

**TOWNSHIP OF MILLBURN  
ORDINANCE NO. 2546-19**

**AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL  
ORDINANCES OF THE TOWNSHIP OF MILLBURN, CHAPTER XV "STREETS AND  
SIDEWALKS", SUBSECTION 15-1, ENTITLED "EXCAVATION IN STREETS"**

*STATEMENT OF PURPOSE: the purpose of this Ordinance is create a moratorium period of five (5) years on newly reconstructed roads. This ordinance will help protect the Township's capital investment in infrastructure by prohibiting non-emergency work to be done in a roadway that was recently improved. The ordinance also sets a fee structure in the event that work must be done on a roadway currently covered by the moratorium period.*

**WHEREAS**, the Township Committee of the Township of Millburn wishes to protect its investment in the reconstruction of roadways throughout the municipality; and

**WHEREAS**, it is prudent to prohibit non-emergency work by those who would wish to cut, trench or otherwise perform construction within a newly paved or reconstructed roadway; and

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Millburn in the County of Essex and State of New Jersey as follows:

**Section 1. Article 15 "Streets and Sidewalks", Subsection 15-1 "Excavation in Streets" is hereby amended and supplemented by deleting existing text as per the ~~strike throughs~~ and adding new text as underlined below**

**Section 2. All other subsection of Article 15 "Streets and Sidewalks" will remain unchanged.**

**15-1 EXCAVATIONS IN STREETS.**

**15-1.1 Permit Required, Contents; Fee; Bond; Application to Public Service Corporations.**

No person shall tear up or excavate any street maintained by the Township for any purpose without first obtaining from the Superintendent of Public Works a written permit. Such permit shall state the location and purpose of the excavation, and that it is granted on condition that the person to whom it is issued shall fill in the excavation and restore the road surface to the satisfaction of the Township Committee. No such permit shall be issued unless the applicant shall pay a fee of one hundred dollars (\$100.00) for the first linear foot for a residential road opening permit, or a fee of two hundred fifty dollars (\$250.00) for the first linear foot for a public utility road opening permit, and in the case of both residential and public utility road opening permits, the additional amount of one dollar (\$1.00) ~~ten dollars (\$10.00)~~ for each additional linear foot. In addition to such fee, the applicant make a cash deposit, or at the Township's option give bond to the Township in the sum of a minimum of one thousand dollars (\$1,000.00) for up to the first linear foot plus fifty dollars (\$50.00) for each linear foot thereafter, with such surety as may be approved by the Township Attorney, conditioned for the filling in of the excavation and restoration of the road surface to the satisfaction of the Township Committee, or for the payment of all expenses of doing such work upon certification by the Superintendent of Public Works of the cost thereof. All restoration of the street excavation must be done in accordance with guidelines provided by the permit.

The provisions of this subsection shall apply as well to public service corporations having franchises to maintain pipes, tracks or other works on or under the streets of the Township as to all other persons.

- a. There shall be a five (5) 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 or undue hardship shall be approved by the Administrator or their designee.
  1. 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.
  2. The Administrator or their 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.
  3. An initial fee of five hundred (\$500.00) dollars will be charged with an additional one (\$1.00) dollar per linear foot to open a road within its moratorium.
  4. Township's option give bond to the Township in the sum of a minimum of one thousand dollars (\$1,000.00) for up to the first linear foot plus fifty dollars (\$50.00) for each linear foot thereafter, with such surety as may be approved by the Township Attorney, conditioned for the filling in of the excavation and restoration of the road surface to the satisfaction of the Township Committee, or for the payment of all expenses of doing such work upon certification by the Superintendent of Public Works of the cost thereof.
  5. All restoration must be done in accordance with specifications provided in the permit.

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Introduced: 11/12/2019