

**TOWNSHIP OF JEFFERSON  
COUNTY OF MORRIS, NEW JERSEY**

**ORDINANCE #19-18**

**ORDINANCE AMENDING CHAPTER 429, ARTICLE III OF THE JEFFERSON TOWNSHIP MUNICIPAL CODE ENTITLED  
"STREETS AND SIDEWALKS – ROAD EXCAVATIONS"**

**TAKE NOTICE that Ordinance #19-18** was introduced at a Regular meeting of the Township Council of the Township of Jefferson, in the County of Morris and State of New Jersey, held on **October 2, 2019**, and passed its first reading; and that said Ordinance will be considered for final passage at a meeting of the Township Council of said Township, to be held on **October 16, 2019 at 7:00 pm** or soon thereafter, in the Municipal Building, 1033 Weldon Road, Lake Hopatcong, New Jersey, 07849, at which time and place all persons who may be interested will be given an opportunity to be heard. Copies of said Ordinance are available at the office of the Township Clerk during regular office hours.

**WHEREAS**, the Township of Jefferson desires to amend the Jefferson Township Municipal Code in order to amend Chapter 429 Streets and Sidewalks – Article III – Road Excavations in order to limit the excavation of new or resurfaced streets.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Council of the Township of Jefferson, County of Morris, State of New Jersey, that the Jefferson Township Municipal Code is hereby amended to revise Chapter 429 Streets and Sidewalks – Article III – Road Excavations.

**SECTION 1:** Chapter 429 Streets and Sidewalks – Article III –Road Excavation, a new subsection §429-25D, is adopted as follows:

**§429-25D**

1. Newly constructed or resurfaced streets shall be termed "Prohibition Streets" within this Chapter. Permission to excavate in Prohibition Streets will not be granted for five (5) years after the completion of street overlays. Utilities shall plan well enough in advance to determine alternate methods of making necessary repairs to avoid excavating in newly resurfaced streets.

Exceptions to the above policy are as follows:

1. Emergencies that endanger life or property as determined by the Township Engineer and the Business Administrator.
2. Interruption of essential utility service as determined by the Township Engineer and the Business Administrator.
3. Work that is mandated by local, state, or federal law as determined by the Township Engineer and the Business Administrator in consultation with the Township Attorney.

The Township Engineer or his designee shall maintain a list of all "Prohibition Streets" indicating the location limits, the date of the completion of construction or resurfacing and the date the prohibition expires. The list shall be made available to the public and be kept current. If an exception is granted under this Ordinance, the individual or entity obtaining the road opening permit shall repave the entire portion of the street that is disturbed by the street opening from the edge of the pavement to the edge of the pavement on the opposite side of the street, unless the Township Engineer directs otherwise.

2. Approval by the Township Engineer or his or her designee shall be obtained prior to any excavation in a Prohibition Street under the exceptions listed above. To request a waiver, the applicant must submit a written request to the Township Engineer or his or her designee immediately or within 24 hours under an eminent hazard condition where time is of the essence. In granting the waiver, the Township Engineer or his or her designee shall consider the following:

- a. The location of the excavation.
- b. Description of the work to be performed.
- c. The reason(s) the work was not performed before the street was paved.
- d. The reason(s) the work cannot be deferred until after the prohibition period.
- e. The reason(s) the work cannot be performed at another location.
- f. The reason(s) it is justified as an emergency to excavate the prohibition street.
- g. The Township Engineer or his or her designee will verify that the applicant has analyzed all feasible alternatives to make the necessary repairs using a trenchless method in prohibition streets to avoid excavating a newly resurfaced street whenever possible.

3. Any person seeking a waiver for any other reason than those listed in the Exceptions listed above, shall require approval from the Township Council. The Township Council shall only grant a waiver after determining that the waiver is deemed in the best interest of the Township of Jefferson and that the waiver is necessary for unforeseen circumstances not anticipated in this Chapter.

**SECTION II**

All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistencies.

**SECTION III**

If any article, chapter, subchapter, paragraphs, phrase or sentence is, for any reason, held to be unconstitutional or invalid, said article, chapter, subchapter, paragraph, phrase or sentence shall be deemed severable.

**SECTION IV**

This Ordinance shall take effect immediately upon final publication as provided by law.

**MICHELE REILLY, RMC  
TOWNSHIP CLERK**