

ARTICLE II
Road Openings

[Adopted 8-27-1974; amended 5-14-1975; 9-25-1979; 3-26-1985; 6-9-1993 (Sec. 11:2 of
the 1975 General Ordinances)]

§ 520-6. Definitions.

As used in this article, the following terms shall have the meanings indicated:

CARTWAY — The paved or improved travel portion of the right-of-way.

EMERGENCY — Any event or series of events which, if left untended, would create a substantial risk to the health or safety of the inhabitants of the community at large.

PERMIT — A written document issued by the Department of Public Works for the Township of Burlington, which permit shall be issued in accordance with the standards set forth within this article and shall legally permit the person to whom it is issued the privilege of excavating within a roadway as heretofore defined.

ROADSIDE — That grassy or dirt area within the right-of-way or roadway maintained by the property owner.

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1. Editor's Note: Former § 520-2, Accumulation prohibited, was repealed 8-11-2009 by Ord. No. 09-OR-016.
 2. Editor's Note: Original Sec. 11:1-6, Truck access for fee provided, which immediately followed this section, was repealed 4-26-2005 by Ord. No. 05-OR-011 and 7-10-2007 by Ord. No. 07-OR-025. See now Ch. 512, Art. I, § 512-5F, Truck access for noncollectible items.

ROADWAYS or RIGHTS-OF-WAY — The entire width between the boundary lines of every roadway publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel and, as used within this article, refers only to those ways dedicated and accepted for a roadway by the Township of Burlington and specifically excludes roadways as herein defined over which a higher governmental agency exercises jurisdiction.

SHOULDER — The improved or semi-improved portion of the right-of-way between the cartway and the roadside.

TOWNSHIP — The Mayor and Council of the Township of Burlington or any officer, board, agency or individual charged with the responsibility of enforcing the provisions of the article.

§ 520-7. Permit required.

No person, persons or corporation, excepting a municipal corporation, shall for any purpose open, tear up, excavate, bore, tunnel or drive under or in any way impair the surfaces or subsurfaces within the Township of Burlington without first obtaining a permit for each and every opening as hereinafter defined.

§ 520-8. Application procedures.

- A. Form, filing and fees. Except as may be modified by other sections of this article, applications for permits shall be made in writing on forms prescribed by the Township to the Township Engineer at least two weeks prior to the scheduled commencement of any work on a roadway. At the time an application is made for a road opening permit, the applicant shall be required to pay the prescribed nonrefundable application fee and post the appropriate deposit fee as set forth on Schedules 1 and 2 annexed to the article.²
- B. Plans required. Plans, profiles and other details necessary to accurately depict the work to be performed shall be submitted along with the application except that, where an opening is 60 square feet or less than six feet deep, the Department of Public Works may waive this requirement.
- C. Engineering review. The Township Engineer shall note any objections to the issuance of a permit or any conditions to be imposed on the applicant prior to issuance of the permit within five working days from receipt of the application and plans; all objections and conditions set forth by the Township Engineer shall be satisfied or they shall be imposed as conditions upon the issuance of the permit.
- D. Nature of applicant. The applicant must be a contractor, either corporate, individual, employer or partnership, who will be actually engaged in the performance of the road opening work under the permit or who will be directly responsible for the protection of the work, for the adherence of the work to the specifications, and for the safety of the public. The application shall be made for and on behalf of the owner for whom the work is being done and shall be countersigned by such owner. Permits will not be issued

2. Editor's Note: Schedules 1 and 2 are included at the end of this chapter.

directly to private owners or developers without specific written approval of the Township Engineer or his authorized representative.

§ 520-9. Emergency conditions.

In the event that an emergency condition exists requiring immediate action by any person subject to a permit under this article, the person may immediately cause the roadway to be entered and emergency measures taken without first obtaining a permit, provided that:

- A. A true emergency exists;
- B. A permit is applied for and received within 24 hours of the road opening or on the next business day, whichever is more practicable;
- C. All work is performed in accordance with the provisions of this article, and
- D. No road opening shall be permanently closed until authorized by the Public Works Superintendent.

§ 520-10. General conditions of approval.

As a formal condition in addition to such other conditions as may be set forth within the permit, all parties issued a permit pursuant to this article shall abide by the following:

- A. Department of Transportation specifications. The New Jersey State Department of Transportation 1961 standard specifications for road and bridge construction with all amendments and supplements shall govern all the work performed under the permit issued pursuant to this article except as may be modified by this article.
- B. Road closings. No Township road shall be closed to traffic without the prior consent of the Burlington Township Public Works Department and the Burlington Township Police Department.
- C. Relocation. Any utility company to whom a permit is issued shall agree as a condition of the issuance of a permit that any facilities, pipes, poles or other improvements installed or to be installed within the Township right-of-way pursuant to the permit shall be promptly relocated at the permittee's expense except where otherwise provided by law as required by the Public Works Department to accommodate the installation of Township facilities; such agreement shall be in writing and contained on the face of the application form and permit.
- D. Commencement of work. Unless prior arrangements are made with the Township Engineer for an extended period of commencement and/or completion, all work under an issued permit must be commenced within three months from the date of issue and completed within one year from commencement, or said permit shall be deemed void and reapplication shall be required.
- E. Notice of commencement. The applicant shall notify the Engineering Department 24 hours in advance of the actual commencement of any work under a permit.

- F. Guards and safety devices. The applicant shall place flagmen as may be required by the Township Engineer to properly secure the area and in addition shall keep the excavation properly guarded both day and night and shall have lights, barriers and adequate safety devices placed thereat and maintained throughout the performance of the work and shall interfere as little as possible with traffic along the roadway, and no greater part of any such roadway shall be opened than that which shall be set forth within the permit or that may be required by the Superintendent of Public Works.
- G. Insurance. The applicant shall present evidence satisfactory to the Superintendent of Public Works of insurance or a certificate of self-insurance sufficient to indemnify and save harmless the Township against and from all suits of every kind and from all damages resulting from negligence or from any phase of operation performed under the permit; said insurance shall provide limits of not less than \$300,000 of liability coverage per individual and \$500,000 per accident.
- H. Security devices. The Township Engineer shall not issue a permit unless the applicant has deposited with it as security for faithful performance a certified check payable to the Treasurer of the Township of Burlington, satisfactory to the Township Engineer, the amount thereof to be based on a schedule of charges and fees hereinafter provided and attached as Schedule 1.³ In lieu of the certified check, an applicant may post a bond payable to the Township of Burlington with surety of self-insurance certificates in the principal amount of \$2,500, provided that upon review of any application where the Township Engineer shall determine that the protection of the Township requires that the bond shall be in a greater amount, said bond shall be in accordance with the requirements set by the Township Engineer. The applicant shall also specify by separate money order or certified check a nonrefundable application fee as more particularly set forth in Schedule 2 attached hereto and made a part hereof by reference.⁴
- I. Maintenance guarantee. Upon satisfactory completion of all work permitted or required under the permit for extensive openings, the Township may authorize a refund of 80% of the security deposit where the same has been made by certified check and retain the remaining 20% thereof as security for maintenance of said work for a period not to exceed one year; all bonds and certificates of insurance shall contain a provision that the same shall remain in full force and effect for a period not to exceed one year after the last work under any permit has been completed and accepted by the Township. Upon satisfactory completion of all work permitted or required under the permit for small openings, the Superintendent of Public Works will release the full amount of the security deposit.
- J. Utilities. All utilities shall be constructed with a maximum coverage to provide protection for utilities in the event that future Township road construction, repair or modification necessitated excavation, undercutting or installation of facilities in the area where the utility is located. Dislocation will in no way relieve the utility owner of the responsibility of relocating said utility at owner's expense in the case of conflict with future construction or reconstruction or modification of Township-related facilities.

3. Editor's Note Schedule 1 is included at the end of this chapter.

4. Editor's Note: Schedule 2 is included at the end of this chapter.

§ 520-11. Inspections.

The Township shall periodically inspect all road openings and the repair and resurfacing thereof for the purpose of determining compliance with any conditions imposed on the issuance of the permit and specifications. The Township Engineer upon the recommendation of its Inspector may:

- A. Order a temporary stop to the road opening.
- B. Order the applicant to perform or correct specified work in accordance with directions of the Public Works Department.
- C. Order a stop to any work and revoke the permit, in which event the Superintendent shall complete or cause to be completed the work and declare the applicant's cash deposit forfeit or notify the applicant surety of an intent to file a claim on the bond.
- D. Correct any work after notification to the applicant and the neglect or the refusal of the applicant to make such corrections as indicated and, upon doing so, declare the applicant's cash deposit forfeit or notify the applicant's surety of the intent to file a claim on the bond.
- E. Take any other action deemed reasonable under the circumstances.

§ 520-12. Technical provisions.

Attached as Schedule 3 are technical provisions which shall govern the specific requirements required by the Township concerning construction activities pursuant to any permit which is issued.⁵

STREETS AND SIDEWALKS

520 Attachment 1

Township of Burlington

Schedule 1

Deposit Fees for Road Openings

- A. Road opening:
 - 1. Up to five square yards: \$300
 - 2. Over five square yards: \$500
- B. Opening shoulders and roadside areas:
 - 1. Base charge: \$25
 - 2. Charge for each square yard of trench opened: \$5.00
- C. Boring, tunneling or driving under the road:
 - 1. Base charge: \$25
 - 2. Charge per linear foot of boring: \$1

STREETS AND SIDEWALKS

520 Attachment 2

Township of Burlington

Schedule 2

Application Fee for Road Openings (Nonrefundable)

- A. Road opening:
 - 1. First five square yards: \$50
 - 2. First additional five square yards or parts thereof: \$9
 - 3. Second additional five square yards or parts thereof: \$9
 - 4. Additional one square yard or parts thereof: \$1
- B. Boring, tunneling or driving under the road: \$50

STREETS AND SIDEWALKS

520 Attachment 3

Township of Burlington

Schedule 3

Technical Provisions for Road Openings

1. An "extensive opening" is defined as any opening, tearing up, excavation, boring, tunneling or driving under for any purpose of a Township road of 100 feet or more of roadway length which disturbs 20% or more of the cartway width or where connecting lateral openings are made at average intervals of less than 100 feet along the roadway length.
2. A "small opening" is defined as any opening, tearing up, excavating, boring, tunneling or driving under for any purpose of a Township road which is not an extensive opening.
3. For all openings:
 - (a) The paved roadway surfaces shall be cut vertically with a sharp tool on a straight line before excavating.
 - (b) The material excavated from the trench opening shall be replaced as backfill unless specifically not permitted by the Township. In the event that excavated material cannot be used, clean granular backfill shall be furnished from outside sources and when required it shall be mixed with 10% portland cement by volume before being deposited and compacted.
 - (c) Backfill material shall be deposited in six-inch layers and thoroughly compacted.
 - (d) The uncompleted length of excavated excavation allowed under a permit at any one time shall not exceed 50 linear feet except upon specific written approval on the application by the Public Works Department.
 - (e) In newly constructed, reconstructed or overlaid asphalt pavements, before placing the base course, the openings shall be cut back six inches beyond the perimeter of the trench opening.
4. For extensive openings, the term being defined under Section 1 of this Schedule, in asphalt pavements, the trench backfill shall be compacted to a level seven inches below the top of the adjacent paved surface. A base consisting of seven inches compacted depth of bituminous stabilized base, stone mix, Mix No. 1, shall be constructed level with the existing pavement. After proper settlement, the entire width of paved roadway surface shall be overlain with a one-and-one-half-inch minimum thickness FABC-1, Mix No. 5 pavement applied to the entire length of the project and rolled in place to obtain a smooth pavement surface.

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5. For small openings, the term being defined under Section 2 of this schedule, in old asphalt pavements, the trench backfill shall be compacted to a level of eight inches below the level of the adjacent paved surface; four-inch quality stone base shall be provided, onto which a two-inch compacted depth of bituminous stabilized base, stone mix, Mix No. 1 shall be added. The trench surface shall be maintained to the pavement level by adding bituminous cold patch material until proper settlement is obtained. After proper settlement, the two-inch cold patch shall be removed and replaced with FABC-1, Mix No. 5. All joints between new and existing pavements shall be sealed with asphaltic oil.
6. For small openings in newly constructed, reconstructed or overlain roads, clean granular backfill shall be furnished from outside sources and mixed with 10% portland cement by volume before being deposited and compacted. Backfill material shall be deposited in six-inch layers and thoroughly compacted to a level eight inches below the level of the adjacent paved surfaces. Then the openings shall be cut back six inches beyond the perimeter of the trench opening. The base course shall be Class "B" concrete, six inches thick. The surface course shall be two-inch compacted depth of FABC-1, Mix No. 5. All joints between the new and existing pavements shall be sealed with asphaltic oil.
7. For all openings in concrete pavement surfaces, the trench backfill shall be compacted to a level two inches below the top of the adjacent paved surfaces. A two-inch compacted depth of temporary bituminous cold patch material shall then be placed, compacted level with the existing pavement, and maintained by the permittee to pavement level by adding additional cold patch for a period of 30 days or more until final settlement has occurred. After final settlement, a pavement course of Class "B" concrete eight inches in depth shall be constructed level with the existing pavement surfaces.
8. Where openings are made in the shoulders or the roadside, the disturbed area shall be restored to its original condition.
9. All openings in roadside areas shall be backfilled and leveled to the same grade as the adjacent area. After proper settlement, four inches of topsoil shall be added. Then the area shall be fertilized and seeded or sodded, whichever the Superintendent of Public Works shall in his discretion require. The area shall also be mulched when necessary.

SPECIAL CONDITIONS
FOR ROAD OPENING

1. All excavations in the roadway area shall be backfilled using flowable fill and covered with steel plating firmly held in place using bituminous fillets, as approved by the Burlington Township Engineering Department. All excavations in other areas within the right-of-way shall be backfilled with suitable material and placed and compacted in accordance with NJDOT Specifications.
2. All work including excavations shall comply with OSHA Regulations, and all other applicable Federal, State or local safety regulations.
3. Paving restorations shall consist of 2" thick Hot Mix Asphalt 9.5M64 Surface Course over a Hot Mix Asphalt Base Course. The thickness of the Base Course shall match the existing Base Course Pavement thickness.
4. Prior to excavation, the pavement shall be sawcut. All pavement edges shall be tacked concurrent with the installation of the Base Course and Surface Course. A bead of Tack Coat shall be applied over the finished joint surface.
5. All pavement placed within or abutting the ROW, to include the extension or rehabilitation of an existing driveway, shall meet and match the existing elevation of the roadway and shall not block or redirect existing drainage flows.
6. All work under this Permit shall be subject to the approval of the Burlington Township Engineer's Office.
7. Prior to any excavation, Contractor shall coordinate with Burlington Township Police Department regarding traffic control. Traffic flow shall be maintained at all times. In no case shall roadways be closed to traffic.
8. All disturbed grass areas shall be restored to their original condition.
9. All work and materials shall conform to NJDOT Specifications and Burlington Township requirements.
10. Please contact the following number (609-239-5836) at least 48 hours prior to construction to arrange for inspection.

*****END OF SPECIAL CONDITIONS*****