

**BOROUGH OF BOUND BROOK
ORDINANCE No. 2016-__25**

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XXVI,
STREETS AND SIDEWALKS, OF THE REVISED GENERAL
ORDINANCES OF THE BOROUGH OF BOUND BROOK, TO AMEND
RESTORATION REQUIREMENTS**

BE IT ORDAINED, by the Mayor and Council of the Borough of Bound Brook, County of Somerset, State of New Jersey, as follows:

SECTION 1. Chapter XXVI, Streets and Sidewalks, Section 26-1, "Excavation and Construction in Streets," Subsection 26-1.9, "Restoration of Surface by Permittee," of the General Revised Ordinances of the Borough of Bound Brook is hereby amended and supplemented by deleting the text **[marked in bold and enclosed in brackets]** and inserting the text **underlined and marked in bold**, to read as follows:

26-1.9 Restoration of Surface by Permittee.

In all cases where permits are issued hereunder wherein the permittee is to restore the surface of the street, the following rules, regulations and requirements shall apply:

a. **[Shoulder] Right of Way openings outside of the pavement area shall be backfilled to within eight (8") inches of the existing shoulder surface. The remainder of the trench shall be filled with road stone and tamped or rolled with the equivalent capacity of a five (5)- to ten (10) ton roller and topped with material to restore the area to a pre-existing condition such as topsoil and seed, sidewalk, etc. **[The trench shall be maintained and kept to the existing shoulder grade by the addition of shoulder stone as required. Shoulder openings are openings within the street, any part of which are adjacent to the existing pavement.]****

b. **[Pavement openings shall be filled as specified for shoulder openings, except that in place of shoulder stone to fill in the remainder of the openings, bituminous concrete shall be used. The pavement openings shall be used and kept to the existing pavement grade by the addition of bituminous concrete as required. When in the opinion of the Division of Public Works, settlement in the pavement openings has ceased, the bituminous concrete surface course shall be removed and the existing pavement shall be cut back to a sharp line one (1') foot each side of the opening. After surfaces of the existing pavement are tack coated with an asphalt oil, the entire area shall then be filled with bituminous concrete and rolled to present an even riding surface. Pavement openings are defined as openings within the traveled roadway or between curbs, where curbs exist on a street. As a**

minimum, the pavement restoration shall be four (4") inches thick bituminous stabilized base and two (2") inches thick top course.] Pavement openings less than 20 linear feet shall be backfilled to within eight (8") inches of the existing surface elevation then filled with eight (8") inches of bituminous stabilized base material. When, in the opinion of the Division of Public Works (DPW), settlement in the pavement opening(s) has ceased, two (2") inches of bituminous concrete base course shall be removed and the existing pavement opening shall be widened via saw-cut to one (1') foot each side of the opening. After surfaces of the existing pavement are tack coated, the entire area shall then be filled with bituminous concrete surface course and properly rolled to present an even riding surface.

c. Pavement openings in excess of 20 linear feet shall be backfilled to within eight (8") inches of the existing surface elevation then filled with eight (8") inches of bituminous stabilized base material. When, in the opinion of the DPW, settlement in the pavement opening(s) has ceased, the entire width of the two (2") inch surface course shall be removed curb to curb. After surfaces of the existing pavement are tack coated, the roadway width shall then be filled with two (2") inches of bituminous concrete top course or as directed by the Borough Engineer, and rolled to present an even riding surface.

d. Driveway openings shall be replaced in kind and the appropriate specifications for shoulder openings or road openings shall govern the replacement of same

e. Adequate provision shall be made in every case to maintain and restore existing draining and drainage facilities.

f. All joints of trenches in pavement openings shall be repaired by infrared technology for any pavement that has been constructed within a period of five (5) years or less or as directed by the Borough Engineer. [Construction Official.]

g. Applicants shall pay all required application and inspection fees, which fees shall be calculated to cover the entire area that requires milling and resurfacing.

SECTION 2. Chapter XXVI, Streets and Sidewalks, Section 26-1, "Excavation and Construction in Streets," Subsection 26-2, "Newly Paved Streets," Subsection 26-2.2, "Restrictions on Excavation," of the General Revised Ordinances of the Borough of Bound Brook is hereby amended and supplemented by deleting the text **[marked in bold and enclosed in brackets]** and inserting the text underlined and marked in bold, to read as follows:

26-2.2 Restrictions on Excavation.

a. No person to whom notice was given as provided in subsection 26-2.1 shall be issued a permit to excavate the street to which the notice related unless issuance is approved by the Borough Council, upon recommendation of the Division of Public Works (DPW) based on a finding by the DPW that:

1. Applicant has clearly demonstrated that the public health or safety requires that the proposed work be permitted; and

2. That need for the proposed work could not have reasonably been foreseen at the time notice, in accordance with subsection 26-2.1, was issued.

b. Paragraph a. shall not apply to any case where the proposed work constitutes an emergency, as determined by the DPW, requiring immediate performance of the work, in which event, the Borough Administrator is authorized to issue a permit upon recommendation of the DPW. [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]

c. All permits issued for proposed work, whether under paragraph a or paragraph b hereof, shall require complete restoration in accordance with the requirements of subsection 26-1.9, as deemed relevant by the Borough Engineer, and with the following:

1. Permittee shall mill and resurface the entire street or portion thereof that is opened and/or excavated from curb to curb and for a minimum distance extending no fewer than three (3') feet beyond the longitudinal limits of excavation.

2. Construction or repair work performed on, in or around manholes and storm drains shall be subject to inspection and acceptance by the Borough Engineer.

3. All joints of trenches in pavement openings shall be repaired by infrared technology.

SECTION 3. Severability Clause.

If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect, and to this end the provisions of this ordinance are hereby declared severable.

SECTION 3. Repealer.

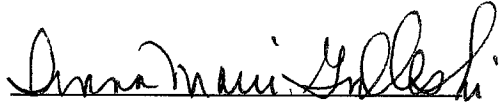
All other ordinances in conflict or inconsistent with this ordinance are hereby repealed, to the extent of such conflict or inconsistency. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Ordinances of the Borough are hereby ratified and confirmed, except where inconsistent with the terms hereof.

SECTION 4. Effective Date.

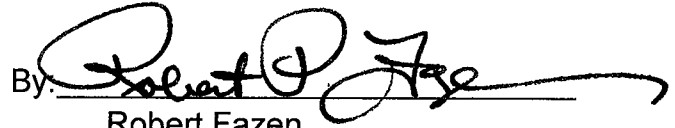
This ordinance shall take effect, following adoption and publication in accordance with the laws of the State of New Jersey.

ATTEST:

BOROUGH OF BOUND BROOK



Donna Marie Godleski
Borough Clerk

By: 

Robert Fazen
Mayor

Date of Introduction: November 22, 2016

Date of Adoption: December 13, 2016