

ORDINANCE NO. 2014:32

**AN ORDINANCE TO AMEND CHAPTER VIII BOROUGH OF NEW MILFORD
BERGEN COUNTY, N.J.
ORDINANCE #2014:02**

NOTICE OF PUBLIC HEARING:

NOTICE is hereby given that the following ordinance was introduced at a meeting of the Council of the Borough of New Milford on the 24th day of November, 2014 and passed on first reading, and the same was then ordered to be published according to law; and that said ordinance will be further considered for final passage at the meeting of the Council to be held at the Borough Hall, in said Borough on the 15th day of December 2014 at 7:45 PM at which time and place, or at any time and place to which such meeting shall be from time to time adjourned. All persons interested will be given an opportunity to be heard concerning such ordinance.

Christine Demiris
Borough Clerk

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ORDINANCE NO. 2014:32

**AN ORDINANCE TO REPEAL AND REPLACE SECTION 18-1, ENTITLED
"EXCAVATIONS IN STREETS" OF CHAPTER XVIII OF THE REVISED GENERAL
ORDINANCES OF THE BOROUGH OF NEW MILFORD.**

WHEREAS, The Mayor and Council of the Borough of New Milford wish to repeal and replace Section 18-1, "Excavations in Streets" of Chapter XVIII, of the Revised General Ordinances of the Borough of New Milford;

NOW THEREFORE BE IT ORDAINED, by the Mayor and Council of the Borough of New Milford that Section 18-1 entitled "Excavations in Streets" of Chapter XVIII, of the Revised General Ordinances of the Borough of New Milford, is hereby repealed and replaced as follows:

18-1 EXCAVATIONS IN STREETS.

18-1.1 Permit Required.

It shall be unlawful for any person, firm or corporation to tear up any of the road surfaces of, or make any excavation in, any of the public streets, avenues, highways or public places in the Borough, for the purpose of constructing surface or subsurface improvements or for the purpose of laying, examining, replacing or repairing of gas mains, water mains, sewers, sewer connections, telephone conduits, electrical conduits, or for any other purpose, except and until the consent, permission and approval thereto, in writing, of the Borough Clerk, after consultation and review by the Superintendent or Assistant Superintendent of the Department of Public Works, is first had and

obtained. However, in the case of emergency any Utility (water, gas, electric, cable, telephone, sewer, etc.), resident, property owner or lessee shall not be required to provide the above information in advance of the work, but shall do so within twenty-four (24) hours thereafter, provided that said Utility, resident, property owner or lessee complies with this Section, and makes the payment required by section 18-1.2.

18-1.2 Applications.

All applications for permits referred to in this section shall be made to the Borough Clerk and shall specify the full name of the person, firm, partnership, association or corporation to whom the permit is to be granted, the location at which the work is to be done, the character of the work and the length of time considered necessary to complete the work. The Application shall be made at least five business days in advance of the proposed road opening. A non-refundable fee of \$100.00 shall accompany every application to offset the cost of processing the application and inspection subsequent to the road repair.

18-1.3 Deposits Required, Performance Guarantee

No permit shall be granted unless the sums hereinafter set forth in subsection 18-1.4 shall be paid to the Borough Clerk. These sums shall be held by the Borough Clerk until twelve (12) months after the completion of each improvement, as a Security Deposit to guarantee the completion of the improvement and the maintenance thereof for twelve (12) months thereafter, pursuant to the terms of the application, in a good and workmanlike manner and in accordance with the specifications and standards of the Borough to the satisfaction of the Mayor and Council. Twelve (12) months after such completion, the Borough shall return the deposit to the applicant, provided the work has been properly completed and maintained. Upon failure to complete and maintain the improvement to the satisfaction of the Borough, the Borough may complete and maintain the improvement, using the moneys so deposited or so much thereof as is necessary for such purpose, returning the balance of the deposit, if any, to the applicant after twelve (12) months from the date of completion. If the Security Deposit is insufficient to pay for the cost of remediating the work the person or entity responsible shall be obligated to reimburse the Borough for any excess costs which may be collected in accord with the Borough Code.

18-1.4 Amount of Permit Deposits.

The permit deposits shall be in the following amounts for each opening excavated, up to 100 square feet of area disturbed.

- a. For openings on any road paved with concrete: seven hundred and fifty dollars (\$750.00) dollars, plus \$7.50 per square foot over 100 square feet.
- b. For openings on any road paved with macadam: five hundred dollars (\$500.00) dollars plus \$5.00 per square foot over 100 square feet .
- c. For openings on any unimproved road or unpaved portion of improved roads: two hundred and fifty dollars (\$250.00) plus \$2.50 per square foot over 100 square feet.

18-1.5 Safeguards.

All excavations, earth, stone, lumber, pipe or other material shall be safely and securely barricaded and further guarded at night by at least two (2) lights, one (1) at each end of the excavation or material, and in any other manner as the Superintendent (or Assistant Superintendent) of Public Works may deem necessary for the reasonable protection of the public from injury. (1968 Code§81-32)

18-1.6 Staging for Excavation.

Not more than one-half (1/2) of the trench shall be excavated at one time where the trench will run from one side of the pavement to the other, and the part so excavated shall immediately be backfilled under the supervision of and to the satisfaction of the Superintendent of Public Works (or Assistant Superintendent). (1968 Code §81-33)

18-1.7 Manner of Backfilling and Restoration.

The backfilling of the trench shall proceed in the following manner, namely: earth, sand, gravel or broken stone removed from the trench shall be replaced in layers not exceeding twelve (12") inches in depth, and shall be properly compacted. The work of refilling shall continue in this manner until the material is brought up to within twenty-four (24") inches of the finished pavement, any rocks larger than six (6) inches in diameter shall be removed. The first layer shall be ¾ inch Quarry Processed (QP) rock. The backfilling shall be continued until the top thereof, after being thoroughly compacted, shall be one (1") inch higher than the pavement. No animal or vegetable matter or refuse shall be used or permitted in the backfill, and all refuse or surplus material from the trench shall be removed from the work area immediately after the trench has been excavated. After the fill has thoroughly settled, the road surface shall be restored to a like new condition.

The person or entity conducting this work shall remain responsible for the repair of the resurfaced repair work for a period of one year and shall repair same, if required by the Superintendent (or Assistant Superintendent) of Public Works.

Roadway restoration shall be in accord with the engineering details set forth in Figure 1 for concrete roadways; Figure 2 for macadam roadways and figure 3 for unimproved roadways.

Any restoration of a trench or series of openings more than 15 linear feet shall include restoration in accord with the engineering details found in Figure 1, 2, and 3 as applicable and shall also include the milling and resurfacing of the roadway from curb to curb for the length of the opening.

Any restoration of macadam which is not milled and paved shall be completed using infrared paving to ensure a smooth transition from the adjoining surface.

18-1.8 Interference With Gutter Flow, Traffic; Permits.

It shall be unlawful for any person, firm or corporation to place any stones, earth, ashes, lumber, pipe or other materials of any description whatsoever upon any road or street so as to interfere with the flow of water along the gutters or so as to interfere with the traffic on the road or street Any unlawful exercise of this privilege shall be deemed a violation of this section. A violation of this

section shall be punishable by a fine of fifty dollars (\$50.00) to two hundred and fifty dollars (\$250.00). Nothing herein shall apply to leaves or vegetative waste. The purpose of this ordinance is to prevent construction related material from obstructing or interfering with the flow of water.

18-1.9 Enforcement.

It shall be the duty of the Borough Superintendent of Public Works (or Assistant Superintendent), or such other officer as the Mayor and Council may designate, to ascertain whether permits have been issued covering each operation, supervise all excavations, backfilling and restoration as provided herein.

18-1.10 Utility Road Opening

All utilities which open roads in the Borough of New Milford shall pay a non-refundable application fee of \$100.00 per road opening. Said payment shall be sent to the Borough Clerk within 24 hours of completion of the utility work related to the road opening. Roadways opened by utilities shall be returned to a like new condition as set forth in 18-1.7. Infrared heat paving devices shall be used to the satisfaction of the Superintendent of Public Works (or Assistant Superintendent) or his/her designee.

Roadway repair material shall be of the same material as the roadway, e.g., concrete roads shall be repaired with concrete and asphalt replaced with asphalt.

Within 90 days of completion of all road opening repair the Borough shall advise the Utility if the closing is satisfactory or not, and if not, a directive of corrective action shall be included. Repairs made subsequent to notice from the Borough of unsatisfactory repairs shall be concluded within 30 days of notice. If repairs are not made within 30 days and/or the repair is not done to the satisfaction of the Borough Superintendent of Public Works (or Assistant Superintendent) or his/her designee then the Borough may cause the repair work to be done and use the escrow to pay for same. In such event the utility shall replenish the escrow within 30 days of notice from the Borough.

All Utilities servicing the Borough of New Milford shall post a cash bond in the amount of \$2,500 with the Borough Clerk to be held in a non-interest bearing escrow account to be held in perpetuity to pay the cost of application fees and repair to road openings done in an unsatisfactory manner. If this bond is diminished by utilization for restoration or payment of application fees the Utility shall deposit additional funds sufficient to bring the balance of the cash bond to \$2,500 within ten (10) days of receipt of a Notice of Deficiency sent by the Borough of New Milford

18-1.11 Violations and Penalties.

Any person, firm or corporation violating any of the provisions of this section, or neglecting or refusing to comply with any of the terms or conditions hereof, shall upon conviction, be liable to as follows:

1. Failure to deposit performance bond: The amount set forth in 18-1.4, plus \$100.00
2. Opening a roadway without a permit and/or failing to comply with the provisions for filing an application for emergent work within 24 hours of conducting the work: The amount set forth in 18-1.4, plus \$100.00.

3. Failure to restore roadway as required: The amount set forth in 18-1.4, plus \$100.00

Each and every nonconformance of this section, or each day that any provision of this section shall have been violated, shall be construed as a separate and distinct violation thereof.

BE IT FURTHER ORDAINED that the remainder of this ordinance remains unchanged and that Section 18-1, Chapter XVIII, of the Revised General Ordinances of the Borough of New Milford shall become effective upon passage and publication in accordance with law.

BE IT FURTHER ORDAINED that a copy of this ordinance be forwarded to the New Milford Department of Public Works.

Introduced: November 24, 2014

Scheduled for Adoption: December 15, 2014

ORDINANCE NO. 2014:32

AN ORDINANCE TO REPEAL AND REPLACE SECTION 18-1, ENTITLED "EXCAVATIONS IN STREETS" OF CHAPTER XVIII OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF NEW MILFORD.

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All applications for permits referred to in this section shall be made to the Borough Clerk and shall specify the full name of the person, firm, partnership, association or corporation to whom the permit is to be granted, the location at which the work is to be done, the character of the work and the length of time considered necessary to complete the work. The Application shall be made at least five business days in advance of the proposed road opening. A non-refundable fee of \$100.00 shall accompany every application to offset the cost of processing the application and inspection subsequent to the road repair.

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with the specifications and standards of the Borough to the satisfaction of the Mayor and Council. Twelve (12) months after such completion, the Borough shall return the deposit to the applicant, provided the work has been properly completed and maintained. Upon failure to complete and maintain the improvement to the satisfaction of the Borough, the Borough may complete and maintain the improvement, using the moneys so deposited or so much thereof as is necessary for such purpose, returning the balance of the deposit, if any, to the applicant after twelve (12) months from the date of completion. If the Security Deposit is insufficient to pay for the cost of remediating the work the person or entity responsible shall be obligated to reimburse the Borough for any excess costs which may be collected in accord with the Borough Code.

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Not more than one-half (1/2) of the trench shall be excavated at one time where the trench will run from one side of the pavement to the other, and the part so excavated shall immediately be backfilled under the supervision of and to the satisfaction of the Superintendent of Public Works (or Assistant Superintendent). (1968 Code §81-33)

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material from the trench shall be removed from the work area immediately after the trench has been excavated. After the fill has thoroughly settled, the road surface shall be restored to a like new condition.

The person or entity conducting this work shall remain responsible for the repair of the resurfaced repair work for a period of one year and shall repair same, if required by the Superintendent (or Assistant Superintendent) of Public Works.

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18-1.8 Interference With Gutter Flow, Traffic; Permits.

It shall be unlawful for any person, firm or corporation to place any stones, earth, ashes, lumber, pipe or other materials of any description whatsoever upon any road or street so as to interfere with the flow of water along the gutters or so as to interfere with the traffic on the road or street. Any unlawful exercise of this privilege shall be deemed a violation of this section. A violation of this section shall be punishable by a fine of fifty dollars (\$50.00) to two hundred and fifty dollars (\$250.00). Nothing herein shall apply to leaves or vegetative waste. The purpose of this ordinance is to prevent construction related material from obstructing or interfering with the flow of water.

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18-1.11 Violations and Penalties.

Any person, firm or corporation violating any of the provisions of this section, or neglecting or refusing to comply with any of the terms or conditions hereof, shall upon conviction, be liable to as follows:

1. Failure to deposit performance bond: The amount set forth in 18-1.4, plus \$100.00
2. Opening a roadway without a permit and/or failing to comply with the provisions for filing an application for emergent work within 24 hours of conducting the work: The amount set forth in 18-1.4, plus \$100.00.
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BE IT FURTHER ORDAINED that a copy of this ordinance be forwarded to the New Milford Department of Public Works.

BOROUGH OF NEW MILFORD
BERGEN COUNTY, NJ

Memorandum to the Mayor regarding the FINAL ADOPTION of the following Ordinance # 2014:32.

ORDINANCE NO. 2014:32

**AN ORDINANCE TO REPEAL AND REPLACE SECTION 18-1, ENTITLED
"EXCAVATIONS IN STREETS" OF CHAPTER XVIII OF THE REVISED
GENERAL ORDINANCES OF THE BOROUGH OF NEW MILFORD.**

THE MAYOR REQUESTS FOR THE CLERK TO READ THE TITLE OF THE ORDINANCE SCHEDULED FOR HEARING.

(The Clerk will then make the statutory statement reading the title of the Ordinance and advising the date the Ordinance was published.)

THE MAYOR OPENS THE PUBLIC HEARING.

THE MAYOR THEN REQUESTS COMMENTS FROM THE FLOOR.

(If there are no comments, or after comments are finished, the Mayor then proceeds to do the following)

THE MAYOR THEN ENTERTAINS A MOTION TO CLOSE THE PUBLIC HEARING.

(Two Councilmen offer and second the necessary motion. Vote is by **Roll Call**)

THE MAYOR REQUEST A MOTION TO PASS THE ORDINANCE ON SECOND AND FINAL HEARING.

(Two Councilmen offer and second the necessary motion. Vote is by **Roll Call**)

Revised 8/11/99

**BOROUGH OF NEW MILFORD
BERGEN COUNTY, N.J.
ORD. # 2014:32**

INTRODUCED	November 24, 2014
PASSED FIRST READING	November 24, 2014
PUBLIC HEARING	December 15, 2014
ADOPTED	December 15, 2014
APPROVED	December 15, 2014

Mayor Ann Subrizi

This is to certify that the foregoing ordinance was finally passed and adopted at the regular meeting of the Council of the Borough of New Milford, New Jersey on November 24, 2014 and that same was approved by the Mayor on December 15, 2014.

ORDINANCE NO. 2014:32

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2. Opening a roadway without a permit and/or failing to comply with the provisions for filing an application for emergent work within 24 hours of conducting the work: The amount set forth in 18-1.4, plus \$100.00.
3. Failure to restore roadway as required: The amount set forth in 18-1.4, plus \$100.00

Each and every nonconformance of this section, or each day that any provision of this section shall have been violated, shall be construed as a separate and distinct violation thereof.

BE IT FURTHER ORDAINED that the remainder of this ordinance remains unchanged and that Section 18-1, Chapter XVIII, of the Revised General Ordinances of the Borough of New Milford shall become effective upon passage and publication in accordance with law.

BE IT FURTHER ORDAINED that a copy of this ordinance be forwarded to the New Milford Department of Public Works.

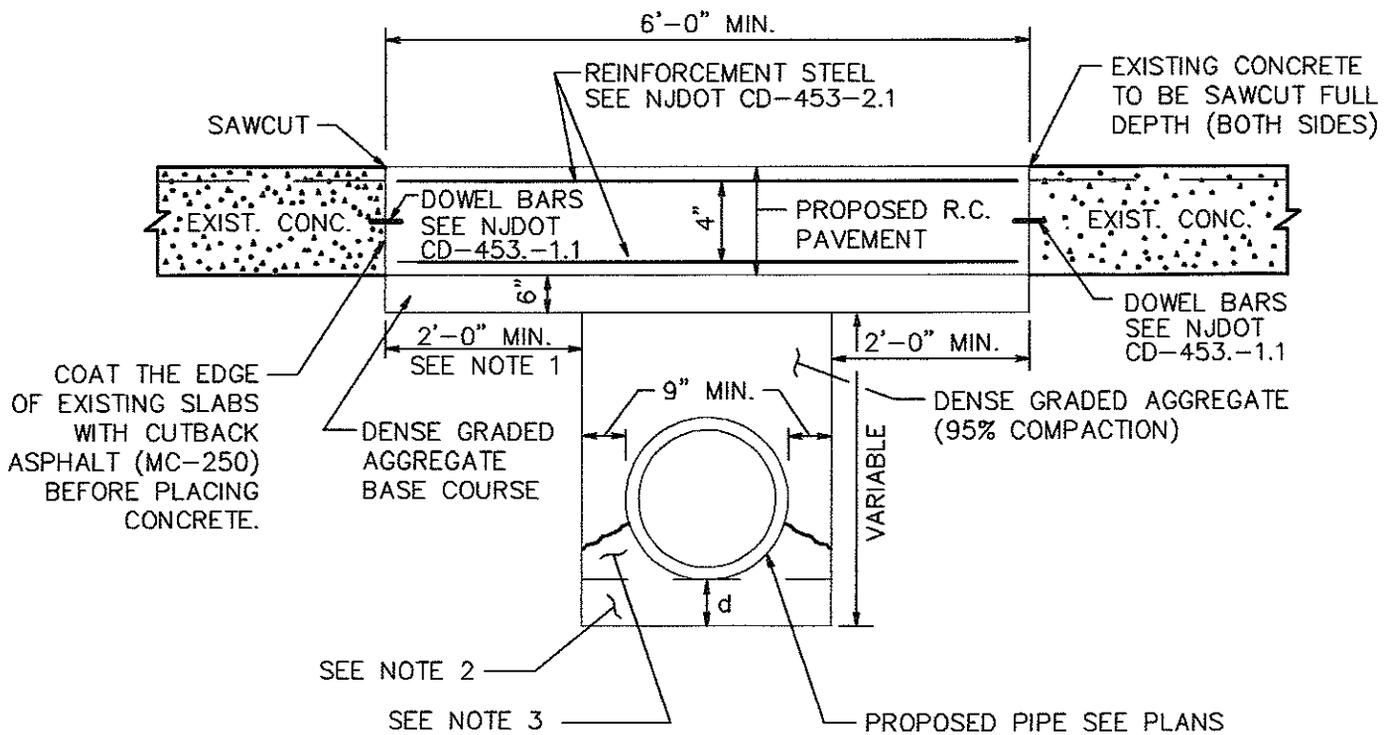
Christine Demiris
Borough Clerk

Introduced: November 24, 2014
Adopted: December 15, 2014

NOTES:

UNDERLYING SOIL	d	
	CONC. PIPE	ALUMINUM PIPE OR HDPE PIPE
ROCK OR HARD MATERIAL	6"	12"
OTHER MATERIAL	6"	6"

1. SAWCUT THE EXISTING PAVEMENT A MINIMUM OF 2'-0" FROM THE SIDES OF THE PROPOSED CROSS DRAIN OR UTILITY TRENCH EXCAVATION ON BOTH SIDES.
2. ADDITIONAL EXCAVATION REQUIRED WHEN PIPE BEDDING IS DESIGNATED OR WHEN ROCK OR OTHER HARD MATERIAL IS ENCOUNTERED.
3. BACKFILL SHALL BE PLACED SO AS TO ENSURE SUFFICIENT COMPACTION UNDER PIPE HAUNCHES.



CONCRETE PAVEMENT TRENCH REPAIR

N.T.S.

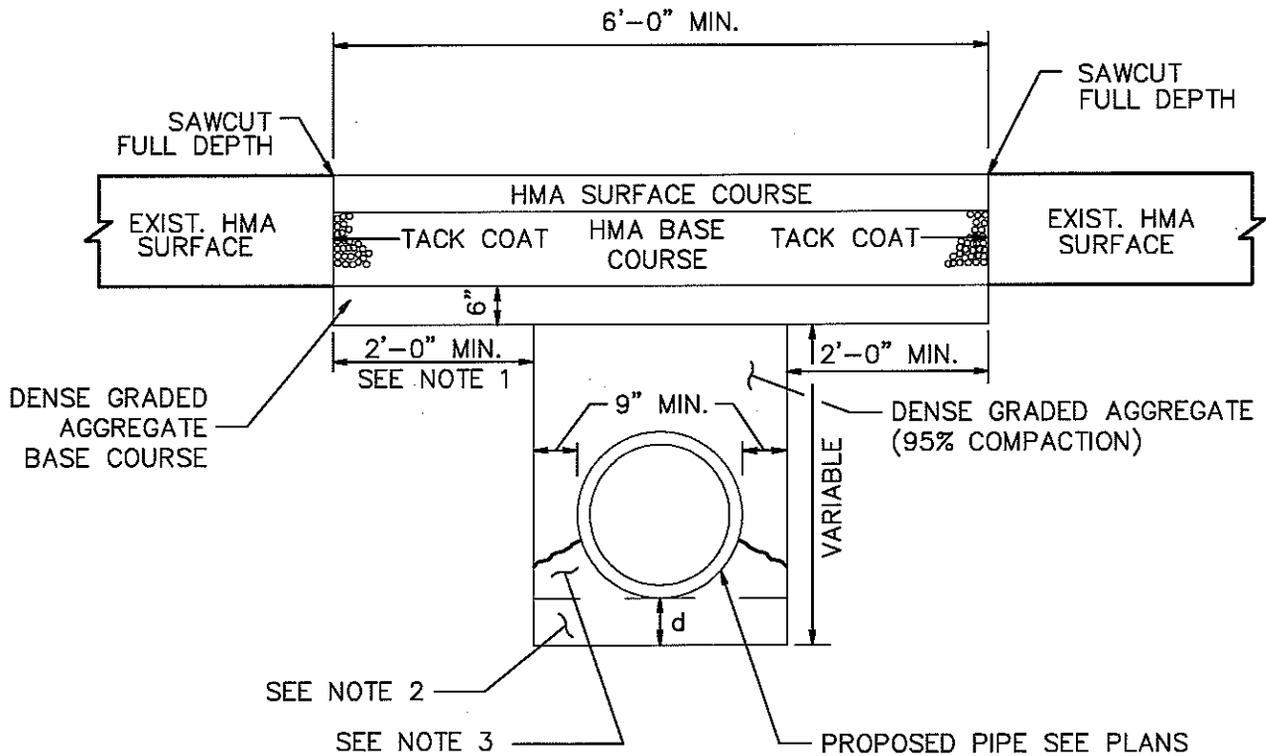
NJDOT STANDARD DETAIL CD-601-3.1

**BOROUGH OF NEW MILFORD
STANDARD TRENCH REPAIR DETAIL -1-**

NOTES:

1. SAWCUT THE EXISTING PAVEMENT A MINIMUM OF 2'-0" FROM THE SIDES OF THE PROPOSED CROSS DRAIN OR UTILITY TRENCH EXCAVATION ON BOTH SIDES.
2. ADDITIONAL EXCAVATION REQUIRED WHEN PIPE BEDDING IS DESIGNATED OR WHEN ROCK OR OTHER HARD MATERIAL IS ENCOUNTERED.
3. BACKFILL SHALL BE PLACED SO AS TO ENSURE SUFFICIENT COMPACTION UNDER PIPE HAUNCHES.
4. THE CONTRACTOR SHALL INFRARED THE FINISHED PAVING JOINTS ON BOTH SIDE OF THE TRENCH.
5. IF THE ROAD HAS BEEN RESURFACED WITHIN THE PREVIOUS FIVE YEARS, THE ENTIRE ROADWAY WIDTH SHALL BE MILLED AND PAVED.

UNDERLYING SOIL	d	
	CONC. PIPE	ALUMINUM PIPE OR HDPE PIPE
ROCK OR HARD MATERIAL	6"	12"
OTHER MATERIAL	6"	6"



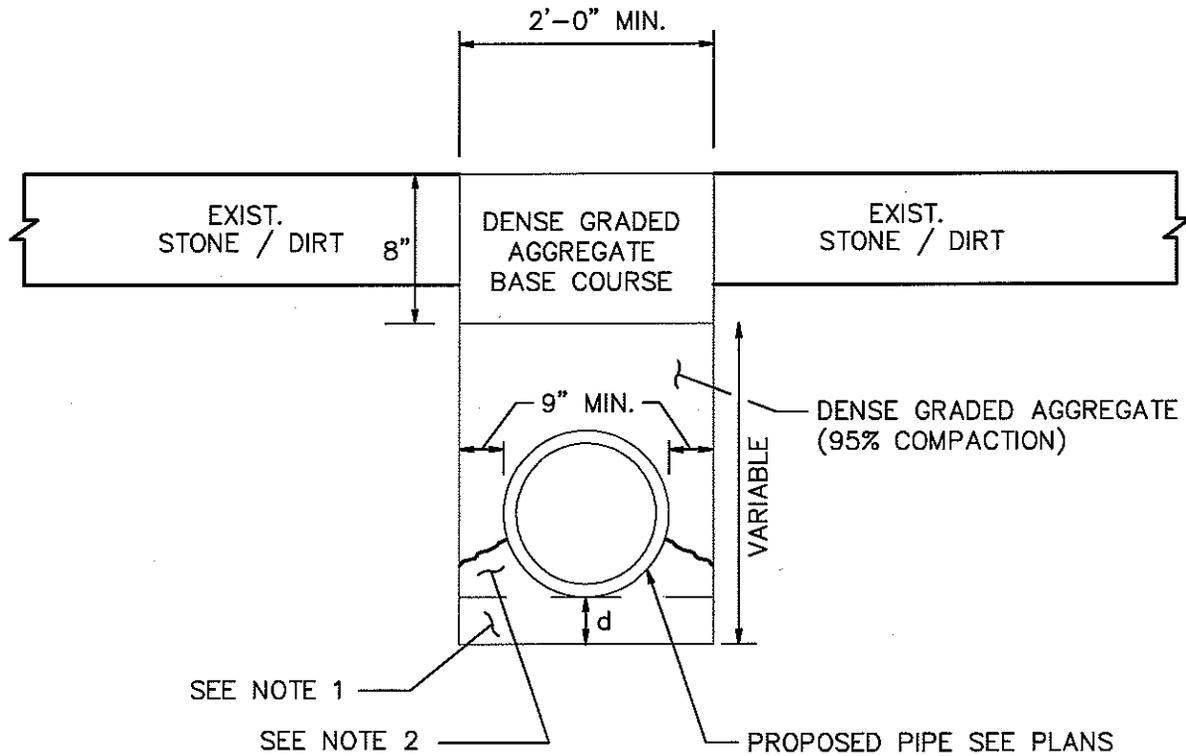
HMA PAVEMENT TRENCH REPAIR

N.T.S.

NOTES:

1. ADDITIONAL EXCAVATION REQUIRED WHEN PIPE BEDDING IS DESIGNATED OR WHEN ROCK OR OTHER HARD MATERIAL IS ENCOUNTERED.
2. BACKFILL SHALL BE PLACED SO AS TO ENSURE SUFFICIENT COMPACTION UNDER PIPE HAUNCHES.

UNDERLYING SOIL	d	
	CONC. PIPE	ALUMINUM PIPE OR HDPE PIPE
ROCK OR HARD MATERIAL	6"	12"
OTHER MATERIAL	6"	6"



STONE / DIRT TRENCH REPAIR

N.T.S.