

Chapter 293

STREETS AND SIDEWALKS

GENERAL REFERENCES

Excavations and soil mining — See Ch. 175.

Responsibilities of cable television franchises — See Ch. A416.

ARTICLE I

Excavations In Streets**[Adopted 3-26-1987 as Ord. No. 11-87 (Ch. 65 of the 1974 Code)]****§ 293-1. Permit required.**

No person, firm, partnership, corporation, utility, quasi-public body or other entity shall open or dig a trench in a public road, street, highway or thoroughfare of the Township of Lacey nor direct or cause any employee, agent or contractor of such person, firm, partnership, corporation, utility, quasi-public body or other entity to open or dig a trench or make any other excavation or disruption of pavement in any street, highway, road or thoroughfare of the Township of Lacey until a written permit for such opening, excavation, trench or other pavement disruption has been duly issued by the Director/Superintendent of Public Works of the Township of Lacey.

§ 293-2. Permit application procedures.

Application for all permits to excavate, open or dig trenches or otherwise disrupt or break pavements in any public road, highway, street or thoroughfare of the Township of Lacey shall be made on the forms provided by the Lacey Township Department of Public Works and submitted to the Superintendent/Director of the Department of Public Works. Accompanying all applications shall be the following:

A. Application submissions.

- (1) A clearly legibly drawn plan or sketch delineating the exact location of the street opening. The sketch plan shall include the following information:
 - (a) The length and width of the opening.
 - (b) Location of the existing Township storm drainage systems and appurtenances within a one-hundred-foot radius of the opening.
 - (c) Location of all curbing, sidewalk and other municipal improvements within a one-hundred-foot radius of the trench or road opening limits.
 - (d) Where depths of trenches or excavations are such that shoring, sheeting or other means of stabilizing or bracing the trench opening is required, detailed plans, bearing the seal and signature of a New Jersey licensed professional engineer.
- (2) Certificate of liability insurance indemnifying and holding harmless the Township of Lacey from any liability arising from the street opening or trench or restoration thereof.
- (3) Performance guaranty conforming to the requirements set forth in § 293-4 herein.
- (4) Application form.
- (5) Application fee in the amount prescribed in § 293-3 herein.
- (6) In the case of trench openings in which traffic detours are required or in which the trench will remain open for periods longer than one day or overnight, a detailed barricade, warning device and detour plan conforming to all applicable requirements of the Manual on Uniform Traffic Control Devices shall be provided. The plan shall

be reviewed and be subject to the approval of the Director/Superintendent of Public Works and Lacey Township Police Department.

- (7) A written schedule of operations indicating the anticipated dates of street openings and excavations and restoration work.
 - (8) A written statement by the permittee describing in detail where any and all excavated materials shall be disposed of and written documentation that the proposed location for disposal is a location with all necessary governmental approvals for this purpose and, in particular, if said location is a landfill, proof that said landfill is registered and licensed to accept such material. **[Added 1-25-1990 by Ord. No. 2-90]**
 - (9) The application shall be referred to the Lacey Municipal Utilities Authority for its review and recommendation. The Authority shall review the application to determine if the excavation will interfere with municipal water or sewer lines, whether they be existing or proposed. **[Added 7-12-1990 by Ord. No. 28-90]**
- B. Permittee. The permit shall be issued jointly in the name of the contractor actually performing the work of the street opening and the person, firm, partnership, utility, corporation or other entity for whom the work is to be performed. It shall be understood that the Township of Lacey shall hold equally liable and responsible both the contractor actually performing the work and the entity for whom the work is performed regarding all restoration, maintenance of traffic, protection of public safety, repair of defective trench or excavation and restoration of the pavement and all else related to the trench or excavation and restoration thereof. **[Amended 7-11-1996 by Ord. No. 96-36]**
- C. Permit. No street opening or any other work within the right-of-way of a public road, street, highway or thoroughfare of the Township of Lacey shall commence until a written permit has been duly issued by the Director/Superintendent of Public Works. A copy of the permit shall be available at the work location during all periods of construction and restoration operations and shall be provided for inspection upon demand.

§ 293-3. Schedule of permit fees. [Amended 1-25-1990 by Ord. No. 2-90]

- A. The following schedule of fees is hereby fixed, determined and established as being the fees to be paid to the Township of Lacey for the issuance of all road opening or street excavation permits. Should any additional cost be incurred by the Township of Lacey due to the permittee's operations or negligence, including administrative, engineering, inspection and legal costs, the permittee shall reimburse the Township for all costs incurred. The Lacey Municipal Utilities Authority shall be exempt from the fees required for road opening or street excavation permits. **[Amended 8-23-1990 by Ord. No. 39-90; 12-12-2002 by Ord. No. 02-69]**

Schedule of Fees

Opening

(square feet)	Fee
Up to 50 of trench	\$330
Over 50, up to 250	\$330, plus \$0.30 per square foot over 50 square feet

Schedule of Fees

Opening

(square feet)

Fee

Over 250

\$390, plus \$0.15 per square foot over 250 square feet

- B. Disposition of fees. All fees set forth in § 293-3A herein shall be payable to the Township of Lacey and shall be nonrefundable. Fees shall become property of the Township of Lacey.
- C. In addition to the fees set forth above, each permittee at the time of submitting a permit application shall submit a nonrefundable administrative fee of \$75.

§ 293-4. Performance and maintenance guaranties.

- A. Each applicant for a permit for such opening or trench shall post, prior to issuance of any road opening or street excavation permit, a performance guaranty insuring property and satisfactory completion of all pavement and trench restoration in strict accordance with the specifications set forth herein. The amount of the performance guaranty shall be estimated by the Director/Superintendent of Public Works for each street opening or trench excavation and shall be based upon the pavement requirements and restoration necessary for each specific application, as well as the amount necessary to dispose of any and all excavated material in a proper manner and in accordance with the permittee's application submission as set forth pursuant to the requirements of § 293-2A(8). **[Amended 1-25-1990 by Ord. No. 2-90]**
- B. The performance guaranty shall be posted with the Lacey Township Chief Financial Officer and shall be in any of the forms indicated herein:
 - (1) Certified check drawn payable to the Township of Lacey and drawn on a New Jersey bank.
 - (2) Letter of credit drawn in favor of the Township of Lacey and issued by a New Jersey fiduciary institution. The letter of credit shall be subject to the review and approval of the Township Attorney for form prior to its acceptance.
 - (3) Surety bond issued by a surety company licensed by the State of New Jersey. Evidence shall be submitted as to the solvency of the bonding company issuing the bond. The bond shall be executed by the permittee as principal herein, and the surety company shall be the surety therein.
- C. Maintenance guaranty. Upon completion of the final permanent restoration to the satisfaction of the Lacey Township Director/Superintendent of Public Works, of the public road, street, highway or thoroughfare in accordance with all standards set forth herein, a maintenance guaranty shall be posted by the permittee. The maintenance bond shall be in one of the three forms set forth in § 293-4B. The maintenance guaranty shall be in an amount equal to 50% of the performance guaranty amount and shall remain in force for a period of two years from the date of acceptance of the permanent pavement restoration by the Township Public Works Director/Superintendent. **[Amended 7-11-1996 by Ord. No. 96-36]**

- D. Release of guaranties; performance guaranties. Performance guaranties shall be released upon satisfaction of the following conditions: **[Amended 1-25-1990 by Ord. No. 2-90]**
- (1) Approval of the Lacey Township Public Works Director/Superintendent of all final, permanent road restoration work in accordance with the standards set forth herein.
 - (2) Posting of an acceptable maintenance guaranty conforming to the requirements set forth in § 293-4C herein.
 - (3) Proof that any and all excavated material has been disposed of in a legally acceptable and approved manner in accordance with the permittee's application submission.
- E. Utilities.
- (1) Any bona fide utility regulated and licensed by the New Jersey Board of Public Utilities may, in lieu of posting separate maintenance and performance guaranties, post annually a performance guaranty and maintenance guaranty. The amount of the guaranties shall be determined by the Director/Superintendent of Public Works. The utility shall provide to the Director/Superintendent of Public Works a projected list of openings of scheduled utility extensions during the calendar year and an estimate of the average number of emergency openings which may be experienced in the course of a year.
 - (2) The utility shall provide the names, addresses, telephone numbers and contact officials of all contractors who will be performing street openings and pavement restoration work. This shall not relieve the utility of any responsibilities for obtaining the necessary road-opening permits.
- F. Exemption; Lacey Municipal Utilities Authority. Notwithstanding any of the foregoing provisions of this section, the Lacey Municipal Utilities Authority shall be exempted from the requirement that performance and maintenance guaranties be posted prior to the issuance of a street opening permit. **[Added 7-28-1988 by Ord. No. 36-88]**

§ 293-5. Pavement restoration requirements.

All pavement restoration shall be in strict compliance with the standards set forth herein, and all materials shall conform to all applicable requirements of the Standard Specifications for Road and Bridge Construction, 1983, and as amended by the latest addenda of the New Jersey Department of Transportation, hereinafter referred to as "Standard Specifications."

- A. Bituminous pavement restoration. The restoration of all bituminous surfaced roadways disturbed, opened, excavated or in which trenches have been dug shall conform to the following pavement types and thicknesses specified herein.
- (1) Surface course. All surface courses shall be of bituminous concrete, hot-mixed, Type FABC-1, N.J.D.O.T. Mix No. I-5, having a compacted thickness of either one and one-half (1 1/2) inches or two inches, as required to conform with the pavement surface thickness of the pavement or classification of road in which the restoration is to be performed. The bituminous concrete surface shall be placed on a bituminous stabilized base course as set forth herein. A tack coat conforming to the requirements herein shall be applied to the base course prior to placement of the surface course.

- (2) Base course. A bituminous stabilized base course shall be placed in a total compacted thickness of six inches in the trench area and shall conform to all applicable requirements set forth in the Standard Specifications for bituminous stabilized base course, hot-mixed, Type CABC-2, stone mix, Mix I-1 or I-2. The base course shall be placed in a minimum of two lifts, each lift having a compacted thickness of not greater than three inches, with the first lift being compacted in accordance with the requirements of the Standard Specifications before placing the succeeding lift of base course material. The bituminous stabilized base course shall be placed on an aggregate subbase course conforming to the requirements set forth herein.
 - (3) Subbase course. A subbase course consisting of a minimum compacted thickness of six inches of quarry blend stone conforming to gradation Type I-5 or eight inches' compacted thickness (minimum) of soil aggregate (bank run gravel) conforming to gradation type as set forth in the Standard Specifications. A filter fabric of an approved type and thickness shall be placed on the subgrade prior to placement of the subbase.
- B. Gravel surfaced roads. In the case of a gravel or soil aggregate surfaced roadway, the minimum restoration thickness shall consist of not less than the eight inches' compacted thickness of soil aggregate conforming to gradation type as set forth in the Standard Specifications. A filter fabric or geotextile of an approved type and thickness shall be placed over the subgrade prior to the placement of any soil aggregate or gravel surface course.
- C. Sidewalks. Any concrete sidewalk disturbed, damaged or disrupted as part of the trench opening shall be replaced with concrete sidewalk conforming to all applicable standards of the Township of Lacey. All concrete shall be ready-mixed air-entrained Portland cement concrete conforming to all applicable requirements set forth in the Standard Specifications for Class B concrete. All concrete shall have a minimum compressive strength (twenty-eight-day) of not less than 3,500 pounds per square inch. Expansion joints shall be of a minimum thickness of one-half (1/2) inch and shall be of the bituminous cellular type conforming to the requirements of the Standard Specifications. All sidewalk shall be placed on a soil aggregate base conforming to the requirements specified elsewhere herein. All concrete sidewalk shall have a minimum compacted thickness of not less than four inches, and all base courses beneath sidewalks shall have a minimum compacted thickness of not less than four inches.
- D. Curb and gutters. Where concrete curbing and/or gutters are disturbed, damaged or removed, curbing and gutters of the exact configuration as the existing curbing and/or gutters shall be constructed. Concrete shall be Portland cement concrete (air-entrained) conforming to the requirements of the Standard Specifications for Class B concrete and shall have a minimum compressive strength of 4,000 pounds per square inch after 28 days.
- E. Topsoiled and unpaved areas. All topsoiled, seeded or otherwise unpaved areas disturbed in the course of the work shall be topsoiled with a minimum thickness of not less than four inches of loam-type topsoil. Fertilizer, lime and all other soil conditioners needed to promote the proper growth of grass shall be incorporated and thoroughly worked into the topsoil. Seed or sod of the species suitable for growth in the location and environment and conforming to the requirements of the Standard Specifications shall be placed in all unpaved areas.

- F. Gravel shoulder areas. All shoulder areas disturbed in the course of the trench opening shall be restored and graded to provide and maintain the proper flow of drainage and to provide adequate lateral support of the abutting pavement structure. The gravel material shall be soil aggregate, Type I-6 conforming to all applicable requirements of the Standard Specifications. The soil aggregate or gravel shall be a minimum thickness of not less than eight inches' compacted thickness.
- G. Concrete drive aprons. All concrete drive aprons disturbed during the course of excavation or trench opening shall be replaced in accordance with all applicable standards for concrete drive aprons as set forth in Chapter 297, Subdivision of Land, and shall be constructed of Portland cement concrete (air-entrained), Class B concrete having a twenty-eight-day compressive strength of 4,000 pounds per square inch and a minimum concrete thickness of six inches, including the sidewalk area traversing the apron. The apron shall be reinforced with welded steel wire mesh having a mesh grid pattern of six inches by six inches and being of electrically welded construction of 10-gauge steel wire.

§ 293-6. Construction standards; methods of construction.

All methods of construction and construction practices employed in the opening of trenches, digging in streets, backfilling, compacting and restoration of pavements shall be in strict compliance with the requirements set forth herein, with the Standard Specifications or as otherwise directed by the Director/Superintendent of Public Works.

A. Excavation.

- (1) Prior to the removal of any pavement or the excavation of any trench, the pavement shall be cut in a straight line along the lines of the trench or opening. The pavement shall be cut using a pavement cutting wheel, pavement saw or other device as approved by the Director/Superintendent. The cut shall extend through all courses of bituminous concrete surface and base courses. Should broken or failed pavement be encountered within or abutting the limits of the trench, these areas shall be cut back to an area of sound pavement. In the event of overexcavation, the pavement shall be saw-cut back to a straight line abutting sound pavement and firm base, free of undermined areas. In the case of undermining of the area beneath the pavement abutting the trench, the pavement over the undermined area shall be saw- or wheel-cut in a straight line to produce a straight edge abutting sound pavement over a firm undisturbed subgrade.
- (2) The excavation shall be conducted in such a manner as not to interfere or disrupt any existing utility installations, building connections, foundations, curbing, sidewalk, traffic signal appurtenances, storm drains or other appurtenances either located or extending into a subsurface area either within the trench area or within proximity of the trench or opening area in such a manner as to possibly be affected by the trenching or opening activity.
- (3) All unsuitable backfill material shall be removed from the work area and disposed of in a location and manner as approved by the Director/Superintendent. The permittee shall replace all unsuitable material conforming to the requirements for Select Borrow, Gradation I-13. All excess material shall be removed and disposed of in a manner and location as approved by the Director/Superintendent. The removal and

disposal of all unsuitable backfill and excess material and the replacement of all unsuitable backfill material shall be at the expense of the permittee.

- (4) Shoring, bracing and stabilization. The permittee shall ensure that the proper bracing, shoring and other means of trench stabilization shall be constructed wherever required or deemed necessary by the Director/Superintendent or by any state, federal or local laws. All shoring, bracing and stabilization shall be designed to withstand all lateral pressures and support all loading surcharges imposed by traffic, adjoining structures or other sources of surcharge loading. All shoring, bracing and stabilization shall conform to the plan as required hereinabove and shall be designed by a New Jersey licensed professional engineer. All shoring, bracing and stabilization shall conform to all standards set forth by the Occupational Safety and Health Administration (OSHA) of the United States Department of Labor and the Bureau of Workplace Safety Standards of the New Jersey Department of Labor and Industry. In the case of prefabricated steel trench boxes or other devices, only those devices conforming to all applicable standards set forth hereinabove shall be employed.
 - (5) No soil, materials or other items shall be placed so as to interfere with public use of the highway, road or street or as to create a traffic hazard.
 - (6) Time limit. The opening or trench shall be backfilled and paved, if required, immediately. The final pavement shall be restored in accordance with the requirements of this Article not less than 30 days and not more than 45 days thereafter. The permittee shall maintain the trench and regrade the subgrade as required until final paving is installed. In case the work has not been completed before the day of expiration as shown in the permit and the permittee has not requested an extension of time, the Director/Superintendent of Public Works may, if he or she deems it advisable, take steps to backfill the trench and replace a permanent pavement over the opening for which the permit has been issued, and if any extension of time beyond said date is needed for the completion of the work, a new application must be filed if required by the Director/Superintendent of Public Works. **[Amended 1-25-1990 by Ord. No. 2-90; 7-11-1996 by Ord. No. 96-36]**
- B. Backfilling. All backfilling of trenches, openings and excavations in streets, roads, highways and thoroughfares of the Township of Lacey shall be performed in strict compliance with the procedures and methods set forth herein and in the Standard Specifications or as otherwise directed by the Director/Superintendent.
- (1) All pipe shall be placed on the proper class and type of bedding required for the type of soil conditions encountered, depth of cover over the pipe, type of pipe and traffic loading imposed.
 - (2) In those instances where the height of cover over the pipe or conduit is less than the minimum height of cover as required for the type of conduit or pipe, pipe thickness and diameter needed to withstand a minimum AASHTO H-20 Loading, the conduit or pipe shall be encased in reinforced concrete with the encasement being of the thickness, reinforcement and configuration to support loading. The encasement shall be constructed so that the load is not carried by the conduit or any other pipe or conduit which is located beneath the conduit or pipe under construction.
 - (3) Backfill shall be thoroughly compacted by mechanical means in six-inch lifts to a minimum ninety-five-percent (AASHTO T-95 Proctor) relative density. Tampers or

compaction equipment shall be designed for the type of material being compacted. All compaction equipment shall be subject to the inspection of the Director/Superintendent.

- (4) All backfilling operations shall be formed in strict compliance with all requirements of the Standard Specifications or as otherwise directed by the Director/Superintendent.
 - (5) Under no circumstances shall puddling, flooding or other nonmechanical means of compaction be permitted.
- C. Pavement restoration. All pavement restoration shall be performed in strict compliance with all applicable requirements as set forth in the Standard Specifications or as otherwise amended herein or as otherwise directed by the Director/Superintendent.
- (1) All existing pavement edges shall be completely tacked prior to placement of bituminous concrete with heated asphalt cement Grade AC-10 or AC-20.
 - (2) Prior to placement of the soil aggregate or quarry blend subbase course on the subgrade, a filter fabric or geotextile shall be placed in the trench. The geotextile or filter fabric shall be an approved type and thickness and shall be installed in strict accordance with the manufacturer's instructions.
 - (3) The subbase course shall be thoroughly compacted to a minimum ninety-five-percent relative density (AASHTO T-95 Proctor) prior to placing the bituminous stabilized base course.
 - (4) Prior to placing the bituminous stabilized base course, a prime coat consisting of an asphalt cutback, Grade MC-250 or approved equal, shall be applied at a rate of 0.25 gallon per square yard, a minimum of 12 and not greater than 24 hours prior to the placement of the bituminous stabilized base course. If, in the opinion of the Director/Superintendent, the optimum moisture content and binder content of the subbase material is sufficient, the prime coat requirement may be waived upon specific application.
 - (5) The bituminous stabilized base course material shall be placed in two immediately successive lifts of three inches' compacted thickness, with each lift being thoroughly compacted prior to placement of the succeeding lift. The bituminous stabilized base course shall be brought to the elevation of the surrounding existing pavement.
 - (6) A minimum interval of 30 calendar days shall pass between placement of the final bituminous concrete surface course to allow for settlement.
 - (7) Prior to placement of the final bituminous concrete surface course, the trench area shall be thoroughly swept of all soil, foreign material, moisture, silt, sand and other substances which would prevent proper adhesion of the bituminous concrete or tack coat. Any failed areas of base course shall be removed, replaced and recompact to the satisfaction of the Director/Superintendent.
 - (8) Prior to placement of the final pavement, the area shall be tacked with asphalt cutback, Grade MC-70 or approved equal. The tack coat shall extend to provide smooth transition to the existing pavement.

- (9) The final pavement shall be constructed in strict accordance with all provisions of the Standard Specifications. The finished pavement shall be blended and finished in such a manner as to provide a smooth transition to the existing pavement surface providing a smooth joint and edge and bond between the pavement restoration and the existing pavement. The finished pavement shall be free of depressions, high areas or other surface irregularities.
- (10) Where traffic markings are disturbed in the course of pavement restoration or trench opening, it shall be the responsibility of the permittee to ensure that all pavement markings are restored in accordance with all applicable requirements and to the satisfaction of the Director/Superintendent.
- (11) Four months prior to the new paving of any roadway, the Township of Lacey shall provide notification of the road paving to all property owners along the roadway. **[Added 2-25-1993 by Ord. No. 93-14]**
- (12) Restoration. **[Added 2-25-1993 by Ord. No. 93-14]**
 - (a) No newly paved road shall be opened for a period of three years from the date of acceptance by the Township unless such road is restored in two stages. The two stages shall consist of an initial restoration and a final restoration as follows:
 - [1] The initial restoration shall consist of the installation of six inches of gravel base course, Soil Aggregate Designation I-5, in the entire excavated area. This shall be covered by an eight-inch-thick course of bituminous stabilized base course with the surface flush with the existing surface course.
 - [2] Final restoration shall consist of the milling out of 1.5 inches of the previously installed bituminous stabilized base course and an area of existing pavement to a minimum distance of one foot outside the trench area and the installation of 1.5 inches of bituminous concrete surface course, Mix No. I-5, within the previously milled out area. The surface course shall be flush with the existing road surface. Final restoration shall take place six months after the completion of the initial restoration.
 - (b) All materials shall conform to the latest revision of the New Jersey Department of Transportation Standard Specifications for Road and Bridge Construction.

§ 293-7. Traffic safety; control; barricade.

The permittee shall bear all responsibility for ensuring traffic safety and safety to the public in the trench and work area at all times. The permittee shall also be responsible for maintaining proper traffic circulation throughout the work area. The permittee shall ensure compliance with all provisions herein or as otherwise directed by either the Director/Superintendent or the Police Department.

A. Barricades, warning devices, traffic control devices.

- (1) All barricades, signs, flasher units, cones, traffic warning and direction devices, barrel delineators and all other devices employed in traffic control, warning and direction in and around the work area shall be in strict compliance with all requirements set forth

in the Manual for Uniform Traffic Control Devices (MUTCD), including design, placement and maintenance.

- (2) It shall be the responsibility of the permittee to erect and maintain at all times all required barricades, signs, warning devices and all other items as required to maintain traffic safety and circulation and public safety and convenience.
- (3) Flashers, reflective devices and other items required to ensure visibility of the trench or work area in hours of darkness shall be provided in strict compliance with all requirements set forth in the Manual of Uniform Traffic Control Devices.
- (4) Maintenance and emergency situations. The permittee shall provide to the Director/Superintendent and to the Lacey Township Police Department the names and telephone numbers of responsible individuals who can be contacted on a twenty-four-hour-a-day, seven-day-per-week basis to respond to an emergency involving the trench or street opening and to replace or repair any defective, nonfunctioning, vandalized, stolen, damaged or otherwise ineffective barrier, warning device, flasher, sign, barricade or other device as required to repair or cause to be repaired any trench restoration failure or unsafe condition.
- (5) Manholes, inlet castings, valve boxes. Should it be necessary to allow, for any period of time whatsoever, a manhole casting, storm drainage inlet casting, valve box, traffic signal detector plates or other appurtenances in the roadway, shoulder or sidewalk area to remain above the elevation of the surrounding pavement, ground or sidewalk, barricades, barrel delineators or other suitable devices provided with flasher units shall be placed over the appurtenance and shall be secured to prevent toppling or unauthorized removal or tampering but shall conform with all applicable requirements of the Manual of Uniform Traffic Control Devices for breakaway in the event of vehicle collisions. If, in the opinion of the Director/Superintendent, temporary pavement can be placed around the appurtenance to alleviate the unsafe condition, the permittee shall be required to place such temporary pavement in accordance with all requirements specified herein, and to properly remove such pavement when the appurtenance has been set to proper grade.
- (6) Temporary crossings, road plates. Should the permittee propose the use of road plates or other temporary bridging, the specific approval for such items must be obtained, in writing, from the Director/Superintendent.
- (7) Detours. No detours shall be implemented unless specific written approval has been granted by the Director/Superintendent and the Township Police Department. Prior to implementation or approval of any detour, the permittee must submit a specific application to the Director/Superintendent and Police Department. Such application shall include the following submissions:
 - (a) Six copies of a detour plan indicating the following information:
 - [1] Location of detour indicating street from which traffic is to be detoured and streets of alternate route.
 - [2] Alternate route location.

- [3] Signing plan indicating the location of all signs and details of all signs including advance warning signs, traffic direction signs and barricades.
- [4] Placement of uniformed traffic control officers. Locations of all traffic control officers conforming to the requirements herein.
- [5] Written narrative of detour plan indicating route of detour, length of time detour is to remain in effect, traffic control measures, and means to provide access to all residences and businesses within detour area.
- [6] Evidence of notification of all agencies, including but not limited to:
 - [a] Volunteer fire company service district in which detour is located.
 - [b] First aid squad serving district in which the detour is located.
 - [c] Board of Education Transportation Coordinator and Superintendent of Schools.
 - [d] Township Clerk.
 - [e] Township Administrator.
 - [f] All other agencies as may be directed by the Public Works Department.
- B. Application for detour approval must be submitted 30 days in advance of the date of implementation of the detour. A waiver of this requirement may be permitted if, by determination of the Director/Superintendent, a bona fide emergency condition exists.
- C. Uniformed traffic control directors. Where the need for traffic control directors or flagmen is indicated, all personnel shall be uniformed and shall have satisfactorily completed an approved traffic control and traffic direction course. All traffic control directors shall be equipped with all required flags, safety attire and communication equipment as required by the Manual of Uniform Traffic Control Devices and the State of New Jersey. All traffic control directors shall be subject to the approval of the Lacey Township Chief of Police.

§ 293-8. Responsibilities of permittees. [Amended 7-11-1996 by Ord. No. 96-36]

Any person, firm, corporation, utility, quasi-public body or other entity granted a permit by the Township of Lacey to open or excavate a trench or other excavation or otherwise disrupt pavement in any area within the right-of-way of any road in any road, street, highway or public thoroughfare of the Township of Lacey shall accept, as conditions of being granted the permit, the following responsibilities:

- A. Assume all liability and responsibility arising from the street opening covered by the permit, including liability arising from the opening, construction operations, traffic safety and control and restoration, holding the Township of Lacey harmless from all liability and litigation.
- B. Comply with all requirements set forth herein or as otherwise directed by the Director/Superintendent of Public Works.

- C. Provide the Director/Superintendent of Public Works for the Township of Lacey with a minimum of two working days' notice in advance of commencement of street-opening work.
- D. Notify all utilities or other entities of the street-opening work as required by New Jersey law.
- E. Protect the health, safety and welfare of the public at all times by employing all required traffic safety devices, warning devices and other items required to maintain traffic safety and circulation.
- F. Prevent to the fullest extent possible the inconvenience to the public due to road-opening work and maintain at all times safe and efficient traffic circulation around the work.
- G. Provide and maintain proper liability insurance coverage for work operations protecting and holding the Township of Lacey harmless from all suits arising from the road opening.
- H. Provide and maintain safe working conditions for all personnel and provide adequate workers' compensation insurance, holding the Township harmless and protected from all suits arising from injuries sustained by personnel in the course of the permittee's operations.
- I. Maintain proper barricades, signs, warning devices and all other traffic safety devices at all times.
- J. Obey all instructions issued regarding the permit issued by the Director/Superintendent of Public Works.
- K. Post all required maintenance guaranties as required and repair any defects or failures in the restoration during the period covered by the maintenance guaranty. The permittee shall ensure that all repairs are carried out within two working days of notification of restoration defects or failure by the Public Works Director/Superintendent.

§ 293-9. Inspection and acceptance.

- A. All work shall be subject to the inspection by the Township Department of Public Works Director/Superintendent or his or her designee. The Director/Superintendent of Public Works shall reserve the right to inspect all work relating to the street opening, including, but not limited to, excavation, backfill, bedding, pavement restoration, restoration maintenance and traffic control and safety measures. If, in the opinion of the Public Works Director/Superintendent, the permittee is not complying with all requirements set forth herein, or as otherwise directed, or that the permittee has failed to maintain safe conditions in the work area creating a hazard to both the public and/or personnel, the Public Works Director/Superintendent shall reserve the right to revoke the permit and require the permittee to cease work for which the permit and street opening is intended until such noncompliances have been rectified to his or her satisfaction. **[Amended 7-11-1996 by Ord. No. 96-36]**
- B. All restoration work shall be subject to the review and approval by the Director/Superintendent of Public Works. No pavement restoration shall be considered to be complete or accepted until approved by the Director/Superintendent of Public Works. Once approved by the Director/Superintendent, notification will be given to the permittee. Release of the performance guaranty will not be authorized until satisfactory posting

or acceptance of the maintenance guaranty conforming to the requirements set forth in § 293-4 herein.

§ 293-10. Responsibility for damages. [Amended 7-11-1996 by Ord. No. 96-36]

The permittee shall solely be liable and responsible for any damages, injuries or claims resulting from the street opening, restoration or which are by any connection related to the permit, the permittee's operations or actions. Nothing in this Article shall be understood or construed by any permittee or other person as to absolve any permittee, his or her employees, agents or contractors of any responsibility for any damage or injuries suffered by any person or property in opening or digging in any public road, street, highway or thoroughfare.

§ 293-11. Insurance indemnification.

- A. The permittee shall post with the Director/Superintendent of Public Works a certificate of public liability insurance providing a minimum umbrella or comprehensive coverage limit of not less than \$1,000,000 for injuries, including wrongful death, to any one person and, subject to the same limit for each person, in an amount not less than \$500,000 on account of one accident, and property damage insurance in an amount of not less than \$250,000 for damage to property for each and every accident.
- B. The above policies for public liability and property damage insurance must be so written as to include contingent liability and contingent property damage insurance to protect the Township against claims arising from the operation of the permittee's contractors, subcontractors or agents.
- C. The permittee shall provide to the Township indemnification against any liability or suits arising from the permittee's operations and the street opening or any work in connection hereof, and the permittee shall protect and hold harmless the Township of Lacey, its officers, its employees and its agents against any claims arising from the permittee's operations and the street opening or any related work.

§ 293-12. Violations and penalties. [Amended 7-11-1996 by Ord. No. 96-36]

Any person, firm, corporation, partnership, utility, quasi-public body or other entity violating or failing to comply with any of the provisions of this Article shall, upon conviction thereof, be subject to punishment by a fine of not more than \$1,000, by imprisonment for a term not to exceed 90 days and/or by a period of community service not exceeding 90 days, in the discretion of the Judge. The continuation of such violation shall constitute a separate offense, and the person or persons allowing or permitting the continuation of the violation may be punished as provided for each separate offense.

ARTICLE II

Construction and Maintenance**[Adopted 1-28-1988 as Ord. No. 4-88 (Ch. 92 of the 1974 Code)]****§ 293-13. Premises owner to maintain sidewalks and curbs. [Amended 7-11-1996 by Ord. No. 96-36]**

The owner of any premises in the Township of Lacey abutting a sidewalk or curb shall, at his or her own cost and expense, keep and maintain such sidewalk or curb in good condition and state of repair and shall not permit the same to fall into a state of disrepair or to become unfit or unsafe to walk upon. In the event that such sidewalk or curb or any part thereof becomes unsafe or hazardous to the public or unfit to walk upon, the abutting owner, at his or her own cost and expense, shall, with all expeditious speed, reconstruct or repair, as the facts may require, such sidewalk or curb or that part thereof which requires reconstruction or repair.

§ 293-14. Notice of condition to owner. [Amended 7-11-1996 by Ord. No. 96-36]

Where, in the opinion of the Lacey Township Engineer, Code Enforcement Officer or the Public Works Director/Superintendent, a sidewalk or curb is in an unsafe or hazardous condition, he or she shall inform the Township Committee, which shall, by resolution, authorize a notice, in writing, to be served upon the owner or occupant of said lands, requiring the necessary specified work to said curb or sidewalk to be done by said owner or occupant within the period not less than 30 days from the date of service of said notice. Whenever any lands are unoccupied, and the owner cannot be found within the Township, said notice may be mailed, postage prepaid, to his or her post office address as it is ascertained from the latest tax rolls of the Township of Lacey. In a case where an owner is a nonresident of the municipality or his or her post office address cannot be ascertained, then a notice may be inserted for four weeks, once a week, in the official newspaper of the Township of Lacey.

§ 293-15. Failure to comply; work to be done by Township.

In the case where the owner or occupant of such lands shall not comply with the requirements of such notice, it shall be lawful for the Public Works Director/Superintendent, upon filing due proof of service or publication of the aforesaid notice, to cause the required work to be done and paid for out of the Township funds available for that purpose. The cost of such work shall be certified by the Public Works Director/Superintendent to the Township Engineer, who shall verify the same and turn it over to the Tax Assessor. Upon filing these said certificates, the amount of the cost of such work shall be and become a lien upon said abutting lands in front of which such work was done.

§ 293-16. Line and grade of sidewalks and curbs.

All new sidewalks and curbs constructed by an abutting owner shall be constructed in accordance with the line and grade established by the Township Engineer. All old and existing sidewalks reconstructed or repaired by an abutting owner shall be reconstructed or repaired in accordance with the existing line and grade unless such line or grade is changed by the Township Engineer. It shall be the duty of the abutting owner in all instances to make inquiry to the Township Engineer respecting such line and grade.

§ 293-17. Construction specifications.

All sidewalks and curbs constructed, reconstructed or repaired shall be in accordance with specifications of the Township of Lacey.

§ 293-18. Appropriation of funds; disposition of moneys.

The Township Committee may each year include in its annual budget an appropriation for curb and/or sidewalk repairs in addition to any existing maintenance fund, out of which appropriation all costs of construction and/or repair of curbs and sidewalks during the year may be charged when it becomes necessary for the Public Works Department to make such repairs and/or construction pursuant hereto. All moneys recovered or paid to the Township under the provisions of this Article, other than penalties as hereinafter set forth, shall be credited to the account out of which such work was paid.

§ 293-19. Application for permit; fee. [Amended 4-25-1991 by Ord. No. 23-91; 7-11-1996 by Ord. No. 96-36; 12-12-2002 by Ord. No. 02-69]

Whenever any curb or sidewalk is required to be repaired, reset or relaid in the Township of Lacey, application for a permit shall be made by the owner of the abutting lands or his or her contractor to the Construction Official, specifying grade, dimensions, mixed materials and the method of construction or repair to be used. The Construction Official shall examine said specifications and, upon approval of the Township Engineer, in compliance with all the provisions of this article, shall grant a permit to the applicant. An administrative fee for the aforesaid permit shall be \$2 per linear foot of sidewalk and \$5 per linear foot of curb being repaired. In addition, the applicant shall pay a fee to the Township to cover the cost of the Township Engineer's inspection of the curb and/or sidewalks, which fee shall be as follows:

Curb and Sidewalks	Fee
(linear feet)	
Up to 50	\$150
Each additional 50 or portion thereof	An additional \$50

§ 293-20. Prohibition on obstruction of right-of-way. [Amended 4-23-1992 by Ord. No. 22-92]

The owners of premises abutting a street right-of-way in the Township shall not allow or cause the construction or placement of any permanent structure or planting of any plant life and allowing such plant life to grow higher than 2 1/2 feet in the street right-of-way in front of such property without the approval of the Township Committee.

§ 293-21. Prohibition on casting of snow or ice. [Amended 4-23-1992 by Ord. No. 22-92]

No owner, tenant or occupant of any premises abutting on any street shall throw, place or deposit snow or ice into or on any street, it being the intent and purpose of this provision to prohibit all persons from throwing, casting, placing or depositing snow and ice which accumulates within the private property belonging to that person on the sidewalks or streets of the Township.

§ 293-22. Cutting of brushes and hedges near roadways and intersections. [Amended 4-23-1992 by Ord. No. 22-92]

The owner and tenants of lands lying within the limits of Lacey Township shall keep all brush, hedges and other plant life, growing within 10 feet of any roadway and also within 25 feet of the intersection of two roadways, cut to a height of not more than two and one-half (2 1/2) feet. Where it shall be necessary and expedient for the preservation of public safety, the owner or tenant of said property shall be required by the Code Enforcement Officer of the Township of Lacey to cut said brush, hedges and other plant life in accordance with the terms of this Article within 10 days after notice to cut the same is served by the Code Enforcement Officer of the Township of Lacey. Said notice shall be served by regular and certified mail at the last known address of the owner or tenant of the subject property. In the event that no address is known, service shall be made by posting said notice on the subject property. In the event that the owner or tenant shall fail or neglect to cut the brush, hedges and plant life within 10 days after receipt of said notice in accordance with the provisions of this Article, the brush, hedges and plant life may be removed by the Township under the direction of the Code Enforcement Officer of Lacey Township.

§ 293-23. Cost of removal to be lien. [Amended 4-25-1991 by Ord. No. 23-91; 4-23-1992 by Ord. No. 22-92]

In all cases where the brush, hedges and other plant life are cut from any lands pursuant to the provisions of § 293-22, by or under the direction of the Code Enforcement Officer of the Township of Lacey, the Code Enforcement Officer shall certify the costs thereafter to the governing body, who shall examine the certificate and, if found correct, shall cause the costs thereon to be charged against said lands. In the event that such cost is determined by the governing body to be excessive, the reasonable cost thereof in the determination of the governing body shall be charged against said lands, and the amount so charged shall forthwith become a lien upon said lands and shall be added to and become part of the taxes next to be assessed and levied upon such lands. Said lien shall bear the same interest rate as taxes and shall be collected and enforced by the officers of the municipality in the same manner as taxes.

§ 293-24. Violations and penalties. [Amended 4-23-1992 by Ord. No. 22-92]

- A. The failure of any applicant, owner or his or her contractor, servant or agent to construct or repair such curbs and/or sidewalks in accordance with the specifications filed by him or her for the purpose of securing that permit under the terms of this Article shall be and constitute a violation hereof. **[Amended 7-11-1996 by Ord. No. 96-36]**
- B. Any person violating the terms of this Article or refusing or neglecting to comply with any of the provisions hereof shall, upon conviction therefor, be subject to a fine of not more than \$1,000, imprisonment in the county jail for a period of not more than 90 days and/or a period of community service of not more than 90 days in the discretion of the court before which such conviction is had. **[Amended 7-11-1996 by Ord. No. 96-36]**
- C. Each day's persistence in the things or acts prohibited by this Article shall be and constitute a separate and distinct offense subject to any and all penalties prescribed in this Article.

ARTICLE III

**Improvement of Unimproved Streets
[Adopted 6-26-1997 by Ord. No. 97-24]****§ 293-25. Permit required.**

No person, firm, partnership, corporation, utility, quasi-public body or other entity shall improve an unimproved public road, street, highway or thoroughfare of the Township of Lacey nor direct or cause any employee, agent or contractor of such person, firm, partnership, corporation, utility, quasi-public body or other entity to improve any unimproved street, highway, road or thoroughfare of the Township of Lacey until a written permit for such improvement has been duly issued by the Director/Superintendent of Public Works of the Township of Lacey.

§ 293-26. Permit application procedures.

Application for all permits to improve any unimproved public road, highway, street or thoroughfare of the Township of Lacey shall be made on the forms provided by the Lacey Township Department of Public Works and submitted to the Superintendent/Director of the Department of Public Works. Accompanying all applications shall be the following:

A. Application submissions.

- (1) A clearly and legibly drawn plan and profile and a typical cross section of the proposed road, highway, street or thoroughfare showing storm and sewers and appurtenances, water mains, gas mains, bridges, major tree growths and showing connections to existing or proposed utilities, all meeting the requirements of the Township Engineer.
- (2) A certificate of liability insurance indemnifying and holding harmless the Township of Lacey from any liability arising from the installation of the improvements.
- (3) A performance guaranty conforming to the requirements set forth in § 293-28 herein.
- (4) An application form.
- (5) An application fee in the amount prescribed in § 293-27 herein.
- (6) In the case of roadway improvements in which traffic detours are required, the applicant must comply with the requirements of § 293-31A(7) herein.
- (7) A written schedule of operations indicating the anticipated dates of street openings and excavations and restoration work required to connect proposed utilities to existing utilities in existing improved streets.
- (8) A written statement by the permittee describing in detail where any and all excavated materials shall be disposed of and written documentation that the proposed location for disposal is a location with all necessary governmental approvals for this purpose and, in particular, if said location is a landfill, proof that said landfill is registered and licensed to accept such material.
- (9) The applicant shall provide proof of approval of the Lacey Municipal Utilities Authority indicating the acceptability of the proposed improvements.

- B. Permittee. The permit shall be issued jointly in the name of the contractor actually performing the work and the person, firm, partnership, corporation or other entity for whom the work is to be performed. It shall be understood that the Township of Lacey shall hold equally liable and responsible both the contractor actually performing the work and the entity for whom the work is performed regarding all restoration, maintenance of traffic, protection of public safety, repair of defective improvements and all else related to the street improvement.
- C. Permit. A copy of the permit shall be available at the work location during all periods of construction and shall be provided for inspection upon demand.

§ 293-27. Schedule of permit fees.

- A. The following schedule of fees is hereby fixed, determined and established as being the fees to be paid to the Township of Lacey for the issuance of all road improvement permits. Should any additional cost be incurred by the Township of Lacey due to the permittee's operations or negligence, including administrative, engineering, inspection and legal costs, the permittee shall reimburse the Township for all costs incurred.
 - (1) Administrative fee. Each permittee at the time of submitting a permit application shall submit a nonrefundable administrative fee of \$100.
 - (2) Escrow deposits. The permittee shall, in addition to the administrative fee set forth in § 293-27A(1), at the time of filing an application for road improvement, post escrow deposits to cover the expenses of the Township in conjunction with the review of the application and plans by the Township Engineer. An inspection escrow deposit shall be required to be deposited upon receipt of the permit to cover the cost of inspection of the actual construction by the Township Engineer.
 - (a) Review fees. **[Amended 12-12-2002 by Ord. No. 02-69]**
 - [1] Up to 250 LF of road improvement: \$500.
 - [2] For each additional 250 LF or portion thereof: \$250.
 - (b) Inspection fees. Inspection fees shall be estimated for the purpose of the escrow deposit to be 5% of the estimated construction cost as determined by the Township Engineer during the review process.
 - (c) Purpose of escrows. Escrow deposits are intended to cover the entire cost of review by the Township Engineer. This chapter estimates the total cost of review of a road improvement application and the inspection of the construction of the improvement; however, the applicant is responsible for any and all professional fees associated with the application and construction process.
- B. Disposition of fees. All fees set forth in § 293-27A herein shall be payable to the Township of Lacey. Due to the potentially large range of complexity of improving an unimproved road, all escrow deposits shall be considered an estimate of the costs to be incurred. Should costs above those estimated be incurred either in the review of the application or inspection of the construction, the applicant will be responsible for the replenishment of the escrow to cover the excess costs. Upon completion of the construction and acceptance of the

maintenance guaranty by the Township, any excess escrow moneys shall be returned to the applicant upon receipt of a written request for the same.

§ 293-28. Performance and maintenance guaranties.

- A. Each applicant for a permit for the improvement of an unimproved street shall post, prior to issuance of any permit for the improvement of any road, a performance guaranty insuring property and satisfactory completion of all required improvements in strict accordance with the specifications set forth herein. The amount of the performance guaranty shall be estimated by the Director/Superintendent of Public Works and shall be based upon the estimated cost of the proposed improvements.
- B. The performance guaranty shall be posted with the Lacey Township Chief Financial Officer and shall be in any of the forms indicated herein:
 - (1) Certified check drawn payable to the Township of Lacey and drawn on a New Jersey bank.
 - (2) Letter of credit drawn in favor of the Township of Lacey and issued by a New Jersey fiduciary institution. The letter of credit shall be subject to the review and approval of the Township Attorney for form prior to its acceptance.
 - (3) Surety bond issued by a surety company licensed by the State of New Jersey. Evidence shall be submitted as to the solvency of the bonding company issuing the bond. The bond shall be executed by the permittee as principal herein, and the surety company shall be the surety therein.
- C. Maintenance guaranty. Upon completion of the improvements to the satisfaction of the Lacey Township Director/Superintendent of Public Works of the public road, street, highway or thoroughfare, in accordance with all standards set forth herein, a maintenance guaranty shall be posted by the permittee. The maintenance bond shall be in one of the three forms set forth in § 293-28B. The maintenance guaranty shall be in an amount equal to 50% of the performance guaranty amount and shall remain in force for a period of not less than two years from the date of acceptance of the permanent pavement restoration by the Township Public Works Director/Superintendent.
- D. Release of guaranties; performance guaranties. Performance guaranties shall be released upon satisfaction of the following conditions:
 - (1) Approval of the Lacey Township Public Works Director/Superintendent of all road improvements in accordance with the standards set forth herein.
 - (2) Posting of an acceptable maintenance guaranty conforming to the requirements set forth in § 293-28C herein.
 - (3) Proof that any and all excavated material has been disposed of in a legally acceptable and approved manner in accordance with the permittee's application submission.
- E. In addition to the inspection fee escrow deposits required by § 293-4, the developer or applicant, upon submitting a performance or maintenance guaranty for review or when applying for a reduction or release of any performance or maintenance guaranty, shall include with said submission or application the following escrow deposits: \$150 for any engineering inspection required by the Township Engineer, and \$300 for any legal costs

incurred to review any performance or maintenance guaranty and prepare any necessary Township resolution in connection with the application. **[Added 4-27-2000 by Ord. No. 00-17]**

§ 293-29. Design standards and requirements.

- A. All improvements to roads, streets, highways or thoroughfares in the Township of Lacey shall conform to the current standards and requirements of Article VI, Design Standards and Requirements, Chapter 297, Subdivision of Land, of the Code of the Township of Lacey. These improvements shall also conform to the extent required with any uniform residential site improvement standards included in N.J.A.C. 5:21-1.1 et seq.
- B. Should the applicant propose any deviations from the requirements of Article VI, Design Standards and Requirements, Chapter 297, Subdivision of Land, of the Code of the Township of Lacey, or from any uniform design standards proposed pursuant to N.J.A.C. 5:21-1.1 et seq., the applicant may submit a waiver application to the Lacey Township Planning Board or an application for an exception to the Lacey Township Planning Board pursuant to the provisions of N.J.A.C. 5:21-3.1, if it is necessary for the applicant to obtain an exception from the uniform site improvement standards.

§ 293-30. Construction standards; methods of construction.

All methods of construction and construction practices employed in the opening of trenches, digging in streets, backfilling, compacting and restoration of pavements shall be in strict compliance with the requirements set forth herein, with the New Jersey Department of Transportation Standard Specifications for Road and Bridge Construction, latest revision, or as otherwise directed by the Director/Superintendent of Public Works.

§ 293-31. Traffic safety.

The permittee shall bear all responsibility for ensuring traffic safety and safety to the public in the work area at all times. The permittee shall also be responsible for maintaining proper traffic circulation throughout the work area. The permittee shall ensure compliance with all provisions herein or as otherwise directed by either the Director/Superintendent or the Police Department.

- A. Barricades; warning devices; traffic control devices.
 - (1) All barricades, signs, flasher units, cones, traffic warning and direction devices, barrel delineators and all other devices employed in traffic control, warning and direction in and around the work area shall be in strict compliance with all requirements set forth in the Manual for Uniform Traffic Control Devices, including design, placement and maintenance.
 - (2) It shall be the responsibility of the permittee to erect and maintain at all times all required barricades, signs, warning devices and all other items as required to maintain traffic safety and circulation and public safety and convenience.
 - (3) Flashers, reflective devices and other items required to ensure visibility of the trench or work area in hours of darkness shall be provided in strict compliance with all requirements set forth in the Manual of Uniform Traffic Control Devices.

- (4) Maintenance and emergency situations. The permittee shall provide to the Director/Superintendent and to the Lacey Township Police Department the names and telephone numbers of responsible individuals who can be contacted on a twenty-four-hour-a-day, seven-day-per-week basis to respond to an emergency involving the trench or street opening and to replace or repair any defective, nonfunctioning, vandalized, stolen, damaged or otherwise ineffective barrier, warning device, flasher, sign, barricade or other device as required to repair or cause to be repaired any trench restoration failure or unsafe condition.
- (5) Manholes, inlet castings, valve boxes. Should it be necessary to allow, for any period of time whatsoever, a manhole casting, storm drainage inlet casting, valve box, traffic signal detector plates or other appurtenances in the roadway, shoulder or sidewalk area to remain above the elevation of the surrounding pavement, ground or sidewalk, barricades, barrel delineators or other suitable devices provided with flasher units shall be placed over the appurtenance and shall be secured to prevent toppling or unauthorized removal or tampering but shall conform with all applicable requirements of the Manual of Uniform Traffic Control Devices for breakaway in the event of vehicle collisions. If, in the opinion of the Director/Superintendent, temporary pavement can be placed around the appurtenance to alleviate the unsafe condition, the permittee shall be required to place such temporary pavement in accordance with all requirements specified here and to properly remove such pavement when the appurtenance has been set to proper grade.
- (6) Temporary crossings, road plates. Should the permittee propose the use of road plates or other temporary bridging, the specific approval for such items must be obtained, in writing, from the Director/Superintendent.
- (7) Detours. No detours shall be implemented unless specific written approval has been granted by the Director/Superintendent and the Township Police Department. Prior to implementation or approval of any detour, the permittee must submit a specific application to the Director/Superintendent and Police Department. Such application shall include the following submissions:
 - (a) Six copies of a detour plan indicating the following information:
 - [1] Location of detour indicating street from which traffic is to be detoured and streets of alternate route.
 - [2] Alternate route location.
 - [3] Signing plan indicating the location of all signs and details of all signs, including advance warning signs, traffic direction signs and barricades.
 - [4] Placement of uniformed traffic control officers. Locations of all traffic control officers conforming to the requirements herein.
 - [5] Written narrative of detour plan indicating route of detour, length of time detour is to remain in effect, traffic control measures and means to provide access to all residences and businesses within detour area.
 - [6] Evidence of notification of all agencies, including but not limited to:
 - [a] Volunteer fire company service district in which detour is located.

- [b] First aid squad serving district in which the detour is located.
 - [c] Board of Education Transportation Coordinator and Superintendent of Schools.
 - [d] Township Clerk.
 - [e] Township Administrator.
 - [f] All other agencies as may be directed by the Public Works Department.
- B. Application for detour approval must be submitted 30 days in advance of the date of implementation of the detour. A waiver of this requirement may be permitted if, by determination of the Director/Superintendent, a bona fide emergency condition exists.
- C. Uniformed traffic control directors. Where the need for traffic control directors or flagmen is indicated, all personnel shall be uniformed and shall have satisfactorily completed an approved traffic control and traffic direction course. All traffic control directors shall be equipped with all required flags, safety attire and communication equipment as required by the Manual of Uniform Traffic Control Devices and the State of New Jersey. All traffic control directors shall be subject to the approval of the Lacey Township Chief of Police.

§ 293-32. Responsibilities of permittees.

Any person, firm, corporation, utility, quasi-public body or other entity granted a permit by the Township of Lacey to improve a street, road, highway or public thoroughfare of the Township of Lacey shall accept, as conditions of the granting of the permit, the following responsibilities:

- A. Assume all liability and responsibility arising from the installation of improvements covered by the permit, including liability arising from any opening, construction operations, traffic safety and control and restoration, holding the Township of Lacey harmless from all liability and litigation.
- B. Comply with all requirements set forth herein or as otherwise directed by the Director/Superintendent of Public Works.
- C. Provide the Director/Superintendent of Public Works for the Township of Lacey with a minimum of two working days' notice in advance of commencement of street-opening work.
- D. Notify all utilities or other entities of the street-opening work as required by New Jersey Law.
- E. Protect the health, safety and welfare of the public at all times by employing all required traffic safety devices, warning devices and other items required to maintain traffic safety and circulation.
- F. Prevent to the fullest extent possible the inconvenience to the public due to road-opening work and maintain at all times safe and efficient traffic circulation around the work.
- G. Provide and maintain proper liability insurance coverage for work operations protecting and holding the Township of Lacey harmless from all suits arising from the road opening.

- H. Provide and maintain safe working conditions for all personnel and provide adequate workers' compensation insurance, holding the Township harmless and protected from all suits arising from injuries sustained by personnel in the course of the permittee's operations.
- I. Maintain proper barricades, signs, warning devices and all other traffic safety devices at all times.
- J. Obey all instructions issued regarding the permit issued by the Director/Superintendent of Public Works.
- K. Post all required maintenance guaranties as required and repair any defects or failures in the restoration during the period covered by the maintenance guaranty.

§ 293-33. Inspection and acceptance.

- A. All work shall be subject to the inspection by the Township Department of Public Works Director/Superintendent or his agent designate. The Director/Superintendent of Public Works shall reserve the right to inspect all work relating to the street improvement, including but not limited to excavation, backfill, bedding, pavement restoration, restoration maintenance and traffic control and safety measures. If, in the opinion of the Public Works Director/Superintendent, the permittee is not complying with all requirements set forth herein, or as otherwise directed or that the permittee has failed to maintain safe conditions in the work area creating a hazard to both the public and/or personnel, the Public Works Director/Superintendent shall reserve the right to revoke the permit and require the permittee to cease work for which the permit and street improvement is intended until such noncompliances have been rectified to his satisfaction.
- B. All street improvements shall be subject to the review and approval by the Director/Superintendent of Public Works. No improvement shall be considered to be complete or accepted until approved by the Director/Superintendent of Public Works. Once approved by the Director/Superintendent, notification will be given to the permittee. Release of the performance guaranty will not be authorized until satisfactory posting or acceptance of the maintenance guaranty conforming to the requirements set forth in § 293-28 herein.

§ 293-34. Responsibility for damages.

The permittee shall solely be liable and responsible for any damages, injuries or claims resulting from the street improvement or in any connection related to the permit, the permittee's operations and actions. Nothing in this article shall be understood or construed by any permittee or other person as to absolve any permittee, his employees, agents or contractors of any responsibility for any damage or injuries suffered by any person or property in improving any public road, street, highway or thoroughfare.

§ 293-35. Insurance indemnification.

- A. The permittee shall post with the Director/Superintendent of Public Works a certificate of public liability insurance providing a minimum umbrella or comprehensive coverage limit of not less than \$1,000,000 for injuries, including wrongful death, to any one person and, subject to the same limit for each person, in an amount not less than \$500,000 on account of one accident, and property damage insurance in an amount of not less than \$250,000 for damage to property for each and every accident.

- B. The above policies for public liability and property damage insurance must be so written as to include contingent liability and contingent property damage insurance to protect the Township and/or its agent against claims arising from the operation of the permittee's contractors, subcontractors or agents.
- C. The permittee shall provide to the Township indemnification against any liability or suits arising from the permittee's operations and the street opening or any work in connection hereof, and the permittee shall protect and hold harmless the Township of Lacey, its officers, its employees and its agents against any claims arising from the permittee's operations and the street improvement or any related work.

§ 293-36. Violations and penalties.

Any person, firm, corporation, partnership, utility, quasi-public body or other entity violating or failing to comply with any of the provisions of this article shall, upon conviction thereof, be subject to punishment by a fine of not more than \$1,000, by imprisonment for a term not to exceed 90 days and/or by a period of community service not exceeding 90 days, in the discretion of the Judge. The continuation of such violation shall constitute a separate offense, and the person or persons allowing or permitting the continuation of the violation may be punished as provided for each separate offense.

§ 293-37. Repealer.

All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

§ 293-38. Severability.

If any section, subsection, sentence, clause, phrase or portion of this article is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

§ 293-39. When effective.

This article shall take effect after the second reading and publication as required by law.