

**BOROUGH OF NEW PROVIDENCE  
ORDINANCE 2022-06**

“AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 225 OF THE CODE OF THE BOROUGH OF NEW PROVIDENCE ENTITLED "STREETS AND SIDEWALKS”

BE IT ORDAINED by the Mayor and Borough Council of the Borough of New Providence, County of Union and State of New Jersey, as follows:

SECTION I. Section 225-13 of the Code of the Borough of New Providence entitled “Contents of permit” is amended in full as follows:

**225-13 Contents of permit.**

The permit shall be in writing and signed by the Borough Clerk or his representative and shall state as nearly as practicable where the opening, digging up or excavating is to be done. The permit shall contain the further stipulation that it is issued with the express understanding and agreement that the applicant therefor shall pay the expense of repairing and replacing such street or part thereof so opened, dug up or excavated as stipulated in this article.

SECTION II. Section 225-17 of the Code of the Borough of New Providence entitled “Restoration of surface” is added in full as follows:

**225-17 Restoration of surface.**

- A. Requirement to restore surface. The permittee shall restore the surface of all streets, driveways, sidewalks, aprons, grassed or other right-of-way areas broken into or damaged as a result of the excavation work to its original condition in accordance with the specifications of the Borough Engineer.
- B. Criteria for repairs.
  - (1) Within grassed areas, the top four inches of the trench and any other areas damaged during construction shall be backfilled with topsoil as defined in Division 800 of the NJDOT Standard Specifications for Road and Bridge Construction, latest edition. Then all newly placed topsoil shall be fertilized and seeded per these specifications.
  - (2) Within the limits of gravel areas or any other nondecorative gravel surface, the top of the trench shall be backfilled with eight inches of dense graded aggregate (DGA) base course as defined in Division 300 of the NJDOT Standard Specifications.

- (3) Within asphalt roadways, all trenches shall be brought up to 12 inches below the surface as required in the backfilling sections listed previously. The remaining void shall be backfilled with a temporary repair of six inches of DGA base course as defined in Division 300 of the NJDOT Standard Specifications and six inches of hot mix asphalt (HMA) 19M64 base course as defined in Division 400 of the NJDOT Standard Specifications.
- (a) The temporary pavement shall remain in place for a period of at least three months and no longer than four months to allow for residual settlement to take place. During this time, the permittee shall assure maintenance of the pavement surface. Manholes, valve boxes or other physical utility obstructions shall have feathered approaches not to exceed a five-percent slope where necessary and temporary pavement striping shall be restored by the permittee for adequate traffic control.
- (b) The final asphalt paving will depend on the size of the trench:
- [1] Where 20% or more of the existing surface width and/or a distance parallel or longitudinal to the roadway center line of 25 feet or more has been disturbed, the permittee shall mill the entire pavement surface from edge to edge or curb to curb and the full length of the trench plus five feet each side at a minimum depth of two inches. All milling and disposal of millings shall be done in accordance with Division 400 of the NJDOT Standard Specifications. The permittee shall clean and sweep the milled surface and apply tack coat in preparation for immediate paving. The area will then be paved with two inches of HMA 9.5M64 surface course in accordance with Division 400 of the NJDOT Standard Specifications. The borough will require that the terminal ends of the paving be keyed and cut vertical to provide a smooth transition to the existing asphalt surface. Feathering will not be allowed.
- [2] Where less than 20% of the existing surface and a distance parallel or longitudinal to the roadway center line of less than 25 feet has been disturbed, the permittee shall sawcut the existing surface course two inches deep at a location 12 inches beyond the trench surface, and remove the existing pavement to the same depth. Pavement removal shall be done by milling or another method as approved by the Borough Engineer. The permittee shall clean and sweep the milled surface and apply tack coat in preparation for immediate paving. The area will then be paved with two inches of HMA 9.5M64 surface course in accordance with Division 400 of the NJDOT Standard Specifications. The Township will require that the terminal ends of the paving be keyed and cut vertical to provide a smooth transition to the existing asphalt surface. Feathering will not be allowed.
- (4) Within the limits of portland cement concrete roadways, all trench openings shall be backfilled and compacted as previously required, a satisfactory foundation prepared, the reinforcement restored and the concrete pavement equal in

thickness to that in place in the roadway replaced with concrete as defined in Division 400 of the NJDOT Standard Specifications.

- (5) Within sidewalk areas, all trench openings shall be backfilled and compacted as previously required, and finished with a concrete sidewalk, four inches thick and at least four feet wide with a compressive strength of not less than 4,000 psi after 28 days. The sidewalk shall be broom finished with striations perpendicular to walking traffic. Troweled joints shall be installed not less than every four feet (or distance equal to the sidewalk width) and bituminous joints installed every 20 feet. At points of vehicular crossings, the sidewalk shall be increased to six inches thick and one row of welded wire fabric (six-inch-by-six-inch pattern, W2.1x2.1 gauge) shall be added at the mid-depth of the concrete.
- (6) Road openings and/or trenches involving unusual or special conditions including attachment to bridges shall be restored in accordance with and pursuant to the direction of the Borough Engineer.

- C. Temporary surface restoration in traffic lanes. The permittee may be required to place a temporary surface over openings made in paved traffic lanes. Except when the permanent replacement pavement is to be replaced before the opening of the cut to traffic, the fill above the bottom of the paving slab shall be tamped into place, and this fill shall be topped with a minimum of at least two inches of bituminous mixture which is suitable to maintain the opening in good condition until permanent restoration can be made. The crown of the temporary restoration shall not exceed one inch above the adjoining pavement. The permittee shall exercise special care in making such temporary restorations and must maintain such restorations in safe travelling condition until such time as permanent restorations are made. The asphalt which is used shall be in accordance with the specifications of the Borough Engineer. If, in the judgment of the Borough Engineer, it is not expedient to replace the pavement over any cut or excavation made in the street upon completion of the work allowed under such permit by reason of the looseness of the earth or weather conditions, the Borough Engineer may direct the permittee to lay a temporary pavement of steel plate or other suitable material designated by him over the cut or excavation to remain until such time as the repair of the original pavement may be properly made.
- D. Permanent street restoration. Permanent restoration of the street may be made by the permittee in strict accordance with the specifications prescribed by the Borough Engineer to restore the street to its original and proper condition, or as near as may be. When, in the opinion of the Borough Engineer, the full width overlay will present a hazardous condition and jeopardize the health, safety and welfare of the general public, the Borough Engineer shall direct the permittee the method of restoration of the roadway surface.
- E. Approval contingent upon time period. Acceptance or approval of any excavation work by the Borough Engineer shall not prevent the Borough from asserting a claim against a permittee and his or its surety under the surety bond required hereunder for incomplete or defective work if discovered within 12 months from the completion of

the excavation work. The Borough Engineer's presence during the performance of any excavation work shall not relieve the permittee of its responsibilities hereunder.

SECTION III. Section 225-18 of the Code of the Borough of New Providence entitled "Emergency action" is added in full as follows:

225-18 Emergency action.

In the event of any emergency in which a sewer main, conduit or utility in or under any street breaks, bursts or otherwise is in such condition as to immediately endanger the property, life, health or safety of any individual, the person owning or controlling such sewer main, conduit or utility, without first applying for and obtaining an excavation permit hereunder, shall immediately take proper emergency measures to cure or remedy the dangerous conditions for the protection of the property, life, health and safety of individuals. However, such person owning or controlling such facility shall apply for an excavation permit not later than the end of the next business day and shall not proceed with permanent repairs without first obtaining an excavation permit hereunder.

SECTION IV. Section 225-19 of the Code of the Borough of New Providence entitled "Notice of paving and repaving; excavations barred in new street improvements" is added in full as follows:

225-19 Notice of paving and repaving; excavations barred in new street improvements.

- A. Whenever the Borough Council enacts an ordinance or resolution providing for the paving or repaving of any street, the Borough Engineer shall promptly mail a written notice thereof to each person owning any sewer main, conduit or other utility in or under said street or any real property whether improved or unimproved abutting said street. Notice shall be sent out after the resolution by the Council but at least 45 days prior to the start of construction. Such notice shall notify such persons that no excavation permit shall be issued for openings, cuts, or excavations in said street for a period of five years from the date of substantial completion of the paving construction contract as determined by the Borough Engineer. Such notice shall notify such persons that applications for excavation permits for work to be done prior to such paving or repaving shall be submitted promptly in order that the work covered by the excavation permit may be completed prior to the start of the paving construction contract. The Borough Engineer shall also promptly mail out copies of such notice to the occupants of all houses, buildings and other structures abutting said street for their information and to state agencies and departments or other persons that may desire to perform excavation work in said street.
- B. In said 45 days, every public utility company receiving notice as prescribed herein shall perform such excavation work, subject to the provisions of this article as may be

necessary, to install or repair sewers, mains, conduits or other utility installation. In the event any owner of real property abutting said street shall fail within said 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 streets shall be forfeited for a period of five years from the date of substantial completion of the paving construction contract as determined by the Borough Engineer. During said five-year period, no excavation permit shall be issued to open, cut or excavate in said street unless in the judgment of the Borough Engineer an emergency as described in this article exists which makes it absolutely necessary that the excavation permits be used.

- C. Every Borough department or official charged with the responsibility for any work that may necessitate any opening, cut or excavation in said street is directed to take appropriate measures to perform such excavation within said 45-day period as to avoid the necessity of making any openings, cuts or excavations in the new pavement in said Borough street during said five-year period.

SECTION V. Each clause, section or subsection of this ordinance shall be deemed a separate provision to the intent that if any such clause, section or subsection should be declared invalid, the remainder of the ordinance shall not be affected.

SECTION VI. All ordinances or parts of ordinances inconsistent with this ordinance area hereby repealed as to the extent of such inconsistency.

INTRODUCTION: June 14, 2022  
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