

**Section 140-020 Permitted Excavations**

**Section 140-020-1 Excavation in Connection with Building and Construction**

- A. After the issuance of a zoning permit, or after the approval of a subdivision, materials excavated from roads, foundations, basements and other construction areas may be removed from the premises subject to all of the conditions listed below.
- B. A nonrenewable permit for the excavation of not more than seven hundred (700) cubic yards of material on any lot shall be exempt from these regulations, provided that excavation is confined to a six (6)-month period, and provided that an application is made to the Zoning Enforcement Officer, in writing and without fee, stating the intent and purpose of the excavation. Should this excavation exceed the aforementioned seven-hundred (700) cubic yards, application will be made to the Zoning Commission for a Special Permit and except for the six (6) month time limitation, shall be subject to the same limitations as stated above. The provisions of this regulation requiring a permit shall not apply to the Town of New Milford. All other provisions of this regulation shall apply to the Town of New Milford. (*Amended Effective: June 20, 1985; Amended Effective: January 29, 1988; Amended Effective: January 18, 1991; Amended Effective: August 25, 2003*)
- C. In approving any Special Permit for site development or site improvement excavation activities, the Zoning Commission may impose such conditions as may be applicable under Section 140-050 to Commercial Excavation Permits as the Commission deems necessary and appropriate to protect the public health, safety, convenience, welfare and property values in the neighborhood. (*Effective: August 25, 2003*)

**Section 140-020-2 Excavation by Owner on Premises**

- A. Materials may be excavated and used by the owner on the premises without a permit, provided that the Zoning Enforcement Officer is given notification, in writing, of the purpose and reason for the excavation and that the amount of material to be excavated and used is less than one thousand (1,000) cubic yards.
- B. In each of the above-mentioned uses, the Zoning Enforcement Officer may insist on such safety measures, as he/she deems necessary.