

**BOROUGH OF LODI  
INTRODUCTION NOTICE  
ORDINANCE # 2023-26**

**NOTICE IS HEREBY GIVEN** that the following proposed ordinance was introduced and passed on first reading at a meeting of the Borough Council of the Borough of Lodi, County of Bergen, State of New Jersey, held on December 19, 2023, and that said ordinance will be taken up for further consideration for final passage at the meeting of said Borough Council to be held at its meeting room in the Borough Hall in Lodi, N.J. on January 16, 2024 at 7:00 P.M., or as soon thereafter as said matter can be reached, at which time and place all persons who may be interested therein will be given the opportunity to be heard concerning the same. A copy of this ordinance has been posted on the bulletin board upon which public notices are customarily posted in the Borough Hall of the Borough of Lodi, N.J. and a copy is available up to and including the time of such meeting to the members of the general public of the Borough who shall request such copies, at the Office of the Borough Clerk in said Borough Hall in Lodi, N.J.

Rebecca Paladino, RMC  
Borough Clerk

**ORDINANCE # 2023-26  
BOROUGH OF LODI  
COUNTY OF BERGEN  
STATE OF NEW JERSEY**

**AN ORDINANCE OF THE BOROUGH OF LODI, COUNTY OF BERGEN,  
STATE OF NEW JERSEY, AMENDING THE CODE OF THE BOROUGH OF  
LODI ARTICLE IV STREET OPENINGS**

**BE IT ORDAINED**, by the Mayor and Council of the Borough of Lodi that the Code of the Borough of Lodi Article IV Street Openings be and hereby is amended as follows:

1. SECTION 498-15 A(1) is hereby amended to reflect that the permit shall contain the further stipulation that it is issued with the express understanding and agreement that the applicant therefor shall pay the expenses of repairing and replacing such street or part thereof so opened, dug up, or excavated as stipulated in the Borough Code.
2. Chapter 498-19 F Restoration of Surface is hereby added as follows:

Restoration of Surface.

- A. Requirement to restore surface. The permittee shall restore the surface of all streets, driveways, sidewalks, aprons, grassed or other right-of-way areas broken into or damaged as a result of the excavation work to its original condition or better in accordance with the specifications of the Borough Engineer and the Director of the Department of Public Works including but not limited to curb to curb re-paving in their

reasonable discretion.

B. Criteria for repairs.

- (1) Within grassed areas, the top four inches of the trench and any other areas damaged during construction shall be backfilled with topsoil as defined in Division 800 of the NJDOT Standard Specifications for Road and Bridge Construction, latest edition. Then all newly placed topsoil shall be fertilized and seeded per these specifications.
- (2) Within the limits of gravel areas or any other nondecorative gravel surface, the top of the trench shall be backfilled with eight inches of dense graded aggregate (DGA) base course as defined in Division 300 of the NJDOT Standard Specifications.
- (3) Within asphalt roadways, all trenches shall be brought up to 12 inches below the surface as required in the backfilling sections listed previously. The remaining void shall be backfilled with a temporary repair of six inches of DGA base course as defined in Division 300 of the NJDOT Standard Specifications and six inches of hot mix asphalt (HMA) 19M64 base course as defined in Division 400 of the NJDOT Standard Specifications.
  - (a) The temporary pavement shall remain in place for a period of at least three months and no longer than four months to allow for residual settlement to take place. During this time, the permittee shall assure maintenance of the pavement surface. Manholes, valve boxes or other physical utility obstructions shall have feathered approaches not to exceed a five-percent slope where necessary and temporary pavement striping shall be restored by the permittee for adequate traffic control.
  - (b) The final asphalt paving will depend on the size of the trench:
    - (1) Where 20% or more of the existing surface width and/or a distance parallel or longitudinal to the roadway center line of 25 feet or more has been disturbed, the permittee shall mill the entire pavement surface from the edge to edge or curb to curb and the full length of the trench plus five feet each side at a minimum depth of two inches. All milling and disposal of millings shall be done in accordance with Division 400 of the NJDOT Standard Specifications. The permittee shall clean and sweep the milled surface and apply tack coat in preparing for immediate paving. The area will then be paved with two inches of HMA 9.5M64 surface course in accordance with Division 400 of the NJDOT Standard Specifications. The Borough will require that the terminal ends of the paving be keyed and cut vertical to provide a smooth transition to the existing asphalt surface. Feathering will not be allowed.
    - (2) Where less than 20% of the existing surface and a distance parallel or longitudinal to the roadway center line of less than 25 feet has been disturbed, the permittee shall sawcut the existing surface course two inches deep at a location 12 inches beyond the trench surface, and remove the existing pavement to the same depth. Pavement removal shall be

done by milling or another method as approved by the Borough Engineer. The permittee shall clean and sweep the milled surface and apply tack coat in preparation for immediate paving. The area will then be paved with two inches of HMA 9.5M64 surface course in accordance with Division 400 of the NJDOT Standard Specifications. The Township will require that the terminal ends of the paving be keyed and cut vertical to provide a smooth transition to the existing asphalt surface. Feathering will not be allowed.

(4) Within the limits of portland cement concrete roadways, all trench openings shall be backfilled and compacted as previously required, a satisfactory foundation prepared, the reinforcement restored including slab drilling for dowel connections and the concrete pavement equal in thickness to that in place in the roadway replaced with concrete as defined in Division 400 of the NJDOT Standard Specifications.

(5) Within sidewalk areas, all trench openings shall be backfilled and compacted as previously required, and finished with a concrete sidewalk, four inches thick and at least four feet wide with a compressive strength of not less than 4,000 psi after 28 days. The sidewalk shall be broom finished with striations perpendicular to walking traffic. Troweled joints shall be installed not less than every four feet (or distance equal to the sidewalk width) and bituminuous joints installed every 20 feet. At points of vehicular crossings, the sidewalk shall be increased to six inches thick and one row of welded wire fabric (six-inch-by-six-inch pattern, W2.1x2.1 gauge) shall be added at the mid-depth of the concrete.

(6) Road openings and/or trenches involving unusual or special conditions including attachment to bridges shall be restored in accordance with and pursuant to the direction of the Borough Engineer.

C. Temporary surface restoration in traffic lanes. The permittee may be required to place a temporary surface over openings made in paved traffic lanes. Except when the permanent replacement pavement is to be replaced before the opening of the cut to traffic, the fill above the bottom of the paving slab shall be tamped into place, and this fill shall be topped with a minimum of at least two inches of bituminous mixture which is suitable to maintain the opening in good condition until permanent restoration can be made. The crown of the temporary restoration shall not exceed one inch above the adjoining pavement. The permittee shall exercise special care in making such temporary restorations and must maintain such restorations in safe traveling condition until such time as permanent restorations are made. The asphalt which is used shall be in accordance with the specifications of

the Borough Engineer. If, in the judgment of the Borough Engineer, it is not expedient to replace the pavement over any cut or excavation made in the street upon completion of the work allowed under such permit by reason of the looseness of the earth or weather conditions, the Borough Engineer may direct the permittee to lay a temporary pavement of steel plate or other suitable material designated by him over the cut or excavation to remain until such time as the repair of the original pavement may be properly made.

D. Permanent street restoration. Permanent restoration of the street may be made by the permittee in strict accordance with the specifications prescribed by the Borough Engineer to restore the street to its original and proper condition, or as near as may be. When, in the opinion of the Borough Engineer, the full width overlay will present a hazardous condition and jeopardize the health, safety and welfare of the general public, the Borough Engineer shall direct the permittee the method of restoration of the roadway surface.

E. Approval contingent upon time period. Acceptance or approval of any excavation work by the Borough Engineer shall not prevent the Borough from asserting a claim against a permittee and his or its surety bond required hereunder for incomplete or defective work if discovered within 12 months from the completion of the excavation work. The Borough Engineer's presence during the performance of any excavation work shall not relieve the permittee of its responsibilities hereunder.

3. SECTION 498-19 G Notice of Paving and Repaving; Excavations Barred in New Street Improvements is hereby added as follows:

Notice of Paving of Repaving; Excavations Barred in New Street Improvements.

- A. Whenever the Borough Council enacts an ordinance or resolution providing for the paving or repaving of any street, the Borough Clerk shall promptly mail a written notice thereof to each person owning any sewer main, conduit or other utility in or under said street or any real property whether improved or unimproved abutting said street. Notice shall be sent out after the resolution by the Council but at least 45 days prior to the start of construction. Such notice shall notify such persons that no excavation permit shall be issued for openings, cuts, or excavations in said street for a period of five years from the date of substantial completion of the paving construction contract as determined by the Borough Engineer. Such notice shall notify such persons that applications for excavations permits for work to be done prior to such paving or repaving shall be submitted promptly in order that the work covered by the excavation permit may be completed prior to the start of the paving construction contract. The Borough Clerk shall also promptly mail out copies of such notice to the occupants of all houses, buildings and other structures abutting said street for their information and to state agencies and departments or other persons that may desire to perform excavation work in said street.
- B. In said 45 days, every public utility company receiving notice as prescribed herein shall perform such excavation work, subject to the provisions of this article as may be necessary, to install or repair sewers, mains, conduits or other utility installation. In the

event any owner of real property abutting said street shall fall within said 45 days to perform such excavation work as may be required to install or repair utility service lines or service connections to the property lines, any and all rights of such owner or his successors in interest to make openings, cuts or excavations in said streets shall be forfeited for a period of five years from the date of substantial completion of the paving construction contract as determined by the Borough Engineer. During said, five year period, no excavation permit shall be issued to open, cut or excavate in said street unless in the judgment of the Borough Engineer an emergency as described in this article exists which makes it absolutely necessary that the excavation permits be used.

- C. Every Borough department or official charged with the responsibility for any work that may necessitate any opening, cut or excavation in said street is directed to take appropriate measures to perform such excavation within said 45-day period as to avoid the necessity of making any openings, cuts or excavations in the new pavement in said Borough street during said five-year period.

4. All other provisions of the Code of the Borough of Lodi that are not inconsistent with the within Ordinance shall remain in full force and effect except as otherwise modified herein.

5. In the event any section, part or provision of this Ordinance shall be held unconstitutional or otherwise invalid by any Court of competent jurisdiction, such determination shall not affect the validity of this Ordinance or the remaining provisions which shall remain in full force and effect.

6. All parts of Ordinances which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

This Ordinance shall take effect ten (10) days after adoption and publication in the manner prescribed by law.

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