

Township of Egg Harbor

Office of Township Clerk

3515 Bargaintown Road ■ Egg Harbor Township NJ 08234 ■ 609.926.4085 ■ 609.926.4104 (fax)

APPLICATION FOR:

Street Opening

Road Closure

Traffic Detour

Permission is hereby requested to open and/or create a road closure/detour within the Township of Egg Harbor described herein subject to the requirements of Chapter 195, Code of Egg Harbor Township.

APPLICANT INFORMATION

Date: _____

Name of Applicant: _____

Contact Person (if different): _____

Mailing Address: _____

City/State/Zip: _____

Phone Number: _____

Email Address: _____

**STREET OPENING AND/OR ROAD
CLOSURE/DETOUR INFORMATION**

Street Name(s) to Open/Close: _____

Intersecting Street(s): _____

Opening Information: Length (ft) _____ Width (ft) _____

Depth (ft) _____ Area (sq ft) _____

Description/Purpose: _____

Expected Date of Work: _____ Time Needed: _____ Hours/Days

Time of Work: Start Time _____ a.m./p.m. End Time _____ a.m./p.m.

If opening the street, expected date of completion/repair to surface of opening: _____ days (temporary restoration must have a settlement period not less than 30 days)

Traffic Control Plan Attached: Yes No

OFFICE USE ONLY

Application No. _____

Date to Engineer _____

Permit No. _____

Date Issued _____

Township of Egg Harbor

Office of Township Clerk

3515 Bargaintown Road ■ Egg Harbor Township NJ 08234 ■ 609.926.4085 ■ 609.926.4104 (fax)

EMERGENCY ROAD OPENING
NOTIFICATION

The Applicant, Contractor, or Agent must fax this document to the Office of the Township Engineer (609.569.1521) and the Egg Harbor Township Communications Department (609.926.4100).

Property Owner or Utility Company: _____

Telephone Number: _____

Contractor: _____

Telephone Number: _____

We intend to proceed with an Emergency Opening as follows:

Street Name(s) to Open: _____

Intersecting Street(s): _____

Date Work Will Begin: _____ Date Work Will End: _____

Nature of Emergency: _____

Special Conditions (if any): _____

APPLICANT/CONTRACTOR SHALL SUBMIT AN APPLICATION FOR
THE EMERGENCY WORK NO LATER THAN 48 HOURS AFTER THE WORK HAS STARTED.

Chapter 195. STREETS AND SIDEWALKS

Article I. Street Opening

§ 195-1. Definitions.

[Amended 10-9-1996 by Ord. No. 33-1996; 5-14-2003 by Ord. No. 18-2003]

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

APPLICANT

Any person making written application to the Township Clerk for a street opening permit hereunder.

EXCAVATION

The digging, cutting, opening or any other work permitted under a permit and required to be performed under this article.

PERMITTEE

Any person who has been granted and has in full force and effect a permit issued hereunder.

PERSON

Any person, firm, partnership, association, corporation, company or organization of any kind.

STREET

Any street, highway, sidewalk, alley, avenue, pavement, shoulder, gravel base, subgrade, curb, gutter, including drainage structures, utility structures, all other appurtenant structures, trees and landscaping or any other public way or public ground in the Township of Egg Harbor and under the control of Egg Harbor Township; the full width of the right-of-way, whether paved or not, including all improvements within the right-of-way or any unimproved areas.

§ 195-2. Permit required.

A.

It shall be unlawful, except in an emergency as set forth in Subsection **B** hereunder, for any person to engage in any of the following activities unless such person shall first have obtained a permit therefor from the Township Clerk as herein provided:

(1)

To dig up, excavate, tunnel, undermine or in any manner break up any street, paved or unpaved.

(2)

To make or cause to be made any excavation in or under the surface of any street for any purpose.

(3)

To place, deposit or leave upon any street any earth or other excavated material obstructing or tending to interfere with the free use of the street.

(4)

To clear any Township right-of-way of vegetation for the installation of gravel material and/or construction of a bituminous concrete cartway.

(5)

To perform any other operation on any street which in any manner interferes with or disturbs the surface of such street.

(6)

To have any road closure/detour within the municipal boundary.

[Added 7-12-2006 by Ord. No. 27-2006]

B.

Emergencies; hardship.

(1)

In the event that any pipe, main, conduit or other utility installation in or under any street, alley, sidewalk or public way shall burst, break or otherwise be in such condition as to seriously endanger persons or property, the owner of such sewer, main, conduit or other installation shall immediately contact the Egg Harbor Township Police Department and Egg Harbor Township Engineer's office describing the location of the break, extent of repairs and any emergency measures required to reroute traffic. Upon approval by the Police Department, the owner shall immediately remedy such trouble and shall immediately take all such necessary steps to make said location safe and secure. Such owner shall not, however, begin making any permanent repairs to such street, alley or sidewalk until he or she shall have secured a permit as hereinafter provided. Such permit shall be applied for within 48 hours after such break or serious trouble shall have developed, and the necessary permanent repairs to the street, alley or sidewalk shall be made as directed by the Township Engineer and shall be completed as soon as practicable after receipt of

the permit. In conjunction with the filing of the road opening application, the owner shall provide a written certification from his or her design professional indicating the nature of the emergency and the manner in which it was detected and verified.^u
[Amended 10-9-1996 by Ord. No. 33-1996]

[1]:

Editor's Note: Former Subsection B(2), regarding relief for a single-family property owner who has a hardship condition which requires a street opening permit, added 11-21-1995 by Ord. No. 34-1995, which immediately followed this subsection, was repealed 5-14-2003 by Ord. No. 18-2003.

C.

Any person failing to apply for the permit necessary to perform any of the activities set forth in this section shall be subject to a penalty as set forth in § **195-13** of this article.

[Added 10-9-1996 by Ord. No. 33-1996]

§ 195-3. Application procedure.

A.

A written application for the issuance of a street opening permit and/or road closure/detour shall be obtained from the Township Clerk. The application shall state the name and address of the applicant, the estimated dates of commencement, completion and restoration of the excavation and such other documentation as may be requested by the Township Clerk and/or Township Engineer.

[Amended 5-14-2003 by Ord. No. 18-2003; 7-12-2006 by Ord. No. 27-2006]

B.

All applications shall have attached two copies of a sketch/drawing with pertinent details drawn by a professional engineer of the State of New Jersey and must be drawn to a scale sufficient to show clearly the proposed work. The applicant shall also attach a copy of the pertinent section of the Tax Map with the area of excavation highlighted, when requested. Plans shall show horizontal location details and a vertical benchmark when necessary and all utilities within 25 feet of the proposed work. The sketch/drawing shall indicate the type of existing road surface to be disturbed and the proposed surface restoration details, including cross sections. The drawing shall provide the distance to the nearest intersection, North arrow, scale and dimensions of the proposed area to be excavated. Utility companies may use an unlicensed engineer acceptable to the Township Engineer. If the sketch/drawing is prepared by CAD, the applicant shall submit a copy of the plans in digital format. The digital files shall be compatible with AutoCAD or submitted in dxF format. All digital media should be on CD-ROM Media.

[Amended 5-14-2003 by Ord. No. 18-2003; 7-11-2007 by Ord. No. 41-2007]

C.

The permittee has the additional responsibility of obtaining a separate permit in accordance with N.J.S.A. 2A:170-69.4 through 2A:170-69.6 when the proposed excavation is located within 200 feet of a gas pipeline, and all permits issued by the Township Engineer are subject to the issuance of said separate permit. The applicant is further responsible for contacting all other local utilities to determine whether any property or facilities of the utilities are located in the vicinity of the proposed excavation site and, if so, the applicant is obligated to comply with any statutes or regulations pertaining thereto.

D.

All applicants are also responsible for providing construction warning signs and lights in accordance with the Manual on Uniform Traffic Control Devices. Any proposed detours or road closings within the municipality, whether it be county or state highways, must be submitted to the Egg Harbor Township Police Department and Egg Harbor Township Engineer's office for approval prior to the application for road opening or road closings/detours. A separate sketch detailing any proposed detours or lane restrictions shall be submitted prior to the permit being issued if required by the Police Department or Engineer's office.

[Amended 10-9-1996 by Ord. No. 33-1996; 7-12-2006 by Ord. No. 27-2006]

§ 195-4. Issuance of permit; denial; revocation.

A.

Upon application and payment of the fees and deposits for which provision is hereinafter made, the Township Clerk may issue a permit to excavate or open the surface of any Township street. The permit shall state the name of the applicant, the nature and purpose of the excavation or opening, the location of the opening, the block and lot of the property benefitting and the number of days for which the permit shall remain in force.

[Amended 5-14-2003 by Ord. No. 18-2003]

B.

No permit shall be issued for any opening on any roadway which has been resurfaced by the Township during a period of three calendar years previous to the application date, except for permits for emergency openings as defined in § **195-2B(1)**. In the

case of a newly constructed or reconstructed roadway the time period shall be five years. All openings made in roads as described above will be restored according to the specifications of § **195-11D**.

[Amended 5-14-2003 by Ord. No. 18-2003]

C.

If the application for a permit is denied, the Township Clerk shall send the applicant written notification of the denial and shall state the reason for denial.

D.

Any permit issued under this article may be revoked at any time by the Township Engineer.

§ 195-5. Conditions and limitations.

A.

Permits shall become null and void unless work is commenced within 30 days of the issuance of said permit, unless an extension of time is granted by the Township Engineer in writing.

B.

The applicant shall give a forty-eight-hour notice to the Township Engineer or his duly authorized representative and Egg Harbor Township Communications Department, prior to making any road openings, except in cases of emergency as provided for in § **195-2B**. No openings shall be commenced on a Saturday, Sunday or a holiday unless in cases of emergency.

C.

In cases of emergency openings, the applicant shall notify the Township Engineer and Township Police Department by fax using a form approved by the Township Clerk prior to any work being performed. The applicant shall submit an application for the emergency work no later than 48 hours after the work is started.

[Added 10-9-1996 by Ord. No. 33-1996; amended 5-14-2003 by Ord. No. 18-2003]

D.

Should prevailing weather conditions preclude the permanent restoration of the road surface, the applicant shall be responsible for the maintenance of the temporary surface.

E.

No work areas shall be closed to traffic for more than one working day without the approval of the Township Engineer and the Egg Harbor Township Police Department pursuant to § **195-9**. Documentation displaying notice of proposed street closing(s) to the Egg Harbor Township School District Transportation Coordination will be required in advance of any street closing.

[Amended 5-14-2003 by Ord. No. 18-2003]

F.

Municipal capital improvement projects affecting any roadway within the Township shall have first priority over all roadway closures and detours within the Township.

[Added 7-12-2006 by Ord. No. 27-2006]

[1]:

*Editor's Note: This ordinance also redesignated former Subsection F as Subsection **M**.*

G.

If a roadway is being worked on with a detour being required, then the detour must not conflict with any other detours within a one-mile radius.

[Added 7-12-2006 by Ord. No. 27-2006]

H.

The contractor shall specify working hours on all road opening applications, and no roadway shall be closed during the hours of 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m. unless determined to be necessary and emergent by the Township Engineer and Police Department.

[Added 7-12-2006 by Ord. No. 27-2006]

I.

All detours shall direct traffic to county or state highways when possible, then local Township roadways. No traffic shall be directed through subdivision roadways unless approved by the Township Engineer and Police Department.

[Added 7-12-2006 by Ord. No. 27-2006]

J.

Detour signs shall be covered up while the roadway is not being worked on during non-working hours, and once the project has been completed all detour signs shall be removed within 48 hours after work has been completed.

[Added 7-12-2006 by Ord. No. 27-2006]

K.

Should a road closure be required within the municipality, at the discretion of the Township Engineer and Police Department, on-site police protection may be necessary to control traffic flow. If it is determined to be necessary for public safety, the cost to provide this service shall be paid by the applicant.

[Added 7-12-2006 by Ord. No. 27-2006]

L.

Road closures shall not be allowed overnight or on weekends without the approval from the Township Engineer and Police Department. Weekends are considered to be from Friday 4:00 p.m. to Monday 9:00 a.m.

[Added 7-12-2006 by Ord. No. 27-2006]

M.

Every permit shall apply only to the person to whom it is issued and shall not be transferable. A copy of said permit shall be available for inspection at the job site at all times when work is being performed.

[Added 10-9-1996 by Ord. No. 33-1996]

§ 195-6. Fees and bond requirements.

A.

An application fee of \$50 for each application shall be paid to the Township Clerk.

[Amended 5-14-2003 by Ord. No. 18-2003]

B.

Performance guaranty.

[Amended 7-9-2003 by Ord. No. 22-2003; 5-14-2003 by Ord. No. 18-2003]

(1)

A road opening permit shall not be issued until a satisfactory performance guaranty is posted with the Township Clerk. The amount of the guaranty shall be determined by the construction estimates prepared by the Township Engineer based on current estimates of the market value of the work. The performance guaranty shall be a certified check, performance bond or letter of credit or cash equivalent in an amount approved by the Township Engineer and in a form approved by the Township Solicitor. Performance bonds or letters of credit must be supplied by an institution authorized to do business in the State of New Jersey. The performance guaranty, whether performance bond or letter of credit, shall be a perpetual surety and shall not contain an expiration date. The applicant/permittee is responsible to ensure that these sureties will remain in effect until the Township Clerk receives a written release issued by the Township Engineer stating that all improvements are completed and acceptable to the Township.

(2)

If the applicant/permittee chooses to post a certified check as its performance guaranty, it will only earn interest if it is in excess of \$5,000 and held in excess of 91 days. Interest will be at the minimum rate currently paid by the banking institution on time or savings deposits. The Township shall not refund the amount of interest paid on a deposit which does not exceed \$100 for the period of time on deposit.

[Added 5-9-2007 by Ord. No. 21-2007]

C.

Inspection fees shall be estimated by the Township Engineer based upon estimated field inspection expenses and review of application. Such fees shall be paid directly to the Township Clerk prior to the issuance of a permit.

[Amended 5-14-2003 by Ord. No. 18-2003]

D.

Maintenance guaranty. Upon completion of the road opening restoration and prior to the release of the performance guaranty, a maintenance guaranty in the amount of 15% of the original guaranty shall be posted with the Township Clerk. This maintenance guaranty will serve to ensure that the road as reconstructed will remain in good condition for two years after final acceptance. Any restoration required by the Township Engineer within this two-year maintenance period will be the sole responsibility of the applicant. Utility companies may satisfy this requirement through appropriate language contained within the annual performance guaranty.

[Amended 10-9-1996 by Ord. No. 33-1996]

E.

If it becomes necessary for the Township to use a performance or maintenance guaranty because of work that is deemed by the Township Engineer to be unsatisfactory or otherwise not in conformance with the provisions of this article, the permittee shall be notified in writing. If the substandard provisions are not repaired within two weeks of receipt of the notice, the Township will cause the work to be done, and the cost will be subtracted from the guaranty. If an action against the guaranty is required because of failure of the applicant to meet the requirements of this article, the guaranty shall be deemed fully committed to the

repairs until the final cost of the work is determined. Any additional permits which were issued with reliance on that guaranty will be deemed incomplete and no work shall be performed on any permit until the satisfactory condition is corrected. Should the cost of the corrective work exceed the original guaranty amount, the Township reserves the right to recover the extra cost from the permittee.

[Amended 5-14-2003 by Ord. No. 18-2003]

§ 195-7. Liability.

The applicant, upon securing said permit agrees that the Township of Egg Harbor, will be saved harmless from any and all claims of any nature arising out of the construction of road and street opening work covered by said permit, and further that the Township of Egg Harbor in issuing said permit shall not assume liability in connection therewith. In the event of any suit or claim against the Township by reason of the negligence or default of the permittee, upon the Township's giving written notice to the permittee of such suit or claim, any final judgment against the Township requiring it to pay for such damage shall be conclusive upon the permittee, and the permittee shall be liable for the Township's costs, attorney's fee, expert's fees and court costs in connection with such suit.

§ 195-8. Insurance requirements.

A.

Prior to performing any work under the permit, the permittee shall deliver to the Township Engineer a certificate of insurance in the sum of not less than \$1,000,000 combined single limit (C.S.L.), naming the Township of Egg Harbor as an additional insured. Where applicable, the permittee shall demonstrate that the explosion, collapse and underground (x.c.u.) exclusion has been removed from its insurance company. The insurance carrier will not cancel said insurance without giving the Township of Egg Harbor at least 10 days' notice thereof in writing.

[Amended 11-7-2012 by Ord. No. 45-2012]

B.

Homeowners who are proposing repairs to sidewalks, driveways and curbing within the Township right-of-way will be exempt from supplying insurance. If the homeowner contracts to have the work performed, he or she shall have the contractor produce evidence to the Township Clerk that he or she is adequately insured.

C.

All utility and cable television companies will be required to submit their certificates of insurance at the time of performance bond submission. At this time, both documents will be reviewed by the Township legal staff for adequacy and correctness. The insurance carrier for the utility or cable television company will not cancel said insurance without giving the Township of Egg Harbor at least 10 days' notice thereof in writing.

§ 195-9. Traffic conditions.

A.

The permittee shall take appropriate measures to assure that, during the performance of the excavation work, traffic conditions as nearly normal as practicable shall be maintained at all times so as to cause as little inconvenience as possible to the occupants of the abutting property and to the general public, provided that the Township Engineer or Township Police Department may permit the closing of streets to all traffic for a period of time prescribed by him or it if, in his or its opinion, it is necessary. The permittee shall notify the owners of adjoining properties at least 48 hours prior to the time he proposes to begin any work which will interfere with their normal passage. If an opening requires a detour, then five days' notice is required. Notice of business interruptions will require at least 30 days' notice.

B.

The permittee shall keep all road and street openings guarded at all times and open no greater part of such road or street than shall be reasonably necessary as determined by the Township Engineer. The permittee shall route and control traffic, including its own vehicles, as directed by the Township Police Department and Township Engineer. Before any roadway within the municipality may be closed or restricted to traffic, the permittee must submit a plan showing the proposed detour or restriction and receive approval from the Township Engineer and Township Police Department in accordance with §195-3 and §195-5. In no case shall any road be closed or restricted without prior permission from both agencies. Upon completion of the construction work, the permittee shall notify the Township Engineer and the Township Police Department before traffic is moved back to its normal flow so that any necessary adjustments may be made.

[Amended 10-9-1996 by Ord. No. 33-1996; 7-12-2006 by Ord. No. 27-2006]

C.

Where flagmen are deemed necessary by the Township Engineer and/or Township Police Department, they shall be furnished by the permittee at its own expense. Through traffic shall be maintained without the aid of detours, if possible. In instances in which this would not be feasible, the Township Engineer and Township Police Department will designate detours. The Township shall maintain roadway surfaces of existing roadways designated as detours without expenses to the permittee, but in case there are no existing roadways, the permittee shall construct all detours at its expense and in conformity with the specifications of the Township Engineer.

[Amended 7-12-2006 by Ord. No. 27-2006]

D.

The excavation work shall be performed and conducted so as not to interfere with access to fire stations and fire hydrants. Materials or obstructions shall not be placed within 15 feet of the fire hydrants. Passageways leading to fire escapes or fire-fighting equipment shall be kept free of piles of material or other obstructions.

[Amended 7-12-2006 by Ord. No. 27-2006]

§ 195-10. Safety precautions.

The following measures shall be taken to insure the safety and protection of the traveling public.

A.

All openings must be backfilled immediately and pavement restored in accordance with § **195-11**.

B.

If it is necessary to leave an excavation unfinished overnight or for an extended period, the permittee shall place at the site suitable barricades with appropriate lighting. The barriers and lighting devices shall conform to the specifications set forth in the United States Department of Transportation Manual on Uniform Traffic Control Devices, and any amendments thereto, except that the permittee must place his name and a phone number where he can be reached at all times.

[Amended 7-12-2006 by Ord. No. 27-2006]

C.

The permittee shall erect and maintain suitable timber barriers to confine earth from trenches or other excavation in order to encroach upon highways as little as possible.

D.

The permittee shall construct and maintain adequate and safe crossings over excavations and across highways under improvement to accommodate vehicular and pedestrian traffic at all street intersections. Vehicular crossings shall be constructed and maintained of steel plates or of plank, timbers and blocking of adequate size to accommodate vehicular traffic safely. Timber decking shall be not less than four inches thick and shall be securely fastened. Pedestrian crossings, if of timber, shall consist of planking three inches thick, 12 inches wide and of adequate length, together with necessary blocking. The walk shall not be less than three feet in width and shall be provided with a railing as required by the Township Engineer.

E.

All permittees must call the New Jersey Utility Opening Service, at (800) 272-1000, and obtain clearances before beginning excavation. Any utility companies that do not belong to this utility opening service shall be contacted directly and all clearances obtained prior to beginning any disturbance.

[Amended 10-9-1996 by Ord. No. 33-1996]

F.

The permittee and contractor shall comply with all OSHA regulations and with any other applicable laws in the performance of the work.

[Added 10-9-1996 by Ord. No. 33-1996]

§ 195-11. Standards for opening existing roads.

[Amended 10-9-1996 by Ord. No. 33-1996]

The standard for materials and construction methods shall be the New Jersey Department of Transportation (NJDOT) 1989 Standard Specifications for Roads and Bridges.

A.

Off-street rights-of-way restoration specifications.

(1)

Fill.

(a)

Fill shall be clean with no organic content and free of roots, stumps, asphalt and foreign objects. "Fill" shall be defined as meeting the requirements of Section 204, Borrow Excavation, of the NJDOT Standard Specifications.

(b)

Fill shall be compacted by vibratory equipment or rolling equipment, where appropriate and as necessary to ensure that the original grade is obtained.

(2)

Surface.

(a)

In the case of a trench or opening in an earth shoulder, the applicant shall restore the top four inches of the trench with topsoil. The area shall then be fertilized, seeded and mulched in accordance with current regulations as set forth by the Cape Atlantic Soil Conservation District.

(b)

In cases where the shoulder material consists of gravel, the applicant shall replace the material with eight inches soil aggregate, Type I-5. The gravel shall be properly graded and compacted to promote surface runoff of stormwater.

(c)

In cases where the applicant proposes a trench in the unpaved shoulder that is parallel to the edge of paving and results in an opening less than one foot horizontally from the edge of paving, the applicant shall be required to mill and replace the pavement of the road for a width of two feet from the edge of paving if any crumbling, raveling, alligating, or other pavement failure occurs as a result of the trench settlement.

[Added 5-14-2003 by Ord. No. 18-2003]

B.

Bituminous concrete street restoration specifications.

(1)

Fill.

(a)

Trenches shall be backfilled in layers not to exceed 12 inches, and a mechanical tamper must be used. Should there be a deficiency of material, additional backfill material shall be supplied. Whenever the Township Engineer or his duly authorized representative shall deem the material unsatisfactory for backfill, the permittee shall provide acceptable material for the backfill.

(b)

Fill shall be clean with no organic content and free of roots, stumps, asphalt, etc. Clay material shall not be considered acceptable.

(c)

Ninety-five-percent compaction shall be provided in fill areas through:

[1]

One foot over underground utilities and hand tamping.

[2]

One-foot lifts individually compacted by hand or mechanical tamping.

(2)

Gravel. Gravel shall be installed six inches thick. The gravel shall consist of compact soil aggregate, Type I-5. The use of a recycled asphalt product (RAP) or recycled concrete product may be substituted for the soil aggregate as long as it meets the NJDOT requirements for I-5 materials. The Township Engineer may, at his discretion, submit samples of the soil aggregate for a gradation analysis, with the cost of said analysis to be borne by the applicant.

(3)

Temporary restoration.

(a)

Oil and stone roadways. For openings in oil and stone roadways, the temporary restoration required will consist of the installation of six inches of soil aggregate, Type I-5, to a level 2 1/2 inches below the level of the adjacent paved surfaces. A two-inch minimum depth of stabilized base course, Mix I-2, shall be placed on the base material to a level 1/2 inch below the adjacent paved surfaces.

(b)

Asphalt roadways.

[1]

Less than 100 square feet.

[a]

In openings of less than 100 square feet that are in asphalt roadways, the temporary restoration shall consist of six inches of soil aggregate, Type I-5 to a level four inches below the level of the adjacent paved surfaces. A four-inch lift of stabilized base course, Mix I-2, shall be installed to grade.

[Amended 5-14-2003 by Ord. No. 18-2003]

[b]

These temporary surfaces shall be left in place for a period of not less than 30 days to allow sufficient settlement to occur. Should settlement continue to be inadequate, the Township Engineer shall determine when the work is acceptable for final

restoration. The permittee shall be responsible for all maintenance deemed necessary by the Township Engineer until such time as the final restoration is completed.

[2]

Greater than 100 square feet.

[a]

For openings that are greater than 100 square feet but less than the disturbance in Subsection B(3)(b)[2][c], in asphalt roadways, the temporary restoration shall consist of six inches of soil aggregate Type I-5 to a level four inches below the level of the adjacent paved surfaces. A four-inch lift of stabilized base course, Mix I-2, shall then be installed to grade.

[Amended 5-14-2003 by Ord. No. 18-2003]

[b]

These temporary surfaces shall be left in place for a period of not less than 30 days to allow sufficient settlement to occur. Should settlement continue to be inadequate, the Township Engineer shall determine when the work is acceptable for final restoration. The permittee shall be responsible for all maintenance deemed necessary by the Township Engineer until such time as the final restoration is completed.

[c]

If the work done by the permittee or the sum of all the permittees on a given roadway disturbs greater than 30% of the given roadway or consists of a longitudinal opening within one lane of a roadway, the permittee will be required to install a one-and-one-half-inch minimum surface course overlay for the full width of the roadway or lane to the total length disturbed. This temporary overlay shall be installed within 14 days of the initial trench restoration. The temporary overlay thus installed will remain in place to allow for sufficient settlement to occur and be maintained in a safe running condition until the final restoration is completed. Where the trench or excavation was to depths of 10 feet or less, the overlay shall remain in place for at least 90 days before completing the final restoration. When the depth of excavation of the trench exceeded 10 feet, the temporary overlay will remain in place for 180 days before completing the final restoration. The final restoration of all trenches that require a temporary overlay shall be completed within 30 days after the settlement period has elapsed unless directed to wait for an additional period of time by the Township Engineer.

[Added 5-14-2003 by Ord. No. 18-2003]

(c)

Maintenance of temporary restoration. All permittees shall be responsible for all temporary restoration until such time as the final restoration is completed. Upon notification from the Township Engineer that the temporary restoration covered under the road opening permit is in need of repair, the permittee shall have seven days to correct all defects and restore the area(s) to an acceptable condition. Failure to respond within seven days will result in penalties being imposed in accordance with § **195-13**.

[Added 5-14-2003 by Ord. No. 18-2003]

(d)

Emergency openings. When an emergency opening as outlined in § **195-5C** must be made in an asphalt roadway and a hot mix bituminous concrete cannot be obtained during the course of the emergency work, the applicant shall be permitted to use a cold mix emulsified asphalt (cold patch) as a temporary restoration for no longer than 48 hours. The applicant shall advise the Township Engineer in writing if cold patch is used for temporary restoration.

[Added 5-14-2003 by Ord. No. 18-2003]

(4)

Final restoration.

(a)

Oil and stone roadways. The permittee shall complete the final restoration in oil and stone roadways by capping the existing stabilized base course with a one-inch lift of bituminous concrete surface course, Mix I-5, to a level even with the adjacent paved surfaces. A clean, straight edge shall be obtained prior to the placement of surface course, and all edges shall be prepared with a tack coat.

(b)

Asphalt roadways.

[1]

Less than 100 square feet. For openings less than 100 square feet, the final restoration will involve the removal of four inches of temporary stabilized base. All edges shall be saw cut beyond the actual trench width disturbed to produce a clean edge, and said edges shall be coated with an asphaltic tack coat. A four-inch thickness of bituminous concrete surface course, Mix I-5, shall then be placed, in two lifts, to a level even with the existing road grade.

[Amended 5-14-2003 by Ord. No. 18-2003]

[2]

Greater than 100 square feet.

[a]

For openings greater than 100 square feet, the trenches shall be milled to a depth of two inches to a distance at least six inches beyond the actual trench width to produce a clean edge. All edges shall be coated with an asphaltic tack coat prior to a two-inch lift of bituminous concrete surface course, Mix I-5, being placed to a level even with the existing road grade. If the location of

the trench is such that it will result in a ribbon of asphalt less than 24 inches wide between the edge of the final trench restoration and the edge of existing paving, then the final restoration shall be taken to the edge of paving.

[Amended 5-14-2003 by Ord. No. 18-2003]

[b]

No surface water shall be entrapped or ponded on the resurfaced areas. If any ponding occurs, the permittee will be responsible for performing whatever remedial action is required by the Township Engineer.

[c]

If the work done by the permittee or the sum of all the permittees on a given roadway disturbs greater than 30% of the given roadway or consists of a longitudinal opening within one lane of a roadway, the permittee will be required to perform a two-inch minimum surface course milling and overlay for the full width of the roadway or lane to the total length disturbed.

[Added 5-14-2003 by Ord. No. 18-2003]

C.

General restoration specifications.

(1)

Whenever required by the Township Engineer, pipes for making opposite side hookups shall be driven or bored under the paved portion of the road or street without disturbing the surface.

(2)

Road openings and/or trenches involving unusual or special conditions shall be restored in accordance with and pursuant to the direction of the Township Engineer or his representative.

(3)

All damage done to adjacent elements of the street, curbs, walks, catch basins, storm drains, landscaping, grass area, etc., shall be immediately repaired by the applicant.

(4)

All work shall be done with care and in a workmanlike manner.

(5)

The temporary restoration must be completed prior to the opening becoming greater than the length of paving restoration that can be accomplished in one workday. No trenches shall be left open over a weekend or during any holiday period.

[Amended 5-14-2003 by Ord. No. 18-2003]

(6)

The engineer shall have the discretion of determining if the final roadway restoration can be completed by a two-inch minimum surface course milling and overlay for the full width of the roadway. If the engineer determines the roadway is not able to be finished as stated to conform to smooth ride as determined by NJDOT specifications, then the engineer may have the permittee reconstruct the roadway in full width by milling the existing roadway and placing a two-inch base course of I-2 hot mix asphalt and a two-inch surface course of I-5 hot mix asphalt. In addition, the permittee shall provide the engineer with a profile roadway design to show the roadway is to be regraded to conform to AASHTO design requirements. All designs shall be prepared by a licensed NJ professional engineer.

[Amended 5-14-2003 by Ord. No. 18-2003; 7-11-2007 by Ord. No. 41-2007]

(7)

In lieu of the requirement of final paving of any road opening, the Township may require the applicant to contribute the cost of the final paving to the Township based on the Township Engineer's estimate of the improvement. If the Township decides to accept the money, in lieu of final paving, the permittee will be relieved of any responsibility for final paving of the roadway, and the Township shall appropriate the monies collected in the capital budget and use the money contributed to complete the final surface restorations that are deemed necessary by the Township Engineer. The permittee may also petition the Township Committee for the Township to accept the responsibility of final paving, if it so desires. Whenever an in-lieu payment is required, payment must be made to the Township Clerk prior to the issuance of a permit. Notwithstanding the payment of an in-lieu contribution, the permittee shall retain the responsibility to maintain the temporary trench until such time as the Township completes the final paving. All estimates for final improvements will be determined by the Township Engineer based on the following range of unit prices, and other items of work may be added by the Engineer depending on the extent of work required for final restoration.

[Amended 5-14-2003 by Ord. No. 18-2003]

Type	Range of Unit Prices	(8)
Milling	\$2 - \$5 per square yard	The applicant must keep the work area clean each day. The applicant must sweep the surrounding road surface to control dust, mud, dirt, etc. The permittee shall also adhere to all requirements of the Cape Atlantic Soil Conservation District at all times. If the applicant does not comply, the Township will perform the cleanup and act on the performance bond for the cost.
I-5 surface course	\$40 - \$75 per ton	
Shoulder restoration	\$5 - \$10 per linear foot	

(9)

Upon completion of the work, the applicant will request a final inspection by the Township Engineer. If the work is completed in a satisfactory manner, notification of satisfactory completion will be sent to the Township Clerk. Upon receipt of this notification and receipt of the required maintenance guarantee, the performance guaranty will be returned by the Township Clerk, where and when applicable. In the case of utilities or other entities who are permitted to post a general annual performance bond or lump sum guarantee against multiple permits, the applicant shall be required to control the number of permits open at any one time. These applicants shall be required to submit a quarterly report to the Township Engineer showing the status of all pending permits and identifying those permits where the final restoration has been completed.

[Amended 5-14-2003 by Ord. No. 18-2003]

(10)

In any case where the contractor has not complied with these regulations to the satisfaction of the Township Engineer or his representative, the Engineer, without notice, may cause the work to be done, and the cost shall be deducted from the performance bond made by the applicant.

(11)

The time limit for all permits will be determined by the Township Engineer based on the nature of the work to be completed.

[Added 5-14-2003 by Ord. No. 18-2003]

(12)

All permittees are required to send notice that the work covered under their permit has been completed in accordance with the applicable section(s) of Chapter **195** on a form to be provided with the road opening permit.

[Added 5-14-2003 by Ord. No. 18-2003]

D.

Specifications for opening streets under a moratorium.

(1)

If it is necessary to open a street subject to a moratorium as defined under § **195-4B**, the permittee shall be required to complete final pavement restoration for the full width of the road to a distance of 100 feet beyond the area of the openings.

(2)

The distances in either direction of the opening will be determined by the Township Engineer based on the proximity to other roadways or utility concerns. In most cases, final pavement restoration will encompass 50 feet in both directions of the opening for the full width of the existing road. The Township Engineer may allow resurfacing to the center line of the road only if the opening is completed within one lane and does not involve disturbance across the center line.

(3)

Temporary and final pavement restoration shall be completed in the same method as indicated in § **195-11B** except that milling will entail the full length and width that must be repaved.^u

[1]:

Editor's Note: Former Subsection D(4), regarding opening of streets under a hardship condition, which immediately followed this subsection, was repealed 5-14-2003 by Ord. No. 18-2003.

§ 195-12. Specifications for dedicated but unopened streets or paper streets.

A.

The clearing of the proposed street or public right-of-way shall conform to § **195-11A**, Off-street rights-of-way restoration specifications. All clearing shall be done within the right-of-way and shall be limited to the area necessary to provide the required grade on the proposed roadway.

B.

All proposed streets within an existing public right-of-way shall be constructed in accordance with all applicable design standards for new streets as set forth in the Township Code.

C.

Each plan submitted shall have a letter attached from a licensed professional engineer describing the proposed stormwater management plan. The drainage plan must be designed in accordance with the current Stormwater Management Ordinance as set forth in the Township Code.^u

[1]:

*Editor's Note: See § **94-44** of Ch. **94**, Design, Performance and Improvement Standards.*

D.

Any waiver of the required improvements such as curbs, gutters, sidewalks, driveways, etc., must be requested from the Township Committee. The Township Committee's decisions shall be final in determining the need for these improvements.

§ 195-13. Violations and penalties.

[Amended 4-12-2006 by Ord. No. 20-2006]

Violation of any provision of this article shall, upon conviction thereof, be punished by a minimum fine of \$100 or a maximum of \$2,000 or by imprisonment for a term not exceeding 90 days or by a period of community service not exceeding 90 days. Each and every violation shall be considered a separate violation. Any person who is convicted of violating the provisions of this article within one year of the date of a previous violation and who was fined for the previous violation may be sentenced by the Court to an additional fine as a repeat offender. The additional fine imposed as a repeat offender shall not be less than the minimum or exceed the maximum fine provided herein, and same shall be calculated separately from the fine imposed for the violation of this article.

Traffic Control Plan and Requirements

§ 213-7 Traffic controls for construction and maintenance operations and utility work; adoption and standards. The governing body hereby finds and declares that problems of traffic control occur when traffic must be moved through and around street construction, maintenance operations and utility work above and below ground which requires blocking the roadway and obstructing the normal flow of traffic; and that such obstructions are or can become dangerous when not properly controlled. In order to better promote the public health, safety, peace and welfare, it is necessary to establish controls and regulations directed to the safe and expeditious movement of traffic through construction and maintenance zones and to provide safety for the work forces performing these operations. The Township of Egg Harbor, in the County of Atlantic, State of New Jersey, does hereby adopt the current Manual on Uniform Traffic Control Devices, hereafter known as "MUTCD", except as hereby supplemented and amended, as it controls and regulates whenever construction, maintenance operations or utility work obstructs the normal flow of traffic. Any person, contractor, or utility who fails to comply with the provisions of the MUTCD while performing such work is in violation of this section.

- A. **Preconstruction meetings** – It shall be the responsibility of the person, contractor or, in the case of a public utility agreement, wishing to conduct work on, under or above the roadway, to contact the Township Police Department in order to arrange a preconstruction meeting in order to submit plans for the safe movement of traffic during such period of construction work. Any person, contractor, or utility who fails to comply with this section prior to the start of such work or whose plans are not approved by the Police Department, is in violation of this section.
- B. **Hazardous conditions** – The person, contractor, or utility shall provide the Police Department with at least two (2) emergency contact phone numbers to be called in case of emergency problems at the construction or maintenance site prior to the start of any work. If for any reason emergency contact cannot be reached, or if the emergency contact person does not respond to the call from the Police Department to correct the hazardous condition, the Township of Egg Harbor may respond to correct such hazardous condition. The reasonable fees for such emergency service by this Township shall be charged to the person, contractor, or utility for such condition.
- C. **Hours** – There shall be no construction, maintenance operations, or utility work on any roadway in the Township before the hour of 8:00 am or after 4:00 pm. This time limit may be adjusted to permit work prior to 8:00 am or after 4:00 pm by the Chief of Police and his/her designee of this Township. If it is determined by the Chief of Police or his/her designee that the construction or maintenance operations prior to 8:00 am or after 4:00 pm would substantially delay traffic or cause a safety or health hazard, the work shall then be permitted only between 8:00 am and 4:00 pm.
- D. **Road closing and detours** – Road closing and/or traffic detours shall not be permitted unless approved by the Township Police Department.
- E. **Traffic directors** – Traffic directors shall be posted at all construction and maintenance sites when determined by the Township Police Department that the same are necessary to provide for the safe and expeditious movement of traffic.
- F. **Stop work** – The Township of Egg Harbor Police Department shall have the authority to stop work, including the removal of equipment and vehicles, stored material within the street right-of-way, back filling of open excavations, and/or other related work, in order to abate any nuisance and/or safety hazard or for any violation of these sections.
- G. **Site preparation** – It is to be expressly understood that no materials, vehicles, or equipment are to be placed in the roadway or sidewalk until all construction, signs, lights, devices, and pavement markings are installed.
- H. **Violations and penalties** – Any person, contractor, or utility who commits a violation of this article shall, upon conviction thereof for the first offense, pay a fine of not less than \$100 nor more than \$500, and/or be imprisoned in the county jail for a term not to exceed 90 days. For a second offense, upon conviction thereof, pay a fine of not less than \$250 and/or be imprisoned in the county jail for a term not to exceed 90 days. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

**BE SURE TO READ THESE INSTRUCTIONS, AS THESE REQUIREMENTS
WILL BE STRICTLY ENFORCED.**