

**ORD.#25-2020**

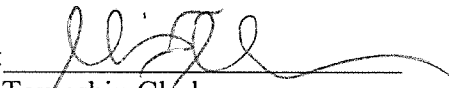
Ordinance of the Township of Mount Olive, in the County of Morris and State of New Jersey, Amending Chapter 347, Streets and Sidewalks, of the Township Code to Implement Additional Street Opening Requirements.

**CLERK:**

Delivered to Mayor:


Date: 11/25/2020

Time: 9:00 am

Signed:   
Township Clerk  
Michelle Masser

**MAYOR:**

Action by Mayor:

Approved: 

Date: 11/25/2020

Vetoed: \_\_\_\_\_

Date: \_\_\_\_\_

(Reasons for which Mayor has withheld approval of Ordinance, item or part Thereof.)

Signed:   
Mayor

**CLERK:**

Returned:

Date: 11/25/20

Time: 9:20 am

Not returned with in (10) days

Date: \_\_\_\_\_

Signed:   
Township Clerk

**ORDINANCE OF THE TOWNSHIP OF MOUNT OLIVE, IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY, AMENDING CHAPTER 347, STREETS AND SIDEWALKS, OF THE TOWNSHIP CODE TO IMPLEMENT ADDITIONAL STREET OPENING REQUIREMENTS**

**WHEREAS**, Chapter 347, Streets and Sidewalks, Article I, Street Openings, of the Code of the Township of Mount Olive sets forth certain permit requirements for applicants seeking to excavate in or tear up the surface of any Township-maintained street or road; and

**WHEREAS**, the Administration has recommended that the Township amend Article I to implement a five-year moratorium on road opening permits for newly paved streets and roads, as well as other requirements; and

**WHEREAS**, the Mayor and Township Council find it in the best interest of the Township to make these changes to the Township Code.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Council of the Township of Mount Olive, in the County of Morris and State of New Jersey, as follows:

**SECTION 1.** Chapter 347, Streets and Sidewalks, Article I, Street Openings, hereby amended to read as follows:

**“§ 347-1 Permit required.**

It shall be unlawful for any person, firm or corporation to make any excavation in or tear up the surface of any road or street in the Township of Mount Olive (for the maintenance of which the Township of Mount Olive is responsible) for any purpose whatsoever without a written permit first had and obtained from the Department of Public Works of the Township of Mount Olive as hereinafter provided.

**§ 347-2. Application for permit; revocation and other work.**

- A. Application must be made, in writing, by the firm, corporation or persons for a permit for an excavation on any road, the maintenance of which is chargeable to the Township of Mount Olive, for any purpose whatsoever. Said application is to state the purpose of such excavation, namely: sewer, water, gas, telephone or for any purpose not specified herein.
- B. Permission to make excavation or tear up the surface of a road does not carry any right to make sewer, water or gas connections. A separate permit to make gas, water or sewer connections must be obtained from proper officials.
- C. Work under a permit shall commence within 45 days of the issuance thereof. If work is not begun with that time, the permit shall automatically terminate until extended in writing by the Superintendent of Public Works.
- D. A permit shall apply only to the person to whom it is issued and shall not be transferable.

- E. A copy of the permit, together with a copy of the plan indicating approval by the responsible municipal official, shall be kept in the possession of the person performing the work. A permit may be revoked for any of the following reasons:
- (1) Violation of any provision of this article or any other applicable rules, regulations or ordinances.
  - (2) Violation of any condition of the permit issued.
  - (3) Performing work under the permit in a manner that endangers life or property or that creates any condition that is unhealthy, unsanitary or is otherwise contrary to the public health, safety concerns or general welfare.

**§ 347-3. Backfilling.**

All excavations shall be completely backfilled by the permittee and shall be compacted by tamping or other suitable means in the manner prescribed by the Superintendent of Public Works. Where the Superintendent of Public Works determines that the excavated material is unsuitable for backfill, the permittee shall backfill the excavation with dense graded aggregate, sand and gravel or other suitable material, which shall be placed in layers not exceeding six inches in depth and thoroughly compacted in the manner prescribed by the Superintendent of Public Works. Upon completion of the work, the permittee shall remove any excess material and leave the premises in a clean condition. If the Superintendent of Public Works determines that a backfilled excavation has settled or caved in, the Superintendent shall notify the permittee, who shall promptly repair the deficiencies.

**§ 347-4. Cash deposit; bond; fees.**

- A. The following minimum deposits will be required for work performed under this article. Said deposits shall be held by the Township for the period of one year, unless otherwise provided by this article:

**Type of Opening Deposit or Bond Amount**

Pavement	\$60 per square yard
Road shoulder	\$20 per square yard
Lawn areas	\$15 per square yard
Curbing	\$15 per linear foot
Sidewalk	\$16 per square yard

- B. The applicant may, in lieu of a cash deposit, submit a surety bond, which, upon approval by the Township Attorney as to sufficiency and form, shall have the same force and effect as a cash bond. Said bond shall, by its terms, provide for payment of any damages by or from the acts of the applicant or its agents, servants or subcontractors and shall save the Township of Mount Olive harmless from any suits at law or otherwise which may result from damages sustained by any persons or property as a result, directly or indirectly, of the work performed under the permit.
- C. Deposits and bonds shall be held by the Township for a period of one year, with the exception of deposits by single-family homeowners. At the discretion of the Superintendent of Public Works, deposits may be returned to single-family homeowners upon completion of the project. However,

said homeowners shall continue to be responsible for any repair and maintenance to said project for a period of one year.

- D. There shall be a nonrefundable review-and-inspection fee of \$100 or 3% of the deposit or bond amount established under § 347-4A, whichever is greater.
- E. Public utility corporations of the State of New Jersey may file a corporate bond in the amount of \$5,000 on a yearly basis in lieu of the cash deposit or surety bond. Inspection fees for utility companies shall be calculated on the basis of the full cash deposit required under § 347-4A.

**§ 347-5. Adequate safeguards and warning signals.**

- A. It shall be the duty of the permittee to properly guard any excavation or storage piles by the erection of suitable barriers by day and lights by night or warning signs and watchmen, if deemed necessary by the Superintendent of Public Works or other designated person. The permittee shall be liable for any neglect to safeguard the traveling public. If the excavation extends the full width of the road, only one-half of it shall be made at one time, and it shall be backfilled before the other one-half is excavated, so as not to interfere with traffic. In any other case, there shall at all times be maintained a carriageway of at least 18 feet in width.
- B. All work shall be done in a manner that causes a minimum of interference with travel on the street affected. No street shall be closed to traffic unless the closing is approved by the Chief of Police. The Police Department shall be informed of all street closings at least 24 hours in advance except where the work is of an emergency nature, which notice shall be given to the Police Department when work commences.

**§ 347-6. Restoration of surface.**

The surface of any Township highway and any pavement or flagging taken up by the permittee in its construction work shall be restored by the permittee, at the permittee's own expense, to a condition acceptable to the Superintendent of Public Works or other designated person and shall be maintained, at the expense of the permittee, in said condition for one year after the completion of the same, and no highway shall be encumbered for a longer period than shall be necessary to execute the work.

- A. The Superintendent of Public Works, at the Superintendent's discretion, will determine if an Infrared Heater is to be used in combination of the installation of the below Hot Asphalt Mix in order to restore the road bed to a satisfactory condition.
- B. The restoration of a street foundation or surface shall not commence until the Superintendent of Public Works determines that settlement of the subsurface is complete and the area properly prepared for restoration.
- C. The foundation shall be restored to a width of 12 inches wider than the width of the trench, except where deemed unnecessary in the reasonably exercised judgment of the Superintendent of Public Works.
- D. The street surface pavement shall extend 12 inches wider than the width of the foundation and six inches longer than the length of the foundation.

- E. In all cases, the foundation shall be constructed of such material and in such a manner as will best serve its intended purpose as deemed appropriate by the Superintendent of Public Works.
- F. Temporary restoration shall consist of a minimum of six inches of Hot Mix Asphalt, Mix I-5 compacted and brought to grade and shall be maintained by the permittee to grade.
- G. Permanent restoration shall consist of a minimum of eight inches of Hot Mix Asphalt, Mix I-2 and two inches of Hot Mix Asphalt, Mix I-5 surface course applied with appropriate tack coat to adjacent pavement surface.

**§ 347-7. Submission of plans; inspections.**

- A. For any work done under this agreement, the permittee shall submit blueprints or plans, in duplicate, to the Department of Public Works for approval, and, if it is considered necessary or desirable, a joint general inspection may be directed by said Township Council to be made by the Township Engineer or other designated person and the permittee. After the approval of the blueprint or plan, if, in the course of the proposed construction shown thereon, any changes or deviations become necessary in the work, the permittee shall, before making such changes or deviations, obtain the approval of the same by the Superintendent of Public Works or other designated person. Upon completion of the entire work, the permittee shall file plans, showing, in full detail, all of the work after its completion.
- B. In addition to said general inspection, an inspector may be placed on the work by the Superintendent of Public Works, if it is thought necessary and desirable, at the expense of the permittee and at the prevailing rate of wage set by ordinance.

**§ 347-8. Obstructing traffic or drainage; permits for storage.**

In connection with this work, it shall be unlawful for any persons, firm or corporation to place material of any description whatsoever, or vehicles or other equipment of any nature whatsoever, upon any road or street so as to interfere with the flow of water along the gutters or to interfere with traffic on such road or street without first having obtained a permit. The permit shall state the approximate quantity of material or the number of vehicles or equipment to be stored and the time of such storage, and the same shall be guarded as set forth in § 347-5.

**§ 347-9. Permits for Emergency work.**

In cases of emergency, such as the opening of drains or the repairing of drains, sewer, gas or water pipes, when sudden stoppages or breaks have occurred, the permit herein provided for may be granted by the Superintendent of Public Works or other designated person upon such terms and conditions as the Superintendent may deem proper.

**§ 347-10. Permit Exceptions.**

- A. A tunnel or excavation may be commenced without a permit where an emergency has arisen which makes it necessary to commence work immediately, provided that an application for a permit is filed simultaneously with the commencement of work, together with an estimate of fees required. In such an emergency, the filing of the application and posting of fees may be delayed until the

next business day subsequent to the commencement of work where the emergency has arisen subsequent to the close of business of the next previous day. When issued, the permit shall be retroactive to the date on which work began.

- B. No permit shall be issued between December 1 and March 15, except for an emergency.
- C. There shall be a five-year moratorium on road opening permits on newly paved roads, except for an emergency.

**§ 347-11. Denial of permit; appeal.**

The Superintendent of Public Works may refuse the issuance of a permit if such is in the interest of the public safety, convenience, health or welfare. If a permit is refused by the Superintendent of Public Works, an appeal in writing may be taken to the Township Council which, after hearing, may direct the issuance of a permit or sustain the denial thereof.

**§ 347-12. Enforcement.**

The Superintendent of Public Works or other designated person is charged with the enforcement of all the provisions of these regulations.

**§ 347-13. Miscellaneous provisions.**

- A. The Superintendent of Public Works may make any rules and regulations deemed necessary for the administration and enforcement of this article, provided that the same shall not be inconsistent with or alter or amend any provision of this article. Such regulations shall be effective upon approval by the Township Council.
- B. Utility companies shall report to the Department of Public Works on an annual basis, their intentions with regard to prospective work requiring future street openings in the Township for the purpose of coordinating such activity with pavement and resurfacing projects anticipated by the Township.
- C. Except in the case of an emergency, the Township shall have the right to schedule street openings with utility companies in a manner which will create the least disturbance to pavement courses, and particularly those areas that have been recently resurfaced.

**§ 347-14. Violations and penalties.**

Any person, firm or corporation who violates any provision of this article shall, upon conviction thereof, be punishable by one or more of the following; by imprisonment for a term not exceeding 90 days or by a fine not exceeding \$1,000 or by a period of community service not exceeding 90 days.

**SECTION 2.** This Ordinance may be renumbered for purposes of codification.

**SECTION 3.** If any section, subsection, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

**SECTION 4.** All ordinances or parts of ordinances of the Township of Mount Olive that are inconsistent herewith are repealed to the extent of such inconsistency.

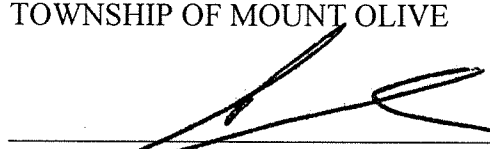
**SECTION 5.** This Ordinance shall take effect twenty (20) days following final passage, approval, and publication as required by law.

Introduced: 11/10/2020


Adopted: 11/24/2020

Effective Date: 12/19/2020

TOWNSHIP OF MOUNT OLIVE

  
\_\_\_\_\_  
Joe Nicastro, Township Council President

ATTEST: 11/24/2020

  
\_\_\_\_\_  
Michelle Masser, Township Clerk