

[§ 346-1 Permit required for road excavation; fee.](#)

[A.](#) It shall be unlawful for any person to dig up, break, excavate, tunnel, undermine or in any manner break up any road or public place or to make or cause to be made any excavation in or under the surface of any road or public place for any purpose, unless such person shall first have obtained a permit therefor from the Clerk. The fee for a road opening permit shall be as provided in Chapter [171](#), Fees.

[B.](#) A permit shall not be required if the proposed road opening was shown on a preliminary subdivision or site plan approved by the Planning Board or Board of Adjustment and the associated guaranties and escrow fees have been provided to and approved by the Township as part of the Board approval process.

[§ 346-2 Permit required for driveway construction.](#)

The construction of any driveway connecting with a road is prohibited unless a grading permit therefor has first been obtained from the Township Engineer.

[§ 346-3 Obstruction of flow of water along roads prohibited.](#)

No person shall encumber or obstruct any road or public place in the Township by placing therein or thereon any material, vehicle or equipment of any nature whatsoever so as to interfere with the flow of water along the same without first obtaining a permit from the Clerk.

[§ 346-4 Application for permit.](#)

No permit shall be issued unless a written application is submitted to the Clerk. The application shall state the name and address of the applicant; the name of the contractor or person who is to perform the work; the nature, location and purpose of the undertaking for which the permit is desired; the date of commencement and the date of completion; and such other data as may reasonably be required by the Clerk. It shall also contain an agreement that the applicant will comply with all ordinances, regulations and laws relating to the work to be done.

[§ 346-5 Guaranties required prior to permit issuance.](#)

[A.](#) Guaranty of actual costs. Except as herein provided, no permit for road excavation shall be issued until and unless there shall be deposited with the Township Clerk a sum of money or surety bond in an amount sufficient, in the opinion of the Township Engineer, to cover the estimated cost of restoring and protecting the area of road, right-of-way or public place involved against the settlement and defect in pavement, including the expense of inspection thereof and to maintain any area of the road, right-of-way or public place where excavation is made in good condition for a period of 24 months after said work shall have been done, usual wear and tear excepted. Such bond shall be in form and substance satisfactory to the Township Attorney. Public utilities under the jurisdiction of the New Jersey Board of Utilities shall not be required to furnish said deposit or surety bond.

[B.](#) Guaranty of professional fees.

[\(1\)](#) Except as herein provided, no permit for road excavation shall be issued until and unless there shall be established with the Township Clerk an escrow account in an amount sufficient, in the opinion of the Township Engineer, to cover the cost of anticipated professional services, including engineering, legal

and other expenses connected with the application and anticipated work to be performed. In the case of a public utility, an escrow fund of \$2,000 shall be established.

[\(2\)](#) As invoices are received from time to time by the Township from the professional consultants listed above, the Township Clerk will pay said invoices from the escrow account and immediately request, in writing, that the applicants pay such additional sums into the escrow account as may be required to cause the amount in the escrow account to equal the initial deposit. The Township Clerk will review the account at least monthly to ensure that the escrow fund is maintained at the prescribed level.

[\(3\)](#) Failure of an applicant to adequately maintain an appropriate balance in the escrow account shall be considered grounds for immediate revocation of all permits previously issued in connection with said application.

[\(4\)](#) Any escrow funds not utilized for the above purposes shall be returned to the applicant upon the acceptable completion of the work performed.

[§ 346-6 Passing warning barriers prohibited.](#)

No person being the owner, driver, manager or operator of any vehicle shall drive past any barrier, warning sign or guard placed for the purpose of giving notice of prohibition of travel over or upon any newly paved surface or other new construction in any road or public place.

[§ 346-7 Notice of road paving to be given to abutting property owners.](#)

Whenever the Township Committee enacts any ordinance or resolution providing for the paving or repaving of any road, the Clerk shall promptly mail to the owner and tenants of lands abutting the portion of said road to be paved or repaved and to any public utility using said road a written notice to that effect.

[§ 346-8 Excavation on newly improved streets.](#)

[A.](#) Before any public street is improved or paved, the Township Clerk shall give notice to all persons owning property abutting on the street and to all public utilities and authorities operating in the Township that the street is about to be paved or improved. All utility line extensions, repairs, service connections and other related work which require excavation of the street shall be completed within 60 days from the receipt of notice. The time for the completion of the work may be extended, in writing, by the Township Clerk, in the Township Clerk's sole discretion, upon application by the person performing the work. Except in the case of an emergency (see [§ 346-9](#)), no person shall be issued a permit to excavate the street to which the notice related for a period of five years from the date of notice.

[B.](#) Application for a deviation from the terms of this section may be made to the Township Clerk. The Township Clerk may grant such a deviation upon his finding, in his sole discretion, that the excavation is made necessary by the occurrence of some event which could not have been foreseen at the time that notice was given or where the public health or safety requires the performance of the work in question. If the Township Clerk should deny such a deviation, the applicant shall then have the right of direct appeal to the Township Committee. The fee for securing a deviation from the terms of this section shall be as provided in Chapter [171](#), Fees.

[§ 346-9 Emergencies.](#)

Street openings may be made without the necessity of a written application provided for in § [346-4](#) in emergencies such as broken or frozen mains or other happenings which would endanger public life, health and safety; provided, however, that verbal notice thereof shall be immediately given to the Township Clerk's office or, if the Township Clerk's office should be closed, to the Police Department and written applications for a permit are thereafter made to the Township Clerk as soon thereafter as conveniently can be done, not exceeding 48 hours, in accordance with § [346-4](#).

[§ 346-10 Applicability.](#)

This article shall not be applicable to any work being performed by or on behalf of the Township either by its employees or any person under contract with the Township.