

**TOWNSHIP OF LONG HILL  
ORDINANCE 470-21  
AN ORDINANCE CONCERNING STREET OPENINGS AND AMENDING CHAPTER 20 OF THE  
TOWNSHIP CODE ENTITLED "STREETS AND SIDEWALKS" (AS PREVIOUSLY AMENDED BY  
ORDINANCE #470-21)**

**WHEREAS**, the Township Committees adopted Ordinance #470-21 on March 10, 2021 in order to clarify and streamline the process for obtaining a road opening permit; and

**WHEREAS**, the Township Committee wishes to further amend the road opening ordinance to give the Township Engineer the authority to require infrared sealing on roads that were paved more than five years ago

**NOW THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Long Hill in the County of Morris, State of New Jersey, that Chapter 20 of the Township Code entitled "Streets and Sidewalks" is hereby supplemented and amended as follows:

**Section 1.** Section 20-2 of the Township Code entitled "Street Openings and Excavations" as previously amended by Ordinance #470-21 is hereby further amended to read as follows:

***20-2 STREET OPENINGS AND EXCAVATIONS.***

**§ 20-2.1 Permit Required.**

It shall be unlawful for any person to tunnel under or to make any opening or excavation in any street or other public place in the Township, other than a County road over which the County of Morris has exclusive jurisdiction, without having obtained a permit as is herein required or without complying with the provisions of this section or in violation of or variance from the terms of any such permit. No permit shall be issued to open any Township road for five years after the road was paved, except pursuant to .§20-2.6 below.

**§ 20-2.2 Applications.**

a. Applications for such permits shall be made to the Township Clerk and shall describe the location of the intended opening, excavation or tunnel, the size thereof, the purpose therefor and the person doing the actual excavation work and the name of the person for whom or which the work is being done and shall contain an agreement that the applicant will comply with all ordinances and laws relating to the work to be done.

b. Any person desiring a permit for the opening of a street or tunneling therein shall make application to the Township Clerk setting forth the following information:

1. Name and address of applicant.
2. Name of the street where the opening is to be made and the street number, if any, of the abutting property.
3. The Township Tax Map index, block and lot number of the property for the benefit of which the opening is to be made.

4. Nature of the surface in which the opening is to be made.
5. Character and purpose of the work proposed.
6. Time when the work is to be commenced and completed.
7. Plan showing the exact location and dimension of all openings.
8. The name and address of the workmen or contractor who is to perform the work, if different from the applicant.
9. A statement that the applicant agrees to replace, at his own cost and expense, in accordance with Township specifications and details, the opening to the same state and condition as it was at the time of the commencement of the work and further agrees to comply with all other regulations and laws relative to the work.
10. An agreement to indemnify and hold harmless the Township from all loss, damage, claim or expense, including expenses incurred in the defense of any litigation arising out of injury to any person or property resulting from any work done by the applicant under the permit.
11. Such other information as the Township Clerk may consider pertinent.
12. ~~Registration number from the underground location service [Supersnooper (800) 272-1000], indicating that they have been properly notified and will locate underground facilities in the area of the proposed opening or tunneling operation. Proof of compliance with the "Underground Facility Protection Act." (N.J.S.A. 48:2-73) ("One-Call")~~

#### **§ 20-2.3 Fee.**

The fee for a road opening permit shall be set by the Township Committee by resolution.

#### **§ 20-2.4 Indemnity Bond.**

a. Before issuance of any such permit, the applicant or contractor proposing to do the actual excavating work shall file with the Township Clerk a cash bond in the amount of \$100 per square yard of disturbed area. This cash bond shall serve as both a performance bond to guarantee completion of the work and also as a maintenance bond for a period of 12 months to guarantee that the excavated area does not settle or otherwise deteriorate. If the responsible person does not complete the excavation and restore the surface in accordance with requirements of this section or if the responsible person does not restore the surface and make any necessary repairs resulting from the settling or any other deterioration within a reasonable time after receipt of notice of settling from the Township then the Township may perform the necessary work itself and deduct the cost of such work from the posted bond. At the end of 12 months the Director of Public Works shall inspect the area of the excavation to determine whether it has been restored in compliance with the requirements of this section. The Director of Public Works shall then submit a written report to the Township Committee recommending that the bond be returned in whole or part or in the alternative that the Township should perform additional repairs and charge the cost of those repairs against the bond. The Township Committee shall then act upon recommendation of the Director of Public Works and return any unused portion of the bond to the responsible person.

b. In addition, the applicant or the contractor proposing to do the actual excavating work shall file with the Township Clerk a certificate of insurance showing that the applicant or the contractor proposing to do the actual excavating work has general liability insurance with combined policy limits of \$1,000,000.

c. The provisions of paragraph a of this subsection shall not apply to public utilities.

#### **§ 20-2.5 Manner of Excavating.**

- a. It shall be unlawful to make any such excavation, opening or tunnel in any way contrary to or at variance with the terms of the permit therefor. Proper bracing shall be maintained to prevent the collapse of adjoining ground, and, in excavations, the excavation shall not have anywhere below the surface any portion which extends beyond the opening at the surface.
- b. No injury shall be done to any pipes, cables or conduits in the making of such openings, excavations or tunnels, and notice shall be given to the persons maintaining any such pipes, cables or conduits (or to the Township Road Department or officer charged with the care thereof) which are or may be endangered or affected by the making of any such opening, excavation or tunnel before such pipes, cables or conduits shall be disturbed.
- c. No unnecessary damage or injury shall be done to any tree or shrub or the roots thereof.
- d. All openings, excavations or tunnels shall be guarded with adequate safety measures as may be necessary and with adequate warning devices. The safety measures and warning devices shall be placed in such a manner as to not unduly restrict traffic. Where the Police Department determines that such safety measures and warning devices are not adequate for the free movement of traffic during road construction and/or excavation, a Police Officer may be assigned to direct traffic in the area involved during working hours, and the cost thereof shall be charged by the Township to the contractor or other person obtaining the permit. The provisions of this subsection shall not affect or relieve the contractor or any other person from any other obligations imposed by the contract or by operation of law.
- e. All refuse and material shall be removed within 48 hours.
- f. All excavation shall be completely backfilled and compacted using bank run gravel, crushed stone or other approved material.
- g. If tunneling operations are required, the tunnel shall be backfilled with rammed sand or sand and concrete mixed 10 to one, respectively.
- h. If blasting is required in the course of any excavation, it shall be done in strict compliance with all applicable state laws and regulations and municipal ordinances.
- i. Under normal, nonemergency situations, street paving, whether new or improved, will carry a minimum no-cut period of five years in accordance with § 20-2.6 below.
- j. All excavation and restoration work shall be monitored, inspected and approved by the Township Public Works Manager
- k. The applicant shall be responsible for limiting the area of disturbance, saw cut all excavations and restore the trench to its original condition, including but not limited to the pavement, surface treatments and striping. Restoration of the top course of asphalt shall be done utilizing the infrared pavement method if deemed necessary in the sole discretion of the Township Engineer.

#### **§ 20-2.6 Moratorium.**

There shall be a five-year moratorium on the issuance of road opening permits for newly paved streets. Exceptions shall be granted for utility emergencies or road openings that impact the safety and welfare of property owners (e.g., electric service to new home). Any emergency work may be approved by the Township Engineer. All non-emergency work and undue hardship may only be approved by the Township Committee.

- a. In the event that exception is granted during the moratorium period, the applicant shall be responsible for limiting the area of disturbance, saw cut all excavations and restore the trench to

its original condition, including but not limited to the pavement, surface treatments and striping. Restoration of the top course of asphalt shall be done utilizing the infrared pavement method.

b. The Township Public Works Manager or his/her designee may require a larger area of the roadway to be restored to avoid trench marks across the roadway. This will be done in a manner that creates a rectangular patch across the entire width of the roadway.

**Section 2.** Any and all other ordinances or parts thereof in conflict or inconsistent with any of the terms hereof are hereby repealed to such extent as they are so in conflict or inconsistent.

**Section 3.** In case any article, section or provision of this ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect any other article, section or provision of this ordinance except insofar as the article, section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

**Section 4.** This ordinance shall take effect immediately upon final passage and publication as required by law.

ATTEST

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Megan Phillips, RMC  
Township Clerk

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Guy Piserchia, Mayor

*First Reading and Introduction: April 14, 2021*  
*1<sup>st</sup> Publication: Echoes Sentinel April 22, 2021*  
*Second Reading and Adoption: May 12, 2021*  
*2<sup>nd</sup> Publication: Echoes Sentinel May 20, 2021*