commit any act which will affect normal or flood flow in any stream or watercourse without having obtained a land disturbance permit and, where required, prior approval from the _____ County Soil Conservation District.
 5. An objective of the Plan shall be to retain sediment to the maximum extent feasible.
3. Soil Erosion and Sediment Control Measures - Soil erosion and sediment control measures shall as a minimum utilize and meet standards for soil erosion and sediment control in New Jersey as promulgated by the State Soil Conservation Committee. In addition, to the extent applicable in particular situations, the following measures or considerations shall be incorporated in the Plan:
1. The smallest practicable area of land shall be disturbed at any one time during development and the duration of such disturbance shall be kept to a practical minimum.

2. Whenever feasible, natural vegetation and the natural ground surface shall be retained and protected. The top layer of soil for a depth of 12 inches of any disturbed areas shall be set aside for retention on the premises and shall be re-spread over the premises when the rest of the soil has been removed.
 3. Temporary vegetative protection, plant cover or mulching, or a combination thereof, shall be used to protect erosion areas during development.
 4. Diversions and outlets, both temporary and permanent, shall be constructed or installed to accommodate the runoff caused by the changed soil and surface conditions during and after development.
 5. Disturbed soil shall be stabilized as quickly as practicable.
 6. Until the disturbed area is stabilized, sediment in the runoff water shall be trapped and removed by the use of debris basins, sediments basins, desilting basins, silt traps or other acceptable methods.
 7. Adequate provisions shall be made to minimize surface water from damaging slopes and embankments. Diversions may be utilized for this purpose.
 8. Fill shall be placed and stabilized so as to minimize erosion and shall not encroach on watercourses closer than one hundred (100) feet unless specifically approved.
 9. During grading operations, approved methods for dust control shall be exercised.
 10. During grading, excavation and other construction activities, slopes and embankments shall be stabilized by mulching with straw sprayed with an asphalt mixture, or jute matting staked in position, or a seeding of annual rye grass, or a combination of the foregoing, or other acceptable method.
 11. Permanent (final) vegetative protection, plant cover, lawn or ground cover, and mechanical erosion control devices and measures shall be installed or constructed and completed as soon as practicable.
 12. Permanent improvements, such as pavement, catch basins, curbs and the like, shall be installed or constructed and completed as soon as practicable.
4. Qualifications of Preparer of Plan - The Plan shall be prepared by a licensed professional engineer and shall be signed and sealed by the person who prepared it.
 5. Fees to Accompany Application

1. Review Fee to Accompany Application - Every applicant for a land disturbance permit shall pay a review fee to the municipality at the time of filing the application. The review fee shall be based upon a fee schedule as adopted and updated annually by the governing body. However, if the application is made in connection with an application for the development of land pursuant to the Land Development Ordinance of (insert municipal name), then no separate application fee shall be required for the land disturbance permit as the application will be processed as a part of the application for the development of land and will be subject to the technical review fees provided by Section ____ (insert appropriate section or chapter of Subdivision land development ordinance if it exists) of the Land Development Ordinance of (insert municipality name).
2. Escrow Fee to Accompany Application - An escrow fee shall accompany every application for a land disturbance permit at the time of filing an application to (insert municipal name). The appropriate escrow fee shall be based upon a fee as adopted and updated annually by the governing body. No building permit will be issued unless the appropriate escrow fee has been submitted to the municipality. The escrow fee will be used to pay for inspections by the municipality or its engineer. If additional inspections are required, the escrow account shall be increased to cover the cost of additional inspections. However, if the application is made in connection with an application for the development of land pursuant to the Land Development Ordinance of (insert municipal name), then no separate escrow fee shall be required for the site as the application will be processed as a part of the application for the development of land and will be subject to the technical review fees provided by Section ____ (insert appropriate section or chapter of Subdivision land development ordinance if it exists) of the Land Development Ordinance of (insert municipality name).
3. In the event that the land disturbance permit was not issued in connection with the approval of an application for the development of land pursuant to the Land Use Ordinance, then there shall be no inspection fee for the initial inspection of work performed pursuant to the permit. If more than one (1) inspection of a property is required to be made by the municipal engineer by reason of a failure to comply with the terms and conditions of the permit, then the owner of the property shall pay to (insert municipal name) an inspection fee for each additional inspection. The fee shall be in accordance with the fee schedule of inspection fees established and from time to time amended by the governing body. All fees for any additional inspections shall be paid to the municipality prior to the issuance of a certification of completion of work in accordance with this ordinance.
4. No plans submitted to (insert municipal name) shall be approved unless all appropriate application and escrow fees have been paid by the applicant.
6. Application Procedure - A complete application for a land disturbance permit shall be filed with the municipality.

The applicant shall file ____ (insert appropriate #) copies of the application form

accompanied by ____ (insert appropriate #) copies of the Plan and any other required documents.

9. ACTION ON APPLICATIONS

1. Review of Applications

1. Applications for land disturbance permits within the jurisdiction of the Planning Board shall be reviewed by the Planning Board and the municipal engineer. The municipal engineer shall furnish comments on the application to the Planning Board within ____ (insert appropriate number) days after the submission of the application unless the Planning Board advises the municipal engineer of a longer period of time for his review. The Planning Board may refer an application to the _____ County Soil Conservation District, the municipal Environmental Commission or any other qualified governmental agency or agencies or consultants for review and comments within a period of time indicated by the Planning Board.
2. Applications within the jurisdiction of the municipal engineer shall be reviewed by the municipal engineer. An application may be referred by the municipal engineer to the _____ County Soil Conservation District or any other qualified governmental agency or agencies or consultants for review and comments within a period of time indicated by the municipal engineer.
3. The purpose of every review shall be to determine whether or not the application, Plan and any other accompanying documents meet the standards for soil erosion and sediment control in New Jersey as promulgated by the State Soil Conservation Committee and any other standards established by this ordinance.

2. Approval of Applications

1. An application within the jurisdiction of the Planning Board shall be approved by the Planning Board if upon review the Board determines that the application meets the standards referred to in this ordinance. An application within the jurisdiction of the municipal engineer shall be approved by the municipal engineer if upon review it is determined that the application meets such standards.
2. In the event that an application does not meet the standards referred to in this ordinance, the Planning Board or the municipal engineer, as the case may be, may approve the application subject to the imposition of terms and conditions which will provide for compliance with such standards. Any such terms and conditions shall be endorsed upon or attached to the application before approval is granted.
3. Other special terms and conditions may be imposed upon an application by the approving authority in order to assure proper implementation of the Plan in accordance with the intent and purposes of this ordinance and may include fixing the time schedule for exposure of land areas and for the construction and installation of improvements or the taking of other measures to prevent soil erosion sedimentation and flooding and may require that such work be completed prior to

any site development work.

4. All terms and conditions imposed by the Planning Board or municipal engineer, as the case may be, shall become a part of the approved Plan for all purposes of the provisions of this ordinance.
5. As to every application which is approved, the approving authority shall endorse thereon the amount of the performance guarantee required pursuant to the provisions of this ordinance.
6. If an application is disapproved, the reason for disapproval shall be endorsed upon or attached to the application.
7. As soon as any application has been reviewed and acted upon, ___(insert appropriate number) copies of the application with endorsements or attachments shall be forwarded to the municipality. The municipality shall promptly notify the applicant in writing of the action taken by the Planning Board or municipal engineer, as the case may be, indicating whether the application was approved as submitted, approved subject to attached conditions, or denied for reasons stated. In cases of approval, the municipality shall also notify the applicant of the amount of the performance guarantee required to be furnished to the municipality.
8. The municipality shall also notify the municipal Environmental Commission of action taken by the Planning Board on applications within its jurisdiction. (Delete sentence if no environmental commission exists, or add other appropriate municipal body)

C. Time Limitations

1. The municipal Planning Board or municipal engineer, as the case may be, shall approve or disapprove the application for a land disturbance permit within a period of thirty (30) days after the submission of a complete application to the municipality, unless by mutual agreement in writing between the applicant and the reviewing authority the period of thirty (30) days is extended for an additional period of thirty (30) days.
2. Failure to approve or disapprove a complete application within such period or such extension thereof shall constitute approval of the application, and the applicant shall be entitled to the issuance of a land disturbance permit by the municipality as though the application had been approved pursuant to the provisions of this ordinance in the form in which the application was submitted.
3. For purposes of this subsection, a major revision by the applicant of the Plan accompanying the application shall constitute a new submission of an application by the applicant.
4. The provisions of this subsection shall not relieve an applicant of the obligation to furnish a performance guarantee as required by this ordinance nor shall the provisions of this subsection relieve an applicant of any other obligation imposed by this ordinance upon a person to whom a land disturbance permit is issued.

4. Notification of _____ County Soil Conservation District

1. Immediately following action by the municipal Planning Board or municipal engineer, as the case may be, whether such action constitutes approval or disapproval, the municipality shall forward one (1) of the ____ (insert appropriate numbers) complete applications received from the Planning Board or municipal engineer to the _____ County Soil Conservation District, together with such other information as the District may require.
2. In the event that an applicant obtains approval by inaction under the provisions of this ordinance, the municipality shall obtain from the Planning Board or municipal engineer, as the case may be, two (2) complete applications, and the municipality shall forward one (1) complete application to the _____ County Soil Conservation District, together with a statement of approval by inaction and such other information as the District may require.

10. ISSUANCE OF PERMITS

A. Requirement for Performance Guarantee

1. Following approval of an application for a land disturbance permit and prior to the issuance of the permit, the applicant shall furnish the municipality with a performance guarantee in an amount specified by the municipal Planning Board or municipal engineer on the approved application or as fixed by the municipal engineer in the event of approval by inaction.
2. A performance guarantee shall not be required to exceed one hundred twenty (120%) percent of the total cost of the improvements and measures called for by the approved Plan, as the total cost thereof shall be estimated by the municipal engineer.
3. The performance guarantee shall set forth the date or dates on or before which the improvements are to be constructed or installed or on or before which specified measures are to be taken.
4. The performance guarantee shall provide that if the municipality shall obtain injunctive relief against the person to whom the land disturbance permit issued funds necessary to effect compliance with such relief shall be immediately available to the municipality.
5. The performance guarantee shall also assure the payment of all inspection fees for the project as required by this ordinance.
6. The performance guarantee may be in the form of a surety bond issued by a surety company authorized to do business in New Jersey, or the applicant may elect to deposit funds with the municipality by certified check, such funds to be held in a separate interest bearing account pursuant to a cash deposit agreement between the municipality and the applicant. All performance guarantees shall be subject to approval by municipal attorney as to form, sufficiency and execution.

Performance guarantees shall be released.

2. Issuance of Permit

Upon receipt of an approved application, or upon approval by reason of inaction, the receipt of a performance guarantee meeting the requirements of this ordinance, the municipality shall issue a land disturbance permit to the applicant. The municipality shall attach to the permit a copy of the complete application as approved, including the Plan and all accompanying documents.

11. PERFORMANCE OF WORK

A. General

A person to whom a land disturbance permit has been issued shall be responsible for the performance of all work in strict conformity with the approved Plan and all terms and conditions thereof, including the time schedule for exposure of land areas and for the construction and installation of improvements or the taking of other measures to prevent soil erosion, sedimentation and flooding.

2. Inspections by the Municipal Engineer

1. The municipal engineer shall inspect every project for which a land disturbance permit has been issued. The municipal engineer shall be responsible for enforcing compliance with the permit and the provisions and requirements of this ordinance.
2. To assist in making inspections, a copy of the land disturbance permit to which is attached a complete copy of the application with the accompanying Plan and other documents as well as any terms and conditions imposed by the approving authority shall be kept at the site at all times during construction.
3. Generally, inspections shall be conducted at the following times:
 1. Prior to any construction or measures, in order to check details of location and field conditions.
 2. Intermittently during construction and vegetative protection measures.
 3. After completion of all construction and establishment of vegetation.
 4. At other times as may be necessary because of unsatisfactory conditions.
4. The municipal engineer shall bring to the attention of the person to whom a land disturbance permit has been issued, or to his agent in charge of work at the site, any deviations from the approved Plan and any other violations of this ordinance in order that such deviations and violations may be immediately corrected.

3. Stop Work Orders

When circumstances warrant such action, the municipal engineer may issue a stop work order to a person to whom a land disturbance permit has been issued or to his agent in charge of work at

the site. Thereupon, until all deviations from the approved Plan and any other violations of this ordinance have been corrected, no work shall be carried on at the site except such work as is necessary to effect such correction. If such deviations and violations are not promptly corrected, the municipal engineer shall bring the matter to the attention of the municipal administrator for appropriate action by the municipality.

4. Minor Modifications

When deemed necessary or appropriate by reason of conditions arising in the field during the course of the performance of work, the municipal engineer may order or approve amendments, changes or modifications of a minor nature in an approved plan.

5. Approval of Completion

1. When the municipal engineer finds that all construction or installation work and all measures required under an approved Plan have been fully performed in accordance with all the terms and conditions thereof, the municipal engineer shall approve the completed soil erosion and sedimentation control measures.
2. No Certificate of Occupancy shall be issued for any building or structure which is part of a project for which a land disturbance permit has been issued until the aforementioned approval has been received by the municipality.

12. MAINTENANCE OBLIGATION AND MAINTENANCE GUARANTEE

A. Maintenance Obligation

The person to whom a land disturbance permit has been issued and the subsequent owners of the property subject of the permit shall be responsible for and shall maintain all construction and installation work and measures performed pursuant to the permit in good order for a period of two (2) years following the issuance of the certification by the municipal engineer.

B. Maintenance Guarantee

1. Following the issuance of the certification, the person to whom the land disturbance permit was issued, or if such person is no longer the owner of the land comprising the project then the current owner or owners, shall furnish the municipality with a maintenance guarantee in an amount of fifteen (15 %) (insert appropriate percent) percent of the total cost of the improvements and measures called for by the approved Plan, as the total cost thereof shall be estimated upon completion by the municipal engineer.
2. The maintenance guarantee shall meet the other requirements established by this ordinance for performance guarantees, and it shall guarantee the payment of inspection fees during the maintenance period. The maintenance guarantee shall be released by the municipality name at the end of the two (2) year period provided that the maintenance obligation set forth in this ordinance has been fulfilled.

3. Release of Performance Guarantee

Upon the acceptance of a maintenance guarantee in accordance with the provisions of this section, (insert municipal name) shall release the performance guarantee furnished in accordance with the provisions of this ordinance.

13. APPEALS

Any person who claims to be aggrieved by any decision or action of the Planning Board or municipal engineer in the administration of the provisions of this ordinance may appeal to the governing body. The procedure followed with respect to such appeal shall be as set forth in Section 8 of the Municipal Land Use Law, N.J.S. 40:55D-17.

14. PENALTIES AND INJUNCTIVE RELIEF

1. If any person violates any of the provisions of this ordinance, any of the standards for soil erosion and sediment control in New Jersey as promulgated by the State Soil Conservation Committee, or any standard established by this ordinance, or if any person fails to comply with the provisions of an approved Plan, or any terms or conditions imposed by the municipal authority approving such Plan, the municipality may institute a civil action in the Superior Court of New Jersey for injunctive relief to prohibit and prevent such violation or violations and the court may proceed in a summary manner.
2. Any person who violates any of the provisions of this ordinance, any of the standards for soil and sediment control in New Jersey as promulgated by the State Soil Conservation Committee, or any standard established by this ordinance, and any person who fails to comply with the provisions of an approved Plan, or any terms or conditions imposed by the municipal authority approving such Plan shall be liable to a penalty of not less than (insert dollar amount) dollars nor more than (insert dollar amount) dollars to be collected in a summary proceeding pursuant to the Penalty Enforcement Law (N.J.S. 2.A.,58-1 and following). The Superior Court, County Court, County District Court and Municipal Court shall have jurisdiction to enforce the Penalty Enforcement Law. If the violation is of a continuing nature, each day during which it continues shall constitute an additional separate and distinct offense.