

**TOWNSHIP OF WATERFORD
COUNTY OF CAMDEN
STATE OF NEW JERSEY**

ORDINANCE # 2015-19

**ORDINANCE OF THE TOWNSHIP OF WATERFORD AMENDING
CHAPTER 239 OF THE CODE OF THE TOWNSHIP OF WATERFORD
CAPTIONED "STREETS AND SIDEWALKS"**

WHEREAS, the Township of Waterford has reviewed its existing Chapter 239 Article I captioned "Street Openings and Excavations" and has determined that numerous revisions should be made to same to provide for a more efficient street opening procedure; and as a result of the numerous revisions, it has been determined to repeal the existing Article I and replace it with a new Article I captioned "Street Openings and Excavation."

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Township Committee of the Township of Waterford, County of Camden, and State of New Jersey as follows:

Section 1. Chapter 239, Article I of the Code of Waterford Township captioned "Street Openings and Excavations" is hereby repealed in its entirety and replaced with a new Article captioned "Street Openings and Excavations." The new Article I shall read as follows:

STREET OPENINGS AND EXCAVATIONS

SECTION I

Definitions

Definitions of terms

SECTION II

Regulations for Permits

Permit required.

Adherence to terms of permit.

Commencement of work.

Notice Requirements.

Work Hours.

Time of Year.

Permits non-transferable.

Expiration of permits.

State and county highways.

Revocation of permit.

SECTION III
Application Procedure
Duties and responsibilities of applicants

SECTION IV
Regulations for Openings
Traffic Control
Construction Requirement
Final Paving
Temporary Paving
Additional Regulations
Safety Protection

SECTION V
Deposits and Fees
Fees
Requirements
Guarantee
Hold Harmless

SECTION VI
Insurance Requirements

SECTION VII
Openings in New Streets
Notice prior to paving
Restrictions upon excavations in new streets

SECTION VIII
Emergency Openings
Emergency repairs authorized

SECTION IX
Miscellaneous Provisions
Maps of utility installations;
Additional information.
Notice to property owners and Tenants

SECTION X
Violations and penalties

SECTION 1: DEFINITIONS

For the purposes of this Ordinance the following terms, phrased, word, and their derivations shall have the meaning given herein:

Applicant-any person making written application to the Township of Waterford for a road-opening permit hereunder. If the applicant is a contractor who will be performing the excavation work on behalf of another party, the contractor shall be co-applicant, and the party on whose behalf the work is being performed shall be the applicant.

The applicant must be a contractor, either corporate, individual or partnership, a utility company, municipality or utility authority who will be actually engaged in the performance of the work under the permit and who will be directly responsible for the protection the work, for the adherence of the work specifications and for the safety of the public. The application shall be made for and on behalf of the owner for whom the work is being done and shall be countersigned by the owners. Permits will not be issued to private owners and developers without written approval of the Township Public Works Superintendent. The owner shall agree as a condition of the issuance of the permit, that any facilities, pipes, etc. to be installed within the Township right of way pursuant to the permit shall be promptly relocated at the owners expense as required by the Township Public Works Superintendent to accommodate the installation of Township facilities existing or future.

Co-Applicant-is a contractor who will be performing excavation work on behalf of the applicant and who is jointly and severally responsible and liable along with the applicant, for compliance with all terms and conditions of this Ordinance and any penalty or claim filed by the Township as a result of any violation of the Ordinance.

Township-Shall mean the Township of Waterford Camden County.

Township Engineer-is the person appointed to the position of Township Engineer, or any person authorized to act as his or her representative.

Township Public Works Superintendent-is the person appointed to the position of Township Public Works Superintendent or any person authorized to act as his or her representative.

Excavation-is the digging, displacing, undermining, opening, boring, tunneling, auguring, or in any manner breaking up any improved or unimproved street, sidewalk,

curb, gutter, or other public property in any roadway or any other portion of a Township right of way.

Linear Foot-common unit of English measurement used to determine openings in Township roads. It's equal to 12 inches.

Maintenance Guarantee- is security in the form of either a bond, letter of credit or a certified check posted by an applicant or co-applicant to guarantee proper maintenance of the reconstruction of the site of any road opening for a period of two years after final acceptance.

MUTCD- Manual on Uniform Traffic Control Devices.

Maintenance Period- permit applicant is responsible for maintenance of the excavation for a period t two (2) year after final acceptance of the work.

Performance Guarantee- is security in the form of either a bond, letter of credit or a certified check posted by an applicant or co-applicant to guarantee proper closure and satisfactory reconstruction of the road opening.

Permittee- is any person, firm, partnership, association, corporation, company or organization of any kind.

Person- is any person, firm, partnership, association corporation, company or organization of any kind.

Residential Driveway- is an excavation for a single-family dwelling, duplex or common driveway, which serves two single-family residences.

Square Foot- shall mean the surface area of the opening made in the Township roadway or property by the permit applicant. It shall be the product of the length and width of opening measured in feet, in cases of irregular opening the Township may in its discretion choose to average the length and /or width.

Street- is any street, highway, road, roadway, sidewalk, alley, avenue, pavement, shoulder, gravel base, subgrade, curb, gutter, including drainage structures, utility structures, all other appurtenant structure, trees and landscaping or any other public right of way or public ground in the Township of Waterford, and under the control of the Township of Waterford.

Utility Company-shall include telephone, fiber optic, cable, water, sewer, gas and electric.

SECTION 2: PERMIT REQUIRED

It shall be unlawful, except in an emergency as set forth in subsection 2 hereunder, for any person to engage in any of the following activities on Township Property or Township right of way (including Township air space and waterways) unless such person shall first have obtained a permit from the Township as herein provided.

To dig up, excavate, tunnel, undermine or any manner break up any street or other Township property.

To make or cause to be made any excavation in or under the surface of any street, to install any street improvements, or for any purpose construct, remove or alter improvements which are located within a Right of Way.

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 or drainage.

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

To place and/or relocate any type of building structure including towers and billboard along a Township road.

To install irrigation system in the Township Right of Way.

To install fiber optic cable underground at the discretion of the Township.

To install or replace utility poles: at the discretion of the Township.

Tele-Communications: complete available application and agreement from Township.

In the event that any sewer 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 remedy such trouble and shall immediately take all such necessary steps to make said location safe and secure. **The Township Public Works Superintendent must be notified immediately of the occurrence.** In the event that the Township Public Works Superintendent's Office is closed, the applicant must contact the following answering service and also secure a permit within 24 hours of the emergency opening. **Payment must be made within (5) five**

business days from the applicant's notification to the Township. Failure to do so will result in a \$100.00 per day fine for every day the permit is not secured. The necessary permanent repairs to the street, alley or sidewalk shall be made as directed by the Township Public Works Superintendent and shall be completed within the time frames set forth in Section 5(3). Such owner shall not, however, begin making any permanent repairs to such street, alley or sidewalk a permit is secured as hereinafter provided. Such permit shall be applied for within three business days 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 Public Works Superintendent and shall be completed within the time period stated in the permit.

SECTION 3: APPLICATION PROCEDURE

A written application for the issuance of a Road Opening Permit shall be submitted to the Township and may be sent via facsimile transmission or submitted in person at the Township Municipal Building between the hours of 8:30 AM-4:00 PM. Facsimile applications may be transmitted 24 hours a day and seven days per week and shall include the name and address of the applicant, the owner and the contractor performing the work, the street location of the side to be opened, the exact location of the opening from the nearest road intersection and the location of the dimensions of the proposed work area, the purpose of the project and the estimated dates of commencement, completion and restoration of the excavation, and such other data as may reasonably be required by the Township. Any applicants choosing to apply electronically must submit payment to the Township within (5) five business days. The application shall also state the name of any and all subcontractors being used for the work along with telephone numbers of the contractor, the subcontractors and the applicant. These numbers provided must include ones at which each of the above can be reached 24 hours a day, 7 days per week. In lieu of providing these names and numbers, utility companies may provide a 24-hour emergency phone number. The applicant shall certify to the truthfulness of all information on the application. At the discretion of the Township, the applicant may be required to submit permit information on a computer disc that is compatible with the Townships software for engineering, planning, and or other public works related computer applications.

Drawings must be attached to the applications and must be drawn to a scale sufficient to show clearly the proposed work. For Access Permits the drawing should include driveway location and proposed apron area installation. Plans should show all utilities within 25

feet of the proposed work. The Township reserves the right to require plans or drawings to be prepared by a NJ licensed professional engineer to be paid for by the applicant. Where the Road Opening involves a site plan or subdivision plan approved by the Township Land Use Board, a copy of the approved site plan or subdivision shall be submitted with the application.

The Township assumes no responsibility for identifying the location or condition of any existing utility lines, cables, or other facilities, the review of plans or issuance of a Township permit. It shall be the responsibility of the applicant to verify the locations of underground utility lines, cables and other facilities and to determine the appropriate scope of work and safety requirements. Prior to the commencement of work, the applicant shall contact the Garden State Underground Plant Identification Service at 1-800-272-1000 (or such other number as the service may from time to time employ) and, if facilities of utilities are located in the vicinity of the proposed excavation the applicant shall comply with any statutes or regulations pertaining thereto.

SECTION 4: PERMIT ISSUANCE

The Township Public Works Superintendent and where applicable, the Township Engineer, shall review and approve all requests for road opening permits and the release of all guarantees involved in the permitting process. Upon application and payment of the fees and deposits for which provision is hereinafter made, the Township Public Works Superintendent, in his or her discretion, may issue a permit to excavate or open the surface of any Township Road.

No permit shall be issued for an opening on any roadway surface which has been reconstructed, repaved or otherwise improved by the Township or other developer for a five (5) year period after completion of said construction except in the event of an emergency. The moratorium period shall commence on the date of final acceptance of the road which has been resurfaced or reconstructed or otherwise improved and the restoration shall include the infrared process unless otherwise directed by the Township.

Any roadway this is opened during the Township's moratorium period, without approval, shall result in a \$1000.00 fine and repairs will be made by the applicant to the satisfaction of the Township.

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

Any permit issued under this Ordinance may be revoked at any time by the Township for failure to comply with the resolution. The Township Public Works Superintendent also reserves the right to stop work for failure to comply with the Ordinance and/or to order the completion of sufficient work to ensure the safety of pedestrian and vehicular traffic.

The Township shall have a maximum 30 calendar days to review permit applications, commencing upon the date that the Township has received a completed permit application and other information required.

In the event that the Township deems appropriate, no permit shall be issued until the applicant has submitted the bonds and insurance certificate required by Section 6 and 8 in a form acceptable to the Township counsel.

The Township may require the permit applicant to video tape or photograph all the areas of proposed construction of extensive openings to protect the interests of the Township and all adjoining properties to the construction area.

The applicant's supervisor on project site must possess a copy of the permit at all times.

SECTION 5: TIME LIMITATIONS

Permits shall become null and void unless work is commenced within 90 calendar days of the issuance of said permit, and permit work shall be diligently pursued until completed unless an extension of time for good cause is granted by the Township or the Township may declare the permit null and void. Work commenced under a permit shall be continued without interruptions during normal working hours until completed.

If a permit is revoked or becomes null and void due to the passage of time, then the applicant shall apply for a new permit. The new application shall be revised to include any changes in the work or conditions of the work site, and shall be accompanied by a new fee.

The applicant must give minimum 24 hours' notice to the Township Public Works Superintendent prior to performing any work under the jurisdiction of Township except in cases of emergency as provided for in Section 2(2), and five working days' notice shall be provided for openings which require detours. No opening shall be done on weekends, Township holidays or outside normal Township working hours (8:00 AM to 4:30 PM) without the prior written permission of the Township unless in cases of emergency. Failure to provide notice as required with this section may result in the revocation of the permit, the issuance of a stop order, and a \$1,000.00 fine. If special conditions require weekend work, or on Township holidays or night

work, the permittee shall obtain the prior written consent of the Township Public Works Superintendent and shall reimburse the Township for all overtime costs incurred for its inspectors and engineers.

All openings must be backfilled immediately and temporarily paved as specified in Sections 10 and 11, subject to asphalt plant closings in winter months. Permanent pavement restoration shall be done within 2 (two) months of temporary restoration for shallow road openings (4 ft. or less in depth for finish grade). Permanent pavement restoration for deep road openings (depths of more than 4 ft. below finish grade) shall be completed within 3 months for the time of temporary restoration or when directed by the Township Public Works Superintendent. At no time shall the applicant utilize dirt, gravel, millings, stone or any other construction debris as a temporary road surface. The applicant shall give a minimum 24-hour notice to the Township prior to final restorations operations. In addition, the Township shall be notified when final restoration is completed.

The applicant is responsible for notifying the Township when all work has been completed and is ready for final inspection. All inspections shall be performed during the Township's normal business hours. The maintenances of the project shall begin only when the Township Public Works Superintendent has accepted the permanent restorations and the applicant has posted a satisfactory maintenance surety with the Township.

No permits will be issued for extensive road openings between December 15th and March 15th or where conditions exist due to severe weather, freeze, frost, etc., without written permission from the Township.

SECTION 6: FEES AND GUARATEE REQUIREMENTS

A permit fee shall be charged by the Township for the issuance of a permit, which shall be in addition to all other fees for permits or charges relative to any proposed construction work. A permit fee should be in the form of a check or money order. **No cash will be accepted.** The permit fee shall be in an amount varying with the size of the road opening. County utilities authorities are subject to all restoration, insurance, and performance and maintenance bond provisions of this chapter whether or not they are also subject to payment of permit fees. Permit fees shall fixed as follows:

- A. **Utility/Commercial Application fee** \$100.00
- B. **ACCESS**

Private closing	\$50.00
Structure Relocation	\$50.00
Utility Pole, beacon & lights	\$50.00
Residence & Business Comb.	\$150.00
Monitoring Wells	\$200.00
(Each curb line opening)	
Commercial Access	\$500.00
Commercial Development	
With Widening	\$1,250.00
Soil borings:	
1-5	\$100.00
6-10	\$200.00
Each additional over 10	\$25.00

C. ROAD OPENINGS WITHIN RIGHT OR WAY (SIDEWALK, GRASS AREA, SHOULDER OR TRAVEL WAY)

Single- Not to exceed 16 SF	\$125.00
Multiple- Over 16 SF	\$250.00
But not to exceed 200 SF	
Each additional 200 SF	\$75.00
Or part thereof	
Manhole, vault, Metering pit, Inlet	\$125.00
Test Pit under 16 sf	\$125.00
Test Pit over 16 sf	\$200.00
Direct Burial Cable	
(Fiber Optic Additional Application)	\$750.00
Up to 1500'	\$250.00
From 1501' to 200'	\$325.00
For every 1000' thereafter	\$60.00
Handicap ramp w/curb & 8 LF sidewalk	
Jack/Boring up to 100'	\$200.00

Each additional 50 ft. \$50.00

D. CURB/GUTTER INSTALLATION

0' to 100'	\$80.00
101' to 500'	\$200.00
From 501' to 1000'	\$300.00
For every 500' thereafter	\$30.00

E. SIDEWALK INSTALLATION

Non-Residential: Every 16 Linear Feet	\$75.00
Single Family Residential (not developer): Every Foot	\$1.00/ft.

All fees for ADA pedestrian ramps in the Township ROW are waived. A permit is still required.
All other handicap ramps are assessed \$100.00 each up to five and \$80.00 each thereafter

NOTE: Permit fees will be doubled for work within roads that are under moratorium, but have been approved for opening by the Township. Operating without a permit will result in a \$1000.00 fine and permit fees will be doubled.

GUARANTEE REQUIREMENTS

Surety- Contractors shall be required to post a Surety, in a form acceptable to Township Counsel. The Surety shall include a performance guarantee that the road opening will be properly closed and the road, street or highway over the opened road will be satisfactorily reconstructed. The surety shall also include a maintenance guarantee, which shall ensure that the road as reconstructed will remain in good condition after the work has been accepted. The performance guarantee shall not be required if the applicant has already posted a performance guarantee with the Township as a condition of a site plan or subdivision approval. Proof of the posting must be supplied with the permit application.

The amount of the performance guarantee shall be computed by the Township Engineer on the basis of costs required to make proper restorations or repairs but at a minimum shall be at least \$2,500.00.

Maintenance Bond- The maintenance bond will serve to guarantee that the road as reconstructed will remain in good condition and free of defects after acceptance, as follows:

1. for a period of two years after the date of acceptance which involve trenches within a paved road surface, which have depth of 4 or more feet from the road surface; or
2. for a period of two years after the date of final acceptance for all other work, which requires a permit as set forth herein.

No performance bond shall be released prior to the submission of a maintenance bond.

The maintenance bond amount shall be 50% of the performance bond amount.

A. All bonds submitted must meet the following minimum requirements:

- (a) The bond must have an identifying number.
- (b) The name and address of the principal must be listed on the bond and in the case of a corporation or partnership; the state of incorporation or partnership must be noted.
- (c) The name, address and phone number of the surety company must be listed on the bond and in addition the company must be authorized to issue bond in the State of New Jersey pursuant to the New Jersey Department of Insurance.
- (d) The work to be performed must be clearly defined in the **bond**.
- (e) The lot and block number, street address and the Township road opening permit application number must be listed on the bond.
- (f) Determination of the acceptability of all the work covered by the bond shall be at the sole discretion of the Township Public Works Superintendent or Township Engineer.
- (g) The term or expiration date of the bond must be clearly stated and must conform to the time periods set forth in Section 6(5) (C) above. Bonds must be automatically extended by bonding company until notified by the Township.
- (h) The manner in which a bond may be called in the event of non-performance must be specified in the bond.

- i) The bond shall be signed and attested to by the appropriate persons for the principal and the surety company together with the appropriate form of notarization.
- B. In lieu of Bonds, a certified check in the full amount required to guarantee performance and maintenance may be provided. The amount of the surety may be reduced by 50% for the maintenance surety period. The check will be held in a separate designated escrow account by written agreement.
- C. In lieu of bonds, an irrevocable letter of credit in the full amount required to guarantee performance and maintenance may be provided. The amount of the surety may be reduced by 50% for the maintenance surety period. Letters of credit must be submitted in substantially the same form as the sample, which is available upon request from the Township. Letters of Credit must be automatically extended continuously until notified by the Township.
- D. A utility company may, in lieu of giving a separate bond for each project, annually in January of each year, may post a blanket performance/maintenance bond or corporate bond in the amount of \$5,000.00. However, when, in the opinion of the Township, the openings of trenches contemplated by an application exceed the amount of the bond posted, additional bonds/or cash security will be required.
- E. All checks and bonds and Letters of Credit under this Ordinance shall be submitted to the Township before approval and shall be made payable to the Township of Waterford. Performance bonds will be held until receipt of the certification of satisfactory completion issued by the Township Public Works Superintendent. Performance bonds shall not be released until satisfactory Maintenance Bonds have been posted as required by this Ordinance.
- F. If it becomes necessary for the Township to sue under a performance bond or maintenance bond or letter of credit because of unsatisfactory work and if the cost of corrective work exceeds the original bond value, the Township reserves the right to recover all additional cost from the applicant.

SECTION 7: HOLD HARMLESS CLAUSE

Upon receipt of the permit, the applicant agrees that is shall defend and save the Township its agencies, departments, bureaus, boards, officials and employees harmless from any and all

claims of any nature arising out the construction and road opening work covered by the permit, and also agrees that the Township of Waterford in issuing the permit shall not assume liability in connection therewith. In the event of any suit or claim against the Township due to the negligence or default of the permittee, the Township shall give written notice to the permittee of such suit or claim. Any final judgment requiring the Township to pay for such damage shall be conclusive upon the permittee, and the permittee shall be liable to repay the Township for all costs in connection with such suit, including, as applicable, any attorney fees

SECTION 8: INSURANCE REQUIREMENTS

- (1) The permittee and any contractor hired by the permittee shall provide insurance coverage of such types and in such amounts as will completely protect the permittee, contractor and the Township, its elected officials, officers, agents, servants, employees and assigns against any and all risk of loss or liability arising out of any work under this permit. The insurance must be furnished by insurance companies authorized by the Commissioner of Insurance to do business in the State of New Jersey and must be approved by or acceptable to the Township. The permittee shall furnish the Township with Certificates of Insurance naming the Township as an Additional Insured, and providing further that any liability insurance coverage shall be considered as primary and not as excess insurance, describing the types and amounts of insurance, identifying the coverage to this permit by reference and providing for thirty (30) days written notice to the Township by registered mail prior to any modifications, cancellation, non-renewal or other change in coverage. The policies must be effective prior to the commencement of work and must remain in force until the certificate of satisfactory completion is issued by the Township Public Works Superintendent. If the permittee returns to the site to perform maintenance work during the maintenance period a current certificate of insurance must be provided to the Township.
- (2) The following are the minimum mandatory types and minimum amount of insurance coverage to be carried in accordance with this Chapter.
 - (a) Workers Compensation-Statutory Limits-Employer's Liability-
Unlimited.
 - (b) General Liability in a comprehensive form with a minimum limit of

\$1,000,000 including:

- (c) Premises-operations
 - (d) Blanket contractual
 - (e) Products-completed operations
 - (f) Broad form property damage
 - (g) Independent contractors and subcontractors
 - (h) Personal injury
 - (i) Motor Vehicle Liability Insurance in a comprehensive form with a minimum of \$1,000,000 C.S.L. including:
 - (j) Owned automobiles
 - (k) Hired automobiles
 - (l) Non-owned automobile
- (3) Utility companies may submit blanket insurance certificates from themselves and/or their contractors, which shall be valid, until the expiration of the coverage listed thereon.
- (4) The permittee shall provide proof that any contractor or subcontractor have in force during the term of this permit insurance equal to the coverage as herein set forth, or shall make arrangements to insure that the activities of any contractors of subcontractors are included under permittee's policy. If the contractor does not have adequate insurance then the permittee must agree to indemnify the Township for all contractor's actions. Neither approval by the Township nor failure to disapprove Certificates of Insurance furnished by the Permittee shall release the permittee of full responsibility for all liability and casualty claims or losses. The certificate shall be subject to the review and approval of the Township. If at any time during the term of this permit or any extension thereof, any required policies of insurance should expire or be canceled, it will be the responsibility of the permittee to furnish to the Township a Certificate of Insurance or an acceptable replacement of the expiring policy prior to the expiration or cancellation date so that there shall be no lapse in any coverage.
- (5) Residential Driveways
- A. The Permittee shall provide to the Township a copy of a current liability policy, insuring the premises in question where the driveway is being constructed; the policy shall be necessary if the work is to be performed by the

applicant/policyholder. The minimum limits of liability coverage must be \$300,000.00.

- B. If any of the work is to be performed by an outside contractor, the contractor must supply an insurance certificate meeting the requirements set forth in paragraph 1, 2, and 4 of this section.

SECTION 9: TRAFFIC CONTROL

- (1) The permittee shall take appropriate measures to assure that during the performance of the excavation work both vehicular and pedestrian traffic as applicable, shall be maintained as nearly normal as practicable. The permittee shall plan and carry out this work to provide for the safe and convenient passage of such traffic and to cause as little inconvenience as possible to the occupants of adjoining properties. The permittee shall notify the owners of adjoining properties in writing, at least 48 hours prior to the time he proposes to begin any work which will interfere with their normal passage and must provide the Township with proof of such notice. No Township roadways will be closed without review and written approval by the Township Public Works Superintendent or designee.
- (2) The permittee shall open no greater part of a roadway or pedestrian way than shall be reasonably necessary as determined by the Township Public Works Superintendent or Township Engineer.
- (3) The permittee shall provide, erect, and maintain all necessary barricades, suitable and sufficient lights, danger signals, signs and other traffic control devices in accordance with Section 110, of New Jersey Department of Transportation Standard Specifications for Road and Bridge Construction, latest edition and any amendments thereto and in accordance with any direction of the Township Public Works Superintendent or Township Engineer and shall take all necessary precautions for the protection of the work and safety of the public. Roadways closed to traffic shall be protected by effective barricades, and obstructions shall be illuminated during hours of darkness. Barricades must have a 24-hour accessible phone number stenciled on the barrel or barricade. Specified warning signs shall be provided to properly control and direct traffic. The permittee shall erect warning signs at a reasonable distance ahead of any place where operations may interfere with the use of the road by traffic. All barricades, warning signs, lights and other protective devices shall conform to the U.S. Department of transportation MUTCD and any amendments thereto. The use of

flagmen is encouraged on all construction and may be deemed mandatory by the Township Public Works Superintendent or Township Engineer. If the use of flagmen is deemed necessary, all cost for same shall be the responsibility by the permittee. Use of 2 flagmen shall be deemed mandatory if one lane of traffic is to be closed. All flagmen must have orange safety vest, shall use STOP/SLOW paddles and shall be trained in proper traffic control procedures. Off duty police officers shall be employed for traffic control where required by either the local Police Chief or by the Township Public Works Superintendent or Township Engineer.

- (4) In the event that it will become necessary to close off any street to pedestrian or vehicular traffic, the permittee shall provide a detailed detour plan to the Township Public Works Superintendent and appropriate County authority for their approval. This plan shall be prepared by a New Jersey licensed professional engineer and shall be submitted at the time of application.

The permittee shall notify the Township Public Works Superintendent, in writing, at least 5 working days in advance of putting the detour in effect. It shall be the contractor's responsibility to notify the appropriate police department, rescue squads, Board of Education, Municipal Administrator and Clerk and public transportation at least seven (7) working days before closure and show proof of that notification. The permittee shall be responsible for the repair and maintenance of such detours, the regulation and direction of traffic thereon, and signing. Uniformed traffic control personnel wearing safety vest and using paddles for traffic control shall be provided at selected locations on all detours as determined by the police department. The cost of all work with such detours shall be borne by the permittee. The applicant, at the discretion of the Township Public Works Superintendent may be required to employ uniformed police to act as traffic directors. If other than uniformed police are utilized, the personnel directing traffic must have within their employ, a person certified by New Jersey Department of Transportation in traffic control if allowable by the Township.

- (5) The excavation work shall be performed and conducted so as not to interfere with access to emergency facilities, (i.e. fire stations, police stations, hospitals, etc.) and fire hydrants. Materials and obstruction shall not be placed within 25 feet of fire hydrants or as directed

by the Fire Marshall. Passageways leading to fire escapes, fire equipment and emergency access ways shall be kept free of obstruction.

SECTION 10: SAFETY PROTECTION

It shall be the sole responsibility of the applicant to conduct, install and maintain all work Permitted by or subject to this Ordinance in a manner which ensures the continuing safety and protection of the public.

- (1) All openings must be backfilled immediately and temporarily paved the same day as the opening is made. Additionally, all traffic markings (crosswalks, centerlines, berm lines, etc.) must be restored in kind in a manner satisfactory to the Township Public Works Superintendent and in accordance with the MUTCD immediately upon final restoration. Final restoration must be performed within the time periods described in Section 5 (3).
- (2) If the nature of the work requires leaving an excavation unfinished overnight or for an extended period of time, the permittee shall notify the Township Public Works Superintendent at least 5 days in advance of construction. Alternatively, in case of an emergency, in writing, the permittee shall notify the Township Public Works Superintendent by phone using the 24-hour phone number provided in Section 2 (2), which should be followed up by a notification to the Township within twenty-four hours of such telephone call. Permittee shall place safety barriers with appropriate lighting around the unfinished excavation area. The barriers and lighting devices shall conform to the specifications set forth in the U.S. Department of transportation MUTCD and any amendments thereto, Part VI; additionally, that the permittee must place his name and phone number where he can be reached at all times on these barriers. He shall also notify the Township in writing of the condition of the unfinished excavation and furnish the above with his name and phone number where he can be reached at all times.
- (3) Any portions of work areas not closed to traffic shall be brought to the existing grade with at least 6" of approved paving materials bituminous stabilized base, mix 1-2, applied over a 6" sub-base of dense graded aggregate. All lifts must be mechanically compacted and continuously maintained until final restoration is performed.
- (4) The permittee shall construct and maintain adequate and safe crossing over excavations and across highways under improvement to accommodate vehicular and/or pedestrian

crossings. The applicant shall submit all plans, design calculations, and specifications to Township at the time application is made.

- (5) It shall be the responsibility of the applicant to secure information regarding buried utilities, by contacting the New Jersey One Call Service (as specified above in Section 3, paragraph 3) and to undertake such measures as may be required to ensure the safety and protections of underground utilities within the work area.
- (6) Permittee and contractor shall comply with the OSHA trench sheeting regulations and all other OSHA regulations, and with any other applicable laws, in the performance of the work.
- (7) No construction activity shall begin on any day until all traffic control devices are in place.
- (8) Temporary restoration must be smooth with no ruts or bumps. All temporary pavement over openings must be rolled or mechanically tamped the same day as the opening is made. Hand Raking of temporary pavement is prohibited.

SECTION 11: EXCAVATION AND RESTORATION OF ROAD SPECIFICATIONS

(1) Street and improvement construction and restoration shall conform to the NJDOT Standard Specifications for Road and Bridge Construction. However, the Township may require specific street improvements based upon a review of the applicant's plans, specifications, and after considering the impact of the project on the street and its users.

(2) It will be the full responsibility of the contractor to administrate the relocation of utility poles before restoration. For Construction layout: the applicant shall employ a New Jersey Professional Land Surveyor to provide all the work required in connection with the layout for the construction of Concrete Curbing, Storm Sewer Pipe, Drainage Structures and Highway Paving Grades and Lines.

The Applicant's Professional Engineer and/or Professional Land Surveyor shall provide and maintain offset stakes to be indemnified and marked to show the offset distance from the Concrete Curb lines, Drainage Structures etc. the Applicant's Engineer and/or Surveyor shall furnish grade sheets to the Township a minimum of one week prior to construction of any curbing, showing the cut of fill to the finished curb line profile with reference to the offset stakes.

The Applicant's Professional Engineer and/or Professional Land Surveyor shall immediately upon discovery bring to the attention of the Township Public Works Superintendent error or apparent discrepancies from the plans.

The applicant shall be responsible for the work conforming to the lines and grades called for on the Plans, and the Applicant shall correct all errors caused by the Applicant's Professional Engineer and/or Professional Land Surveyor at no cost to the Township.

(3) Trenches and other open excavations shall be back filled with clean granular soil free of excessive fines or clay material, construction debris, or other aggregate over 6" in diameter in lifts not exceed 18" in height. Compaction shall be done in 6" lifts with vibratory tamper such as jumping jacks, hoe packs, or Dynapacks. Jackhammer compaction methods are prohibited. Standing water in backfill is prohibited. If there is a deficiency of backfill material additional backfill shall be supplied by permittee.

Whenever the Township Public Works Superintendent deems to backfill material unsatisfactory, the permittee shall provide acceptable material that is clean, granular and free from excessive fines. 98% relative modified proctor compaction is required for all backfilled operations. The Township Public Works Superintendent or Engineer may require the permittee to have a certified soil testing laboratory test backfill for compaction at any given lift. These tests shall be done at the expense of the permittee and a copy of the test results shall be furnished to the Township immediately upon receipt. If the certified laboratory tests result do not achieve the 98% relative compaction required, the Township Public Works Superintendent or Township Engineer may require re-excavation and compaction.

(4) In all roadways except those with a concrete surface, the permittee shall restore said road or street with a compacted subgrade of material acceptable to the Township Public Works Superintendent, 6" of compacted dense graded aggregate, and temporary pavement consisting of 8" of bituminous stabilized base, HMA 19M64. The top of the bituminous stabilized base course shall be brought even with the existing finished grade of the roadway. Cold patch will not be permitted as temporary pavement course, unless the asphalt plants are closed during the winter month (see Township detail 18 in Appendix 1).

Temporary pavement surface course for any opening must be mechanically rolled, had raking is prohibited. The temporary pavement shall stay in place for a period of at least 4 weeks unless further time is deemed necessary by the Township Public Works Superintendent. In

general, deeper excavations shall require longer period of time for soil consolidation. The permittee is responsible of maintaining the temporary pavement in passable condition and shall apply additional courses of skin patches. Immediately prior to applying the surface course, the permittee shall mill out the temporary pavement above the trench and to sufficient widths on both sides of the trench to assure straight and uniform surface restoration limits.

(5) The milling depth shall be 2 inches. The permittee shall then apply a tack course followed by 2 inches of bituminous concrete, HMA 12.5M64. Alternatively, a thin sand release layer may be applied beneath the temporary bituminous stabilized base course so that the course may be replaced with final pavement of other method subject to prior approval by the Township Public Works Superintendent (see Township detail 16 in Appendix 1).

The total width of the restored roadway surface shall comply with the policies stated in paragraph 3 below. Roadways with a concrete base shall be restored using a combination of concrete and asphalt as approved by the Township. All concrete bases under asphalt shall be doweled in accordance with NJDOT details CD-4-51.1, CD 405-1.3, CD-405-1.4, CD-405-1.5, CD-405-1.6, and the concrete depth replaced to the in kind concrete depth. All disturbed full depth concrete roadways shall be doweled in accordance with NJDOT details CD-453-1, CD-405-1.4, CD-405-1.5, and CD-405-1.6, and the concrete depth replaced to match the existing concrete depth but no less than nine (9) inches thick (see NJDOT detail sheets CD-405-1 and CD-453-1 in Appendix 1).

Width and location of concrete base of full depth restoration will be determined by the depending on the excavation trench's location or concrete replacement to the nearest concrete joint. The size and location of concrete base restoration will be determined by the Township depending on the opening's relation to the nearest seam and location of wheel loads to both new and old concrete sections. The time limitations proscribed in Section 5, paragraph 3 also apply to this section.

All disturbed concrete base shall be doweled and replaced in kind to depth. Width and location of concrete trench restoration will be determined by the Township. Size and location of box opening restoration will be determined by the Township.

(6) Concrete/Asphalt Surface restoration standards are further delineated as follows:

Concrete Surface: Disturbed concrete surface must be replaced at full depth (9" or greater), pad for pad. Permit holder is required to replace the full existing pad of any concrete

surface that is disturbed, cut, jackhammered or opened in any way. All openings in a concrete pad require full pad replacement regardless of the size of the opening.

Asphalt Surface: Multiple openings within 30 feet of one another shall be milled and shall have continuous top paving longitudinally; and transversely as outlined below. Additional limits of restoration may be required by the Township depending on damage from equipment and the impact of the project on the street and motorists. All trenches/multiple openings shall be restored as follows:

- (a) **Paved Shoulders-** Standard full width trench restoration will be decided prior to final restoration by the Township.
- (b) **One Travel Lane or Deceleration Lane-** Surface restoration shall extend for one-half of the road width, including shoulder, or two-lane road and a full lane width for a multi-lane road.
- (c) **Openings Down the Middle of a Road or Exceptionally Deep Trench Openings-** Surface restoration shall extend across the full width of the paved road.
- (d) All seams, joints (including curb to roadway joint) are to be sealed.

(7) All final edges of trench restoration shall be straight: uniform cuts with no keys or edge realignments. The Township may require a diamond restoration pattern for cross trenches and intersection crossings depending upon the amount of traffic on the road and the depth of the trench. The Permittee is responsible for the fill restoration of the roadway surface including restriping and installing raised pavement markers.

(8) Pipes, trenches, and hook-ups, 6" in diameter or less used for making opposite side of the street hook-ups may be driven or bored under the paved portion of the road or street without disturbing the surface upon review of the Township.

(9) Upon completion of work, Applicant will request a final inspection by the Township. The Public Works Superintendent may require that random core samples be taken on the project if in the opinion of the Township Public Works Superintendent there appears to be a question regarding either quality of the asphalt or the thickness thereof. These core samples will be the responsibility of the contractor and shall be taken and tested by a certified testing laboratory. All cost associated with this testing will be borne by the Permittee. If these samples reveal the use of improper material or insufficient thickness, the Permittee shall be required to remove, replace, or take other actions to satisfactorily complete the restoration work as directed by the Township Public

Works Superintendent. If the work is completed in a manner satisfactory, the Township Public Works Superintendent will then issue a certificate of satisfactory completion to the applicant with a copy to the Township Treasurer and to the Township Committee. The performance Surety will be returned by the Township Counsel upon receipt of satisfactory maintenance guarantee.

(10) If a Permittee fails to complete work or provide required work zone safety measures in a timely manner satisfactory to the Township, the Township or a Township hired contractor shall complete the work and the Permittee shall be obliged to pay the Township for labor, materials and equipment as follows:

- (a) For labor, Permittee shall pay at the current prevailing wage rate as determined for the Township by the New Jersey Department of Labor or the Township's current rate. Payment shall be made on a per hour basis for all time expended by each Township employee involved in completing the work. Payment shall be required for a minimum of 3 hours for each occasion Township employees are needed to complete work left unfinished by the Permittee.
- (b) For materials, Permittee shall pay for all material used at the Township's cost, based upon the Township's bid prices.
- (c) For equipment, Permittee shall pay for usage on a per hour based upon the fee schedule listed in the current edition of the publication "Rental Rates Compilation Construction Equipment" published by Associated Equipment Distributors.
- (d) In Addition Failure to complete the work in a timely and satisfactory manner shall be deemed to constitute a violation of this Ordinance.

(11) All traffic striping damaged during construction shall be restored with temporary striping that same day. Final traffic striping and symbol restoration shall consist of Long Life materials, as described in the NJDOT Specifications for Road and Bridge Construction, latest edition.

All traffic control signs removed for construction activities shall be reinstalled that same day.

All raised pavement markers affected by construction activities shall be replaced with new units of the same design.

(12) All driveways damaged during construction shall be restored with the same material and size existing prior to construction. Minimum restoration depths shall be six (6) inches.

(13) All landscaping damaged during construction shall be restored in kind to the size existing

prior to construction. Replacement of lawn irrigation systems that existed prior to the work will be required to be relocated outside the Township Right of Way unless specifically authorized by the Township. Lawn Areas shall be restored with four (4) inches of loamy topsoil and two (2) applications of hydroseeding and or sod as directed by the Township.

(14) All main installations of plastic or non-ferrous materials must contain a wire or detection device to accurately determine locations after installation so as to facilitate other proposed utilities and drainage.

(15) The uncompleted length of the opening allowed under a permit at any time shall not exceed fifty (50) lineal feet.

(16) Reconstruction of all pavements will require that a tack coat be applied to all vertical surfaces and the placement of the two-(2) inch surface course. Tack coat shall also be applied to the horizontal joints after the placement of the surface course.

(17) Manhole rim elevations are to be set level to road grade.

(18) No permit will be issued for any opening that is less than twenty-four (24) inches in any direction from an existing roadway seam(s) or previous road opening. In such cases the opening must include or abut the existing roadway seam(s).

(19) The surface of any Residential Driveway apron shall be constructed with permanent pavement, as approved by the Township Public Works Superintendent. Such pavement shall extend to the paved traveled way or paved shoulder of the Township road and shall extend throughout the area defined by the required driveway dimensions and Township road Right of Way or maximum 10 feet. Depressed concrete curbing shall be installed at the end of driveways where they meet the Township highway. Aprons should be constructed with 6" of compacted dense graded aggregate and 2' of 1-5 bituminous concrete or 6" of class B concrete. Driveway elevation at the shoulder shall be supplied by the applicant's engineer. A proper turnaround driveway detail should be shown on the submitted plan (see details 6, 7, and 9 in Appendix).

(20) Applicants must notify residents adjacent to work zone in writing before any work commences at site and copy the Township with notification.

SECTION 12: VIOLATIONS AND PENALTIES

1 Any person violating or failing to comply with the provisions of this Ordinance, shall, upon conviction thereof, be punished by a fine not to exceed \$1,000.00, or by imprisonment for a term not to exceed ninety (90) days, or by both, such fine

and/or imprisonment to be determined is the discretion of the Judge.

2 A written stop notice may be issued by the Township Public Works Superintendent for failure to procure a permit, failure to comply with the terms of an issued permit, or violation of any of the provisions of this Ordinance. Failure to stop work after issuance of stop order will subject the applicant to prosecution and the penalties enumerated in section 12 (1).

SECTION 13: PER DIEM INSPECTION

- (1) For any opening more than 200', or at the sole discretion of the Township, a Per-Diem Inspector on the job may be required. The Permit holder shall be responsible for paying the Per-Diem Inspector \$100.00 per hour. (The duties of the Per-Diem Inspector are defined in Section 1).
- (2) The check for the Per-Diem Inspector should be forwarded by the Permit holder to the Township. The Township will send a voucher to the Permit holder indicating the time spent on the project.

SECTION 14: PERMIT APPEAL

- (1) Any applicant who is denied a permit in accordance with the provisions of this Ordinance may appeal in writing to the office of the Township Clerk.
- (2) Appeals must be made within 5 business days of the permit denial. The written appeal and any written documentation in support thereof shall be sent to the office of the Township Clerk. The Township Public Works Superintendent shall provide the Township Committee with a copy of the permit application plans, and a copy of the notification of permit stating the reasons for the denial.
- (3) The Township Committee shall hear the appeal within 30 days following receipt of the appeal.
- (4) After reviewing the material submitted, the Township Committee shall discuss and decide the matter. The decision shall be final and binding. The Committee shall send the applicant written notification of this decision within 10 business days after the decision has been made.

SECTION 15

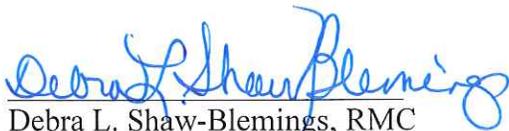
All Ordinances or parts of Ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency.

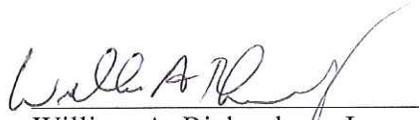
SECTION 16

If the provisions of any section, subsection, paragraph, subdivision, or clause of the Ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of the Ordinance.

SECTION 17

This Ordinance shall take effect after final adoption and publication as required by law.


Debra L. Shaw-Blemings, RMC
Township Clerk


William A. Richardson, Jr.
Mayor

Introduced: October 28, 2015
Hearing: November 23, 2015
Adopted: November 23, 2015

Certified to be a true copy of an Ordinance adopted by the Mayor and Township Committee of the Township of Waterford at a regular meeting held on November 23, 2015.

Date: November 23, 2015


Debra L. Shaw-Blemings, RMC
Township Clerk