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AN ORDINANCE AMENDING CHAPTER 89 ENTITLED “EXCAVATIONS” TO INCREASE ROAD OPENING MORATORIUMS FROM FIVE (5) YEARS TO SEVEN (7) YEARS

WHEREAS, the Township of Bridgewater spends significant funds on maintaining and paving public roads for the benefit of its residents; and

WHEREAS, road openings cause negative effects on such roadways that have been recently maintained and paved by the Township of Bridgewater; and

WHEREAS, the best way to protect the residents of the Township and the Township’s investments in its roadways is to limit unnecessary road openings for a period of time; and

WHEREAS, in consideration thereof, the Mayor and Council of the Township of Bridgewater desire to amend Chapter 89 of the Municipal Code entitled Excavations;

BE IT THEREFORE ORDAINED, by the Township Council of the Township of Bridgewater in the County of Somerset and State of New Jersey that Chapter 89 of the Municipal Code of the Township of Bridgewater, County of Somerset, State of New Jersey entitled “Excavations” is amended pursuant to the provisions hereof (additions are noted **thusly** and deletions are noted ~~thusly~~):

Section I

Chapter 89-15 is hereby amended as follows:

§ 89-15 **Road openings.**

The Township Engineer shall provide notice to all persons owning property abutting on the street about to be paved or improved and to all public utilities and authorities operating in the Township, including any person, firm or corporation owning any sewer main or conduit or other utility in, above or under said street. This notice shall be made by mail (or email) as soon as the information is available, but no later than 30 days before the notice to proceed is sent to the contractor. Such notice shall notify such persons, firms, corporations or public utilities that:

A. They shall make all connections, as well as repairs thereto, which would necessitate excavation of the street, within 30 days from the giving of such notice. The time shall be extended if permission is requested in writing and approved by the Township Engineer.

B. No excavation permit shall be issued for openings, cuts or excavations in said streets for a period of ~~five (5)~~ **seven (7)** years after the date of completion of said improvement, paving or repaving by the Township.

C. The application for excavation permits for work to be done prior to such paving or repaving shall be submitted promptly in order that the work covered by the excavation permit shall be completed as soon as practicable and in no event later than the date specified in the permit for the excavation work.

Section II

Chapter 89-16 is hereby amended as follows:

§89-16 – Restrictions on opening newly paved streets

A. No permit shall be issued by the Township Engineer to any person, firm, corporation, public utility or authority given notice under § 89-15 above which would allow an excavation or opening in a paved or improved street surface less than ~~five (5)~~ **seven (7)** years old, unless the applicant can clearly demonstrate to the Township Engineer that public health or safety requires that the proposed work be permitted which could not have been reasonably foreseen at the time of the prior notice.

B. An emergency or hardship shall include a water main break, gas leak, sanitary sewer break, or any other situation which may result in harm to the public's health, safety welfare or damage to public or private property.

C. If by special permission of the Township Engineer, a permit is issued to open any paved or improved street surface less than ~~five (5)~~ **seven (7)** years old, the permittee shall be required to complete restoration in the following manner:

(1) The applicant shall mill and resurface the entire street or portion thereof in which the opening or excavation is made, from curb to curb and for a minimum distance extending no fewer than ten feet beyond the limits of the excavation.

(2) Construction or repair work performed on, in or around manholes shall be subject to inspection and acceptance by the Township Engineer.

(3) The permittee must also pay all required application and deposit (inspection) fees. The deposit (inspection) fee shall be calculated to cover the entire area that must be milled and resurfaced.

Section III

All ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Section IV

If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to this section, paragraph, subdivision, clause or provision and the remainder of this Ordinance shall be deemed valid and effective.

Section V

This ordinance shall take effect upon adoption and publication in the manner required by New Jersey general law but, in no event, less than 20 days after its final passage by the Township Council and approval by the Mayor, where such approval is required pursuant to N.J.S.A. 40:69A-181(b).

Adopted: February 7, 2022

Effective: February 28, 2022