

ORDINANCE #2714-23-0717

**AMENDING CHAPTER 150 STREETS AND SIDEWALKS;
ARTICLE I ENTITLED EXCAVATIONS ADDING SECTION 4.1 (I)- FINAL PAVEMENT
RESTORATION TIME REQUIREMENTS**

§ 150-4 Requirements

All permits issued under this article shall require the applicant to comply with the following:

- (A) All street patch repairs and/or trench restoration must use the infrared paving method pursuant to the most recent standards promulgated by the Borough so as to blend uniformly with the adjacent existing roadway. All backfilling and patching operations of any such excavation project must be supervised by the Borough Engineer or his/her designated representative to ensure compliance with the Borough's standards.
- (B) If blasting is required in the course of any excavation, it shall be done in strict compliance with all applicable federal and state laws and regulations.
- (C) Restoration of any street foundation or surface shall not commence until the Borough Engineer or his/her designated representative has determined that settlement of the subsurface is complete and the area properly prepared for restoration.
- (D) Any contractor hired to perform a street excavation in the Borough shall provide proof that it is licensed with the State of New Jersey.
- (E) All materials and work shall be in accordance with Borough regulations, specifications, and details as required by the Borough.

§ 150-4.1 Additional Requirements for 3rd Party contractors and Utility Companies: moratoriums

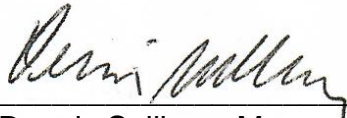
- (A) After the Borough has paved or repaved any street of the Borough of Somerville, no excavation permit shall be issued for openings, cuts, or excavations in said street for a period of five years from the date of such paving, subject to the exceptions described herein.
- (B) The Borough shall keep a list of all such streets subject to this five-year moratorium, which may be inspected in the Office of the Borough Engineer.
- (C) Prior to the start of any such paving or repaving work, the Borough Engineer shall notify each utility company of said work so any in-progress or contemplated excavations may be completed before paving is started. Such notice shall state that no excavation permit shall be issued for openings, cuts, or excavations in said street for a period of seven years from the date of such paving. The notice shall

also provide those applications for excavation permits for work to be done prior to such paving or repaving shall be submitted promptly so that any work may be completed not later than 90 days from the date of such notification.

- (D) During such five-year period, the applicant must restore the street opening. Such restoration must include pavement restoration (milling and repaving) for the full width of the roadway to a distance of 100 feet around the area of the opening. Notwithstanding these requirements, the Borough Engineer may, in his/her sole discretion, waive the requirements of this subsection under the following circumstances:
1. Where necessary, as determined by the Borough Engineer. For example, if there is an excavation on a small cul-de-sac of less than 100 feet in length within the Borough, or if such a distance will unreasonably interfere with an existing utility, the Borough Engineer may use his/her discretion in determining the overall distance of the restoration.
 2. If, in the judgment of the Borough Engineer, an emergency exists that makes it absolutely essential that the road be opened for purposes of a utility repair or replacement.
 3. When the owner(s) of a single-family residential property who actually resides in that property applies for a construction permit to convert from oil heat to gas heat.
- (E) In any circumstance in which the Borough Engineer waives the curb-to-curb and/or 100-foot requirements above, the Borough Engineer shall require that the street opening be patched and restored via infrared pavement repair technology so as to blend uniformly with the adjacent existing roadway.
- (F) For all streets that have not been paved within the last seven years, the applicant must patch and restore the street opening via infrared pavement repair technology so as to blend uniformly with the adjacent existing roadway. If the street opening to be trenched is greater than or equal to 50 linear feet, upon completion of same, the applicant shall restore (milling and repaving) the entire street surface from edge to edge, or curb to curb, for the full length of the excavation to the nearest intersection or as directed by the Town Engineer as described herein.
- (G) All sidewalks, when being restored or replaced as part of the operations hereunder, must also be restored pursuant to the Borough Engineer's standards.
- (H) The street surface shall be restored to the satisfaction of the Borough Engineer that it has been restored to its original condition.
- (I) Final pavement restoration time requirements - All excavations including final pavement must occur no later than one hundred eighty (180) days following the temporary pavement restoration. It is common to have a temporary pavement in place for ninety (90) days to determine if the original excavation has settled to the

satisfaction of the borough. If the temporary pavement is satisfactory after ninety (90) days final pavement of the roadway must occur 90 days after the temporary settlement. Extension of time maybe authorized as a result of weather conditions. If the original excavation needs to be restored due to settlement failures, the contractor will have an additional ninety (90) for final pavement restoration.

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Dennis Sullivan, Mayor



Kevin Sluka, Clerk/Administrator