

9-1 ROAD OPENING PERMITS.

9-1.1 Permit required.

It shall be unlawful at any time for any person, firm, corporation or other entity to cut, break, excavate or open any of the streets, avenues or highways of the Township of Southampton or any portion thereof for any purpose including, but not limited to, installing, replacing, maintaining and repairing underground facilities, without first making a written application to the Department of Public Works or such department as may be designated by the Township Administrator and receiving a permit for said work. This permit does not authorize the applicant to open any street under the jurisdiction of the County, State or Federal Government without adhering to the rules and requirements of that jurisdiction. The applicant must contact the appropriate level of government and obtain all relevant permits and permissions.

9-1.2 Application requirements; permit issuance.

- a.** The application for a permit to make an opening or excavation in any road or street shall be in writing, dated and signed by the applicant, and shall state the road or street proposed to be opened or excavated and the object and purposes thereof and shall also indicate the exact location, by length, width and depth, of said intended excavation.
- b.** In cases where the proposed opening involves construction of a longitudinal pipe main serving more than one property, the Township may also require the applicant to submit plans showing the information required above and also the relationship of the proposed installation to the existing pavement, other utilities, the street right-of-way lines and any other physical features which might be affected by the proposed construction.
- c.** In all cases, the applicant shall also submit evidence of compliance or a commitment to comply with N.J.S.A. 48:2-73 et seq., the Underground Facility Protection Act, providing for notice to utility companies of such excavations.
- d.** The permit granted in pursuance of said application shall be in such form as the Township Administrator of the Township of Southampton shall decide and shall be signed by the Township Administrator or her designee.

9-1.3 Fees and deposits.

Before the issuance of any such permit, the applicant shall deposit with the Treasurer of the Township of Southampton the following amounts:

- a.** A minimum deposit of \$500 which shall cover a single excavation no larger than 50 square feet in area.
- b.** An additional amount for all street openings in excess of 50 square feet, to be computed as follows:
 - 1.** Permanent paved streets, including concrete pavement or bituminous concrete pavement on concrete or macadam base: \$5 per square foot. Replacement shall be in kind, including subbase.

2. Paved streets, including bituminous concrete pavement on gravel base: \$4 per square foot. Minimum pavement replacement shall be eight-inch-thick quarry blend stone base and two-inch-thick bituminous concrete surface.
3. Surface-treated streets, including bituminous surface treatment on gravel or macadam base, and also including bituminous mixed-in-place streets: \$4 per square foot. Minimum replacement shall be as specified in paragraph b,2 above.
4. Gravel streets with no treatment or pavement: \$3 per square foot.
- c. An additional amount, based on the unit prices in the preceding subsection, if the area actually excavated exceeds that estimated at the time the application was made.
- d. In addition to the above deposit, the applicant shall pay a nonreturnable fee in the amount of \$100 for the first 20 square feet or part thereof of any opening and \$25 for each additional 10 square feet or part thereof, up to 50 square feet. In the case of openings which exceed 50 square feet but are less than 500 square feet, he shall pay, in addition, 25% of the amounts determined in accordance with paragraphs b. and c. above.
- e. In the case of exceptional or complicated openings or where the area to be opened exceeds 500 square feet, the applicant shall deposit in cash a certain sum to be placed in escrow by the Township to cover the cost of inspections by professionals employed by the Township. The amount of the initial deposit shall be in an amount reasonably calculated to equal the cost of the necessary inspections. Sums not utilized in the inspection process shall be returned to the applicant. If additional sums are deemed necessary, the applicant shall be notified of the required additional amount and shall add such sum to the escrow. The applicant must also execute an agreement to underwrite necessary engineering costs incurred by the Township if the repair to the street is unsatisfactory and repair by the Township is necessary.
- f. Paragraphs a, b and c above are deposits to be utilized to make repairs to the roadway and shall remain with the Township for six months after the closure of the roadway by the applicant. Paragraph d. is the nonrefundable application fee. Paragraph e. is an additional inspection escrow which is required where the Municipal Engineer's services are needed.

9-1.4 Bond in lieu of deposit.

- a. When the amount of the deposit as determined under Subsection 9-1.3a-c above would exceed \$1,000, the applicant may, at his or her option, furnish an acceptable performance guaranty for the full amount of such deposit instead of making the required deposit. Said guaranty shall unconditionally guarantee that the applicant will make the proposed street opening, backfill the same and restore the pavement in accordance with the requirements of the Township. The form of said guaranty shall be approved by the Township Solicitor. Posting of a bond shall not eliminate the requirement to pay the permit application fee or post an inspection escrow if required.
- b. In the event that the applicant elects to provide a guaranty as set forth in paragraph a above, and in the event that the guaranty insures that the applicant will repair any

pavement defects resulting from the street opening in the manner and at the times required by the Township for a period of three years following completion of the street surfacing, the amount of the fee to be paid will be reduced to \$100 plus 5% of the amounts determined under Subsection 9-1.3b and c above.

9-1.5 Bond for public utilities.

a. When the applicant is a public utility as defined by the statutes of the State of New Jersey, the Township may accept, in lieu of the required deposits and fees previously set forth herein, a guaranty bond to the Township in the sum of \$20,000 plus a permit fee of \$100 per work location. For the purpose of this section, "work location" is defined as any opening or series of openings in the same street. Each five-hundred-foot portion of the street shall constitute a separate work location.

b. In the event that, after the proper filing of a bond by a public utility as aforesaid, said public utility shall fail to abide strictly by the provisions of this section, the Township Committee may, by resolution and without prior notice to the public utility, revoke the privileges granted under its bond, return such bond to the public utility and require cash deposits for all future street openings made by said public utility as well as cash deposits for all openings not properly restored as of the date of revocation of said bond.

9-1.6 Use of deposit by Township; refunds.

In the event that the applicant should fail to properly excavate, backfill or restore the pavement in accordance with the Township requirements and within the time set forth on the application, the Township may use such portion of the deposit as may be necessary to properly complete the work. Upon the passage of six months from when the work has been deemed completed by the municipality in accordance with the requirements and regulations as contained herein, and as may from time to time be adopted by the Township to implement this section, the deposit or such portion of the deposit which may remain will be refunded to the applicant.

9-1.7 Permit conditions.

a. The permit issued shall designate the number of square feet to be excavated and the location of same, and shall further designate the time within which the work contemplated thereunder shall be completed. The Township Director of Public Works shall confirm the square footage calculation during the excavation. The work shall be performed within the time specified in the permit.

b. In the case of any opening which restricts vehicular traffic to less than two ten-foot wide travel lanes, excavation and backfill shall be made within a single eight-hour period, except under special occasions or circumstances where underground conditions or structures warrant a longer period of time. In other cases, it shall be made within one week's time, except where underground conditions or structures warrant a longer period of time. The applicant shall address any need for special traffic control devices or personnel including but not limited to signs, barriers, flagmen, and state trooper support.

The Township reserves the right to issue the permit conditional on providing special traffic control devices.

c. Street openings shall be resurfaced within the period of time designated by the Township at the time the application is approved. Prior to resurfacing, the backfill shall be maintained in order to prevent depressions or bumps in the street surfaces, and suitable material shall be applied thereto to keep down dust.

9-1.8 Specifications for backfilling and compaction of trenches.

The backfilling of trenches shall be performed in the following manner and under the supervision of the Township Director of Public Works or his designee:

a. All fill material shall be deposited by means of hand shovels or tampers approved by the Township Director of Public Works or his designee in layers not exceeding six inches in depth. Each layer shall be rammed with a pneumatic or power-driven mechanical tamper approved by the Director of Public Works or his designee; or by any other method approved by the Director or his designee.

b. After a backfill is placed and properly compacted, the existing surface and base shall be undercut to a horizontal distance of six inches around the perimeter of the excavation for a depth of the proposed replacement pavement. The base course shall be placed. In the case of concrete base, the bituminous concrete surface shall be placed not less than 24 nor more than 72 hours after placement of the concrete base. Where bituminous stabilized base or stone base is installed, compaction shall be by roller or mechanical tampers as approved by the Township.

c. Prior to placement of bituminous surface course, the edges of the existing pavement shall be painted with asphalt cement. The surface pavement shall be installed and rolled to a smooth surface, flush with the finished grade adjacent to the opening.

d. All applicants shall notify the Department of Public Works at least 24 hours before the street opening is ready for backfill, and the Township shall have the right and the duty to inspect the street opening and be present to continuously inspect the backfilling and street pavement restoration procedure. No backfill, base or pavement materials shall be placed in any street opening until 24 hours after the aforesaid notice has been given, unless a work schedule has been submitted in advance and said schedule has been approved by the Director of Public Works or his designee.

9-1.9 Manner for carrying out work.

Any person, firm or corporation making any opening or excavation in any road or street in the Township of Southampton shall carry out the work as expeditiously as possible and in such manner as to cause the least public inconvenience and to permit, whenever possible, the use of the sidewalk by pedestrians, the roadway by vehicles and the flow of water along the gutters.

9-1.10 Safety requirements.

All openings, piles of material, equipment and barricades, including earth, dirt, stone or other materials removed from the excavation, shall be carefully guarded at all times to prevent accidents, and a sufficient number of lighted lanterns, flares or torches shall be maintained between sunset and sunrise by the contractor or person to whom such permit has been granted to designate such openings or obstruction during the hours of darkness. Where any excavation or trench is to extend across any road or street, only one-half of the same shall be made at one time, and it shall be properly backfilled before the other one-half is excavated so as not to interfere with traffic.

9-1.11 Protection of existing features.

a.All existing pavements, road surfaces, sidewalks, curbs, gutters, pipes, manholes, drains, conduits, or other installations, infrastructure improvements, or fixtures and property likely to be injured, damaged, or destroyed during the course of any activity covered under this section shall be properly protected by the person, firm or corporation doing any work for which a permit has been granted under this section during the time when such work is being performed.

b.Whenever the Township Committee undertakes any action to provide for the paving or repaving of any street, the Township Engineer shall promptly mail a written notice thereof to each person or entity owning sewers, mains, conduits or other utilities in or under said street or any real property, whether improved or unimproved, abutting said street. Such notice shall notify such person that street opening permits for openings, cuts or excavations and permits for work to be done prior to such paving or repaving shall be submitted promptly in order that the work covered by the street opening permit may be completed not later than 45 days from the date of the notice. The Township Clerk shall also promptly publish a similar notice of said action with the same information in the Township's official newspaper, thereby giving notice to the public, including State agencies and departments or other persons who may desire to perform excavation work in said street, of the Township's plans for said street, and that, following completion of the Township-approved work, no further excavation will be permitted for five years.

c.Within said 45 days, every public utility company receiving notice as prescribed herein shall perform such excavation work, subject to the provisions of this section, as may be necessary to install or repair sewers, mains, conduits or other utility installations. In the event that any owner of real property abutting said street shall fail within 45 days to perform such excavation work as may be required to install or repair utility service lines or service connections to the property lines, any and all rights of such owner or his successors in interest to make openings, cuts or excavations in said street shall be forfeited for a period of five years from the date of enactment of said ordinance, resolution or the passage of such motion. During said five-year period, no street opening permit shall be issued to open, cut or excavate in said street unless, in the judgment of the Township Engineer, an emergency, as described otherwise in this

section, exists which makes it absolutely essential that the street opening permit be issued.

d. Every Township department or official charged with responsibility for any work which may necessitate any opening, cut or excavation in said street is directed to take appropriate measures to perform such excavations in the new pavement in said Township street during said five-year period.

e. For purposes of this section, the word "streets" shall mean any street, road, avenue, cul-de-sac, or highway dedicated to and under the jurisdiction of the Township.

f. An emergency shall consist of a gas leak, underground electric or telephone or water main break, a sanitary sewer force main break, a sanitary sewer gravity main break, or any situation which may result in harm to the public health, safety or welfare, or damage to public or private property. New installation of any utility in and of itself shall not be deemed an emergency. Even in the event of an emergency, however, a road opening shall only be permitted if the permittee has on file a sufficient performance bond to ensure proper restoration of the affected roadway area.

9-1.12 Waiver of requirements.

a. In the case of a subdivider, where escrow funds or other suitable guaranty for complete reconstruction of an existing road has been provided and where proper approvals for all proposed work have been obtained, the Administrator may waive these requirements.

b. In the case of a contractor performing work for the Township of Southampton, the Township Administrator may waive the requirements of this section.

9-1.13 Emergency openings.

In the event of an emergency where circumstances will not warrant delay to first secure a street opening permit, a street may be opened without a permit; provided, however, that such opening shall be confined in size to the area necessary to take care of the emergency. A street opening permit for said emergency opening, plus any additional area that it may be necessary to open, shall be secured before the close of business on the next business day of the Township following the opening. Each day's delay in securing the street opening permit following an emergency street opening shall be deemed a distinct and separate violation of this section.

9-1.14 Violations and penalties.

Any person, firm or corporation violating any provision of this section, or any rule, regulation or standard promulgated hereunder, shall, upon conviction, be punishable by a fine not greater than \$2,000, by the requirement of up to 90 days community service or by a term of imprisonment not greater than 90 days or combination thereof. Each and every day a violation exists shall constitute a separate violation under this section.