

ORDINANCE 36-2018

ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER 166 OF THE BOROUGH CODE ENTITLED "STREETS AND SIDEWALKS" REGARDING ROAD OPENINGS AND EXCAVATIONS

WHEREAS, the Borough Administrator has recommended that the Borough Council amend Chapter 166 of the Borough Code regarding road opening permits; and

WHEREAS, the Borough Council concurs in this recommendation to amend the road openings and excavations regulations in the Borough.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the Borough of Madison, County of Morris, State of New Jersey that:

SECTION 1: Chapter 166, Article III, of the Borough Code, entitled "Openings and Excavations Encumbrances" is amended to include the following:

...

Article III. Openings and Excavations Encumbrances

§ 166-19 Emergency Street Openings.

Add: In the event of authorized emergency street openings by a public utility within five (5) years of the moratorium period in Article 166-23, the repaving by the utility must follow the specifications in Article 166-22 and be approved by the Borough Engineer as to the scope of the repaving required.

§ 166-22 Maintenance and Repair of Street Openings following Backfilling.

Add: D. In the event of authorized non-emergency street openings by a public utility within five (5) years of the moratorium period in Article 166-23, the repaving by the utility must be "curb to curb" and follow the specifications in Article 166-22.

§ 166-23 Time period within which reopening are not permitted.

Delete and Add: Following the construction of a new pavement surface on a Borough road, no street openings for public utilities will be permitted for a period of five (5) years thereafter. The Madison governing body may waive and/or allow non-emergency work by a public utility during the five (5) year moratorium period in Article 166-22 to further the public interest. In the event of authorized non-emergency work within the five year (5) moratorium period, the repaving by the utility must be "curb to curb" and follow the specifications in Article 166-22.

§ 166-30 Applicability of provision to public utility companies

Delete in its entirety.

SECTION 2: This Ordinance shall take effect as provided by law.

ADOPTED AND APPROVED

ROBERT H. CONLEY, Mayor

Attest:

ELIZABETH OSBORNE, Borough Clerk