

**TOWNSHIP OF CRANBURY  
COUNTY OF MIDDLESEX, STATE OF NEW JERSEY**

**ORDINANCE NO. 03-09-05**

**AN ORDINANCE OF THE TOWNSHIP OF CRANBURY, IN MIDDLESEX COUNTY, NEW JERSEY, AMENDING AND SUPPLEMENTING ARTICLE I, "STREET EXCAVATIONS," OF CHAPTER 130 OF THE CODE OF THE TOWNSHIP OF CRANBURY.**

**BE IT ORDAINED** by the Township Committee of the Township of Cranbury, Middlesex County, New Jersey, as follows:

1. Chapter 130 of the Code of the Township of Cranbury ("Code"), is hereby amended and supplemented to read as follows (additions to text are underlined; deletions are in [brackets]):

§130-1. Permit required; fee; deposit; [bond] performance guarantee; inspection escrow.

A. It shall be unlawful for any person or persons, firm, partnership, association, [or] corporation, municipal corporation or authority, joint municipal authority or public corporation to disturb, cut, break into, excavate or open any right of way within [of the roads, streets, avenues, thoroughfares, alleys or highways of] the Township of Cranbury without first having obtained a street opening permit [therefore] from the Superintendent of Public Works [of said Township] and having paid a permit fee of \$15, which permit fee shall accompany the application therefor and shall not be refundable. Where multiple cuts or excavations are involved as part of one project, only one application need be filed and one permit obtained. The permit fee in such case shall be the sum of \$50. Every application for a street opening [such] permit shall also be accompanied by the sum of \$250 or such larger sum as the Township Engineer [Superintendent of Public Works] shall deem necessary to adequately cover the cost of the temporary and permanent road restoration [patch], which shall be deposited with the Township Finance Department [Superintendent of Public Works] and which shall be refundable at the request of the applicant for such permit after the permanent restoration [patch] has been completed [applied] in a manner and condition satisfactory to the Superintendent of Public Works, or his designee, and the Township Engineer. All fees and bonds paid to the Township under this section[, §130-1,] shall be turned over to the Township Finance Department [Treasurer] by the Superintendent of Public Works.

B. [Any municipal corporation or authority, joint municipal authority or public utility corporation, as defined by N.J.S.A. 48:2-13,] Any applicant for a street opening permit may file a [bond] performance guarantee in the amount [of \$10,000] equal to the estimated cost, as determined by the Township Engineer, for the temporary and permanent road restoration with the Township Finance Department [Superintendent of Public Works] in lieu of the cash deposit [in the minimum amount of \$250] which is required with each application. [The filing of such bond shall eliminate the necessity for such an organization to provide the specified cash deposit made by or outstanding to it. Said bond shall be issued by a bonding company, surety company or a corporation or organization approved by the Township Committee.] Said [bond] performance guarantee shall be conditioned upon the satisfactory completion of all temporary and permanent restoration in any right of way [restoration of the surface and foundation of the road, street, avenue, thoroughfare, alley or highway] for which the street opening permit was granted in a manner acceptable to the Superintendent of Public Works, or his designee, and the Township Engineer, and the [bond] performance guarantee shall continue in full force and effect for a period of two years after the completion of the work and construction related to the permanent road restoration [of the permanent patch or patches].

C. Prior to issuance of a street opening permit, an inspection escrow account shall be posted with the Township Finance Department equal to 5% of the estimated road restoration improvements, as calculated by the Township Engineer, or \$500.00, whichever is greater. Any accrued interest or unspent money in the inspection escrow account shall be returned to the applicant upon completion, inspection by the Township Engineer or the Superintendent of Public Works, or their designee, and approval of the road restoration improvements under the permit.

#### §130-2. Permit application.

[A separate application shall be filed, and a separate permit shall be obtained, for each and every opening, and the permit fee and deposit required by §130-1 hereof shall accompany each separate application. Where more than one cut or excavation is involved as part of the same project, only one application need be filed and one permit need be obtained upon the payment of the permit fee and deposit required by §130-1 hereof.] Each application shall state the kind and character of the proposed excavation, the location of the proposed opening, the size and depth of the proposed opening, the type of paving, the name and emergency telephone number of the contractor who will repave or restore the street, the name and address of the applicant, the name and address of

the owner in behalf of whom or which the application is made, the date of the application and the anticipated completion date of the work to be undertaken under the permit, and shall be accompanied by construction detail(s) and specifications for the proposed temporary and permanent road restoration. Said application shall be signed by both the applicant and the contractor, guaranteeing complete conformance with this article, and shall be accompanied by a plan or sketch showing the location of the proposed opening. All construction detail(s) and specifications for road restoration attached with the application document shall be subject to the review and approval of the Township Engineer and Superintendent of Public Works.

§130-3. Emergency excavations.

In the event of a sudden and emergent break of any water, sewer, gas, oil and other underground lines or facilities which endangers the life, health or safety of the public, or where immediate repair is imperative to prevent loss or damage to streets or property or discontinuance of service, it shall not be necessary to obtain a street opening permit before commencing such repair or before opening the surface of the street. The making of any such opening or excavation shall be reported to the Police Department and to the Superintendent of Public Works or his designee within 24 hours thereafter, and an application for a street opening permit thereof shall be made within 48 hours thereafter with the subsequent posting of any required performance guarantee for road restoration.

§130-4. Tunneling or boring; means of cutting openings.

A. A street opening permit as described [herein] in this Article shall be required for any tunneling or mechanical boring under the surface of any right of way[street] for any purpose whatsoever, regardless of whether or not it involves an opening in the surface of the right of way[street]. Any such tunneling or boring shall not be commenced or undertaken until the Township Engineer has recommended in writing to the Superintendent of Public Works that it be permitted, and such shall be accomplished only under the supervision of the Township Engineer, whose services shall be paid for by the [applicant] permit holder.

B. All street openings will be cut by means of a mechanical device creating a clean, straight, full depth penetration of the roadway surface and base material. The ripping of the roadway material with machinery as a means of excavation will not be permitted.

§130-5. Inspection; backfilling; temporary patch.

A. Upon completion of the excavation and of the work to be accomplished therein and prior to replacing any of the material removed therefrom or placing fill material therein, the [applicant] permit holder shall request that the Superintendent of Public Works or the Township Engineer perform an inspection thereof. No material or fill shall be placed in the excavation until permission to fill the excavation has been given by the Superintendent of Public Works, or his designee, or by the office of the Township Engineer.

B. Backfill material shall be such as is approved by the Superintendent of Public Works, or his designee, or by the office of the Township Engineer. Such backfill material may not necessarily be the material removed in excavation but shall be a granular material such as to provide a base free of settlement. All backfill must be tamped and compacted with a maximum lift thickness of 12 inches.

C. It shall be the responsibility of the [applicant] permit holder to apply a temporary patch to the street when [said applicant has completed] the backfill of the excavation is completed. Said patch shall only be temporary in nature and [does not have to] must be installed by a [paving] competent contractor, [nor is it necessary that] and this patch must be inspected by the Superintendent of Public Works, or his designee, or the office of the Township Engineer. In all streets, except streets with a gravel surface, the temporary patch shall be a [bituminous cold patch two] hot mix asphalt patch 6 inches in thickness. Said [cold] patch shall be maintained by the [applicant] permit holder and shall, upon notice from the Superintendent of Public Works, or his designee, be immediately repaired to address any safety issues.

§130-6. Permanent patch; final inspection.

The materials and method of construction shall be equal to or superior to the best adjacent street surface. After [the fill operation is completed] a minimum of six months from the date of the approved installation of the temporary patch and immediately before the permanent patch is applied, the [contractor] permit holder shall request that the Superintendent of Public Works or the Township Engineer perform a final inspection. No permanent patch shall be applied until such an inspection has been performed and permission has been given by the Superintendent of Public Works, or his designee, or by the office of the Township Engineer to install the same. Said permanent patch shall be installed within 30 days after [the] permission to install [the] same has been granted, unless installation is prevented by climatic conditions, as detailed by the New

Jersey Department of Transportation specifications, that are not conducive for paving[by the Superintendent of Public Works]. All permanent road restoration shall be completed in accordance with the approved construction detail(s) and specifications attached to the permit and shall be subject to the approval of the Township Engineer and the Superintendent of Public Works. The Superintendent of Public Works shall have the right at any time, when he has reason to believe that such is necessary to guarantee that satisfactory fill material has been utilized or that it has been properly placed in the excavation or that a permanent patch has been properly applied and is of satisfactory material, to require the base material be excavated for an additional inspection or that a reasonable number of test holes be drilled. Either of these acts shall be accomplished at the expense of the [applicant] permit holder.

§130-7. Repairs or installation of final patch; time limit; failure to comply.

Should the [contractor] permit holder fail to install the final patch or to make repairs after being notified so to do in accordance herewith, then the Superintendent of Public Works may notify the [applicant for the] permit holder in writing to install the final patch or to make repairs. Said notice shall be sent to the [applicant] permit holder by regular United States mail addressed to the address set forth in the application. Said shall be completed within 30 days after such notification. In the event that such is not completed within 30 days after such notification is dispatched to the [applicant] permit holder, then the patch may be constructed or repaired by a competent contractor hired by the Township of Cranbury and the cost thereof deducted from the cash security posted by the [applicant] permit holder as required in §130-1, or proceedings may be instituted by the Township against the [applicant] permit holder and his surety on the [bond] performance guarantee posted in lieu of the cash deposit as provided in §130-1.

§130-8. Public safety; Barricades and warning lights.

All excavations within any right of way, Township easement, or Township property shall be properly backfilled or steel plated with properly secured anchoring at the end of each work day. All permit holders shall, whenever any opening, cut or excavation could be dangerous if left exposed, erect a suitable barricade, warning and railings around the same in such manner as to prevent danger to pedestrians or vehicles and shall place upon such barrier or railing and upon any building materials or appliances suitable and sufficient warning lights during the periods of dusk and darkness.

§130-9. Excavating or blasting near gas pipes.

All [applicants] permit holders, owners and contractors shall comply with the provisions of [Chapter 53 of the Laws of New Jersey 1964, N.J.S.A. 2A:170-69.4 et. seq.] the Underground Facility Protection Act, N.J.S.A. 48:2-74, *et seq.*

2. Repealer. All ordinances or resolutions or parts thereof inconsistent with this Ordinance are hereby repealed.
3. Severability. If any section, subsection, paragraph, clause or provision of this Ordinance is adjudged by the courts to be invalid, such adjudication shall apply only to the section, subsection, paragraph, clause or provision so adjudged, and the remainder of this Ordinance shall remain valid and effective.
4. This ordinance shall take effect upon its passage and publication as required by law.

The ordinance published herewith was introduced and passed upon first reading at a meeting of the Township Committee of the Township of Cranbury, in the County of Middlesex, State of New Jersey, held on March 2, 2009. It will be further considered for final passage, after public hearing thereon, at a meeting of the Township Committee to be held in the meeting room of Town Hall, 23A North Main Street, in the Township of Cranbury on March 30, 2009 at 7 p.m., and during the week prior to and up to and including the date of such meeting, copies of said ordinance will be made available at the Clerk's Office to the members of the general public who shall request the same.

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Kathleen R. Cunningham, RMC  
Township Clerk