

**TOWNSHIP OF DENVILLE  
MORRIS COUNTY, NEW JERSEY  
APPLICATION FOR OPENING PERMIT**

Application made by \_\_\_\_\_ Date \_\_\_\_\_

Address \_\_\_\_\_

Through its agent \_\_\_\_\_

(Name of Agent)

to open town road \_\_\_\_\_ at \_\_\_\_\_

(House Number) (Lot & Block) (Street)

\_\_\_\_\_  
(State location exactly in reference to intersecting)

(Street, bridges or other existing distinct landmarks, give street numbers if possible.)

For the purpose of \_\_\_\_\_

Location of opening, (Sketch details below; indicate curb, shoulder and property line.)

Application for permit for major installations shall be accompanied by 2 sets of plans drawn to scale including detailed information.

(SKETCH)

Width \_\_\_\_\_ Lenght \_\_\_\_\_ Square Feet \_\_\_\_\_

Work will start on \_\_\_\_\_ Completed On \_\_\_\_\_

Remarks \_\_\_\_\_

Special conditions \_\_\_\_\_

Cost of permit \$ \_\_\_\_\_

Where a municipal or public utility corporation has entered into an agreement the following shall be completed:

Per performance bond: \_\_\_\_\_

Covered by certified check \$ \_\_\_\_\_

Covered by surety company bond dated \_\_\_\_\_ \$ \_\_\_\_\_

Covered by agreement dated \_\_\_\_\_

Cost for permits or bond to be determined by the township ordinance.

The applicant agrees to comply with all the terms, regulations and conditions or otherwise set forth herein. A copy of this permit and the supporting plans shall be available on the project at all times.

The amount will cover the full cost of road restoration for one year and will be kept on deposit until final acceptance.

Signed \_\_\_\_\_ Approved \_\_\_\_\_

Company \_\_\_\_\_ Approval Title \_\_\_\_\_

Address \_\_\_\_\_ Approval Date \_\_\_\_\_

Phone \_\_\_\_\_

**REPORT OF INSPECTOR**

Backfill completed \_\_\_\_\_ Coldpatch placed \_\_\_\_\_

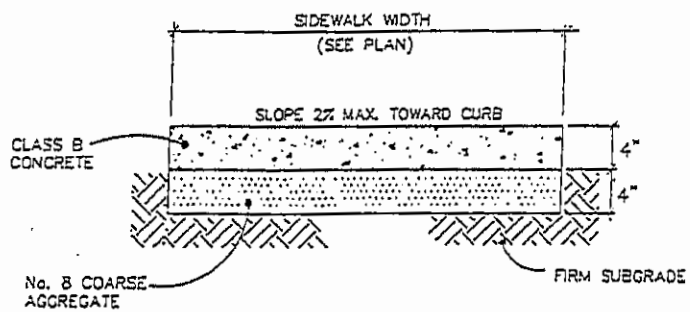
Size of actual opening \_\_\_\_\_

Base places \_\_\_\_\_ Pavement place \_\_\_\_\_

Remarks \_\_\_\_\_

\_\_\_\_\_  
Date \_\_\_\_\_ Inspector \_\_\_\_\_



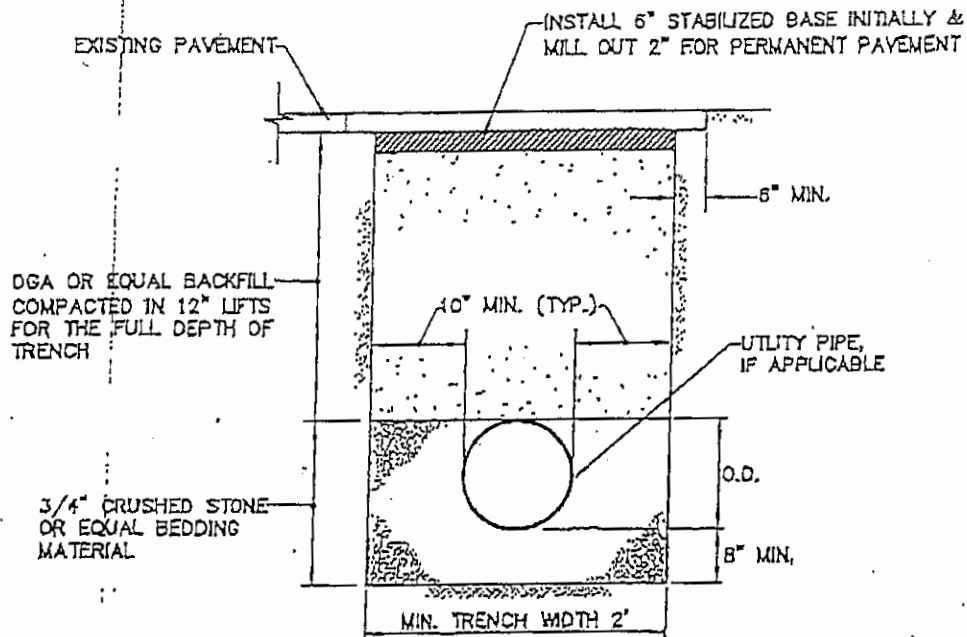


NOTES:

1. TRANSVERSE CRACK CONTROL JOINT (SAW CUT OR TOOLED) SPACING SHALL NOT BE GREATER THAN SIDEWALK WIDTH AND JOINT DEPTH SHALL BE  $\frac{1}{2}$  OF THE CONCRETE THICKNESS.
2. EXPANSION JOINTS SHALL BE  $\frac{1}{2}$ " PREFORMED BITUMINOUS JOINT FILLER AT 20' SPACING, RECESSED  $\frac{1}{4}$ " FROM TOP SURFACE.
3. CONCRETE SIDEWALK TO BE 6" THICKNESS AT DRIVEWAYS.

## CONCRETE SIDEWALK

NOT TO SCALE



NOTES:

1. LIMIT OF TRENCH TO BE CUT TO A NEAT EDGE AND TACK COATED WITH EMULSIFIED ASPHALT.
2. ON AREAS SEALED WITH AC-20 DRY SAND SHALL BE SPRINKLED TO PREVENT PICKUP BY TRAFFIC.
3. IN AREAS WITH WET OR UNSTABLE BOTTOMS USE 3/4" CLEAN BROKEN STONE TO STABILIZE TRENCH BOTTOM TO SOLID STABLE FOUNDATION.
4. CONTRACTOR SHALL REPAIR ANY SETTLED AREAS WITH STABILIZED BASE FOR PERIOD OF ONE YEAR.
5. FOLLOWING A ONE-YEAR SETTLEMENT PERIOD CONTRACTOR SHALL MILL TEMPORARY PAVEMENT TO A DEPTH OF 2" AND A MINIMUM OF 6" BEYOND THE LIMIT OF EXCAVATION. CONSTRUCT NEW 2" MINIMUM BITUMINOUS SURFACE COURSE FLUSH WITH EXISTING SURFACE. THE AREA PAVED SHALL BE TACK COATED WITH RC-70 ASPHALT AT A RATE OF 0.15 TO 0.35 GALLONS PER SQUARE YARD. EDGE OF ALL NEW PAVEMENT SHALL ALSO BE CRACK SEALED.

**SURFACE RESTORATION DETAIL**  
**TOWNSHIP OF DENVILLE**

NOT TO SCALE

#17-12

ORDINANCE NO. -12

AN ORDINANCE OF THE TOWNSHIP OF DENVILLE,  
COUNTY OF MORRIS, STATE OF NEW JERSEY TO  
AMEND CHAPTER XIV, STREETS, CURBS AND  
SIDEWALKS, OF THE REVISED GENERAL  
ORDINANCES OF THE TOWNSHIP OF DENVILLE

BE IT ORDAINED, by the Municipal Council of the Township of Denville,  
in the County of Morris and State of New Jersey, as follows:

SECTION 1. Chapter XIV, Streets, Curbs and Sidewalks, of the Revised  
General Ordinances of the Township of Denville, Section 14-2, Excavations, is hereby  
amended in its entirety to read as follows:

**“§14-2 STREET OPENINGS**

**§14-2.1 Permit required.**

A. No person shall open, excavate or tear up the surface of any public road, street,  
road shoulder, curb, sidewalk or right-of-way under the control of the Township of  
Denville, or otherwise endanger or obstruct the normal flow of vehicular or  
pedestrian traffic, by the placing of any barricade, structure or material or equipment  
that is not normally designed to be operated on the public highway, without first  
obtaining a written permit from the Township Engineer. The application shall  
indicate the proposed date upon which the operation will start and the proposed  
date upon which the operation will be completed. These dates will be contingent  
upon weather conditions and approval of the application. A permit for a specific  
project will require completion of the project no later than 10 consecutive days from  
the starting date. "Specific project" shall mean a single installation, such as a  
waterline, a storm sewer or other utility, each of which will constitute a separate  
project and require a separate permit. Upon a demonstration of special or unusual

conditions, an application for a permit may be approved for not more than 30 consecutive days subject to such conditions as may be imposed by the Township Engineer, pursuant to a recommendation from the Department of Public Works and the Police Department. If the work is not completed within this period, a new permit shall be required along with the appropriate fees. A separate application shall be filed for each road to be affected, if multiple roads are included in the same project. A separate permit is not required to complete final pavement restoration pursuant to 14-2.8.

- B. No opening or excavation shall be permitted within the surface of any public road, street or right-of-way under the control of the Township upon which a permanent pavement has been placed within five (5) years of the date of the application of such pavement, except in the event of an emergency pursuant to § 14-2.9. Notwithstanding the foregoing, the Township Engineer may issue a permit for a road opening or excavation on a public road, street or right-of-way upon which a permanent pavement has been placed within less than five (5) years from the date of application upon a demonstration by the applicant that denial of the permit would cause undue hardship.
- C. Street openings within the paved or improved surface of any road, street or right-of-way shall be restricted between November 1 and April 15, except that the Township Engineer, after consultation with the Superintendent of Public Works, shall have the authority to waive these requirements in instances where he determines that suitable weather conditions exist.
- D. The applicant shall supply a current New Jersey "One-Call" confirmation number, to document compliance with the underground utility location law.

- E. A permit to excavate or tear up the surface of a road does not include the right to make sewer, water or gas connections. A separate permit to make a gas, water, or sewer connection must be obtained from the proper officials and agencies.
- F. An applicant may appeal the denial of a permit by the Township Engineer in writing to the Township Administrator who shall either confirm the denial of the permit by the Engineer or direct the issuance of a permit within 15 days from receipt of the written appeal.

**§ 14-2.2 Application; fee.**

A. Application shall be made in writing for a permit for any excavation within any roadway, the maintenance of which is the responsibility of the Township, for any purpose whatsoever. The application shall state the purpose of the excavation, namely, sewer, water, gas, telephone or any other purpose. The application shall be accompanied by an engineered plan, or sketch, drawn to scale, of the area to be disturbed, including proposed dimensions and restoration details, and shall also be accompanied by an application fee of \$100 and an escrow deposit to cover the costs of inspections of:

1. Three hundred dollars (\$300.00) for all openings up to 50 linear feet.
2. Five hundred dollars (\$500.00) for all openings consisting of from 50 to 100 linear feet.
3. One thousand dollars (\$1,000.00) for openings more than 100 linear feet.
4. One hundred fifty dollars (\$150.00) for utility service connections for approved utilities (utilities where restoration and maintenance guarantees are covered by

annual bonds).

B. Notwithstanding the above, if the applicant requests permission only to excavate within a sidewalk area, the application fee shall be \$25 and no escrow deposit shall be required.

**§ 14-2.3 Restoration deposit.**

A. No person shall be granted a permit to open any street or roadway or do any work within a Township right-of-way unless a restoration deposit in accordance with the following schedule has been submitted to guarantee the proper restoration, replacement or repair of property damaged or destroyed by the permittee:

- (1) Lawn areas: \$7.20 per square yard.
- (2) Shoulder areas: \$14.40 per square yard.
- (3) Paved roads: \$28.80 per square yard.
- (4) Sidewalks: \$60.00 per square yard.
- (5) Curbsings: \$21.60 per linear foot.
- (6) Dirt or gravel roads: \$14.40 per square yard.

B. The minimum required deposit shall not be less than \$500 and the Township Engineer may require deposits in excess of those listed in § 14-2.3.A when, in his opinion, costs will exceed the stipulated amounts.

C. In lieu of posting a cash guarantee for the restoration deposit, the permittee may post a combination of cash and surety bond or irrevocable letter of credit, except that the minimum deposit of \$500, shall be cash only. The cash portion shall be not less than 50% of the total amount required and in the form of a certified check or



money order. The remaining balance shall be guaranteed by the posting of a surety bond or an irrevocable letter of credit in form satisfactory to the Township Attorney. Upon written request by a permittee, the Township Engineer shall cause an inspection of the excavation to be made and shall submit his recommendations to the Township Council for determination of a satisfactory restoration deposit.

- D. In the event that a utility company or other similar entity will be regularly excavating within the Township, a restoration deposit in the form of a surety bond may be posted with the Township Clerk. The form and amount of said bond shall be approved by the Township Engineer prior to the issuance of any street opening permits.

**§ 14-2.4 Maintenance guaranty.**

- A. A maintenance bond or certified check in an amount of 15% of the amount of the restoration deposit shall be posted upon approval of final restoration by the Township Engineer, provided that in no event shall the amount of the guarantee be less than \$500. The maintenance guarantee is to be retained for two (2) years from the date of acceptance.
- B. In the event that repairs become necessary to the restored excavation area during the maintenance period, the Township shall notify the permittee that the necessary repairs are to be completed within 48 hours of notification. If the repairs are not completed within 48 hours, the Township may complete the necessary repairs and charge the expenses of the same against the maintenance guarantee.
- C. After passage of the applicable time period set forth in § 14-2.4.A and upon written request from the permittee, the Township Engineer may recommend release of the maintenance guarantee, after which all deposits, without interest, shall be released

to the permittee.

**§ 14-2.5 Certificate of insurance.**

No permit shall be issued unless and until the applicant has delivered to the Township a certificate of insurance evidencing that the applicant has obtained a comprehensive general liability insurance policy, including underground excavation coverage, a worker's compensation and employer's liability policy and a comprehensive automobile insurance policy and guaranteeing notification to the Township in the event of cancellation thereof. The Township of Denville must be listed as additional insured. Worker's compensation and employer's liability insurance shall have limits of at least \$1,000,000; the commercial general liability insurance shall have limits of at least \$1,000,000/\$2,000,000. Comprehensive automobile liability insurance policies shall have limits of at least \$500,000 and umbrella liability insurance shall have limits of at least \$2,000,000.

All subcontractors employed by the permittee must submit their own insurance certificates in the amounts required above.

**§ 14-2.6 Submission of plans; inspection.**

A. The permittee shall submit an engineering plan or sketch in duplicate to the Township for approval. The plan shall have sufficient details to illustrate the proposed work to be performed. ~~It, during construction, it is found expedient by the permittee to modify or change the design of any part of the facility, including the equipment or any part thereof, completely detailed and checked working drawings showing the proposed changes are to be submitted to the Engineer for his review. Any permitted modification or change of design as set forth above is to be at the sole discretion of the Engineer. Approval of such changes does not release the permittee from his obligation or guarantees, nor are any of the conditions of the Contract abrogated thereby.~~

B. Upon completion of the entire work, the permittee shall file plans with the Township Engineer showing in full detail all the completed work (as-built).

C. The Township Engineer or a designated inspector may be placed on the work site by the Township if deemed necessary and desirable, at the expense of the permittee and at the prevailing rate of wage paid by the Township.

**§ 14-2.7 Guarding.**

A. It shall be the duty of the permittee to properly guard any excavation and storage piles by erecting suitable bafflers during the day and lights during the night, or warning signs and by providing a watchman if deemed necessary by the police and/or the Superintendent of Public Works, or his designee, and/or the Township Engineer . All traffic control devices used on road or street construction or maintenance work shall conform to Chapter IV, "Work Zone" of the Manual on Uniform Traffic Control Devices (MUTCD). The permittee shall be liable for any neglect in safeguarding the traveling public. If the excavation extends the full width of the road, only one half (1/2) of the excavation shall be made at one time which shall be backfilled before the other half is excavated, so as not to interfere with traffic.

B. The plan for proposed interruptions or detouring of traffic shall be submitted to the Police Department for approval. Permittee shall notify the Municipal Clerk, Police Department, Fire Department, Emergency Medical Services and Transportation Coordinator of all Boards of Education serving the project area of approved traffic detour plans at least forty-eight (48) hours prior to their implementation. Interference with pedestrian or vehicular traffic shall be reduced to a minimum and no greater part of the roadway shall be opened at any time than that approved by the Engineer. Transverse openings shall be restricted so that not more than one-half of the traveled way shall be

obstructed at any time. Work shall be scheduled and executed to present a minimum of inconvenience to the public. Where feasible, transverse subsurface installations shall be made by the boring or jacking method. Steel plates shall be used as a protection on openings maintained overnight in the traveled way.

**§ 14-2.8 Restoration of surface.**

- A. Any Township road surface, sidewalk, curb, gutter, shoulder or grassed areas disturbed or destroyed by the permittee shall be restored by the permittee at his cost and expense to the same or better condition than it was before commencement of the work. No roads shall be encumbered for a longer period than is necessary to execute the work. If the work is not completed to the satisfaction of the Township Engineer within a reasonable time, and after due notice to the permittee, the Township Public Works Department may finish the work and deduct the cost of the same from the total deposit, as required in § 14-2.3. After the work is completed by the Township, any balance remaining from the total escrow deposit shall be returned to the permittee.
- B. The entire excavation shall be backfilled with dense graded aggregate, or other suitable, well-drained, select material. The Township Engineer shall approve all backfill material used by the permittee. The backfill material shall be placed and tamped in layers not exceeding one foot in depth.
- C. Temporary pavement replacement shall be completed daily. During the interval between completion of backfill and the time of placement of base paving, all areas shall be maintained in a safe and satisfactory condition for normal traffic use. This shall be done by the use of minimum 12-inch thickness of dense graded aggregate (DGA) or an approved equal. All new pavement replacement shall be made in kind,

except that in no case shall it be less than a total of six inches compacted thickness. Unless otherwise directed by the Township Engineer, ~~temporary pavement~~ shall consist of 6-inch compacted thickness bituminous stabilized base course (NJDOT No. I-2) applied and rolled over a 6-inch thickness of DGA to remain permanently in place as a sub-base. The finish surface of this course shall be brought to the existing pavement elevation. Pavement replacement in areas requiring more than six inches overall thickness shall consist of a minimum of three lifts of asphalt, and in no case shall one individual lift exceed four inches compacted thickness. The temporary pavement shall remain in place for a minimum of 6 months.

- D. After the approved settlement period, the permittee shall complete final restoration by using a milling machine to remove the top 2 inches of temporary pavement and a 6-inch width of the existing pavement along either side of the road opening. The milling shall be conducted so as to produce clean and straight edges. The temporary surface shall be broom swept free of dirt and debris. The existing temporary pavements surface shall receive a tack coat of asphaltic oil, Grade RC-O, or emulsified asphalt, Grade RS-1. The surface course shall then be placed and rolled even with the existing pavement. A 2-inch thick (compacted thickness) bituminous concrete surface course of FABC Mix I-5 top (NJDOT No. I-5) shall be placed thereon, adequately crowned to provide drainage.
- E. ~~For gravel surfaces~~ the surface course shall be six inches compacted thickness of Type 5, Class A, soil aggregate, or dense graded aggregate (DGABC).
- F. All materials and methods of construction shall comply with the New Jersey Department of Transportation Standard Specification for Road and Bridge Construction, dated 2007, and all revisions and amendments thereto.
- G. Unless otherwise approved by the Township Engineer, all construction details shall

comply with New Jersey Residential Site Improvement Standards.

- H. When it becomes necessary to open the paved section of any road, such opening shall not be less than two (2) feet wide nor more than three (3) feet at the top, nor shall any opening be less than three feet square and the sides of such opening shall be perpendicular at the top converged towards the bottom so that the width at the bottom shall be less than, but not greater than, the width at the surface of the pavement.
- I. The permittee shall cut all pavement with saw or other equipment approved by the Engineer prior to excavation. The permittee shall cut back existing pavements using a milling machine, or equal means, to produce straight and clean lines along the existing pavement prior to placing final pavement.
- J. Shoulders shall be replaced in kind or as otherwise directed by the Engineer. Where conditions require and the Superintendent of the Department of Public Works requests, surface treated gravel shoulders or any portion thereof shall be restored by applying two (2) inches of bituminous material in place of the oil treatment. The base of all shoulders shall be restored as originally constructed.

**§ 14-2.9 Emergency opening.**

Street openings may be made without the necessity of a written application in emergency situations, such as broken or frozen water mains or ruptured gas mains or other situations which would endanger public life, health and safety, provided that notice shall be immediately given to the Police Department and Department of Public Works and that written application for a permit shall be made to the Department of Public Works for approval by the Township Engineer as soon as practical and, in any event, not exceeding 48 hours from the start of the excavation. The Township Engineer may

impose special conditions to restore the structural integrity of the new pavement.

**§ 14-2.10 General rules and regulations.**

- A. No person shall place material of any description whatsoever, or vehicles or other equipment of any nature, upon any road or street, so as to interfere with the flow of water along the gutters or with traffic.
- B. No excavation shall be opened for a distance of more than 200 feet at any single time. All excavations shall be backfilled and all equipment removed from the public right-of-way at the end of each day's work and at such times as may be required for noninterference with snow removal.
- C. The Township Engineer, Department of Public Works and the Police Department shall be notified 24 hours in advance of the exact time of starting work on all excavations, and 72 hours in advance of the replacement of the pavement base and surface courses.
- D. All work performed and material furnished shall be in compliance with the rules, regulations and specifications of the Township.
- E. ~~Work shall be completed to eliminate interference with subsurface utilities and their appurtenances unless permission for interference has been obtained from the proper authorities.~~ No excavation which could endanger or damage trees or shrubbery shall be made without the Engineer's approval. Blasting is not generally approved and will only be permitted by special consent of the Township Engineer.
- F. The Township Engineer reserves the right to impose special conditions when warranted.

G. The permittee shall indemnify and hold harmless the Township of Denville, its officers, employees and agents against all suits and costs of every name and description and from all damages and injuries.

H. If required by the Township Engineer, permittee shall provide adequate public notice, in the form prescribed by the Township Engineer, not later than 72 hours prior to the construction"

**SECTION 2.** All Ordinances of the Township of Denville that are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 3.** If any 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.

**SECTION 4.** This Ordinance may be renumbered for purposes of codification.

**SECTION 5.** This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

BY ORDER OF THE MUNICIPAL  
COUNCIL OF THE TOWNSHIP OF  
DENVILLE

ATTEST:

APPROVED:

\_\_\_\_\_  
DONNA I. COSTELLO, RMC/CMC  
MUNICIPAL CLERK

\_\_\_\_\_  
THOMAS W. ANDES  
MAYOR