

**AN ORDINANCE AMENDING CHAPTER XXI, SECTION
21-1 “STREET OPENINGS AND EXCAVATIONS”**

WHEREAS, the Township of Sparta routinely undertakes programs to maintain and resurface its streets for the benefit of its residents, and the Township Council desires to protect the integrity of its streets and the investment that it makes in constructing and resurfacing the streets. As such, the Sparta Township Council desires to implement restrictions on road openings involving newly constructed or resurfaced streets for a period of five (5) years after completion.

NOW, THEREFORE, BE IT ORDAINED by the Sparta Township Council, County of Sussex, State of New Jersey, that the revised General Ordinances of the Township of Sparta is amended as follows:

Section 1.

Township Ordinance Chapter XXI, Section 21-1 “Street Opening and Excavations” is amended in order to add a new sub-section 21.1.5k “Prohibition Period” as follows:

- A. 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.
2. Interruption of essential utility service.
3. Work that is mandated by local, state, or federal law.

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.

- B. 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:

1. The location of the excavation.
2. Description of the work to be performed.
3. The reason(s) the work was not performed before the street was paved.
4. The reason(s) the work cannot be deferred until after the prohibition period.
5. The reason(s) the work cannot be performed at another location.
6. The reason(s) it is justified as an emergency to excavate the prohibition street.
7. 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.

- C. 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 Sparta and that the waiver is necessary for unforeseen circumstances not anticipated in this Chapter.

Section 3. Severability. If any provision of this ordinance or the application of this ordinance to any person or circumstances is held invalid, the remainder of this ordinance shall not be affected and shall remain in full force and effect.

Section 4. Repealer. All ordinances or parts of ordinances or resolutions inconsistent or in opposition to the provisions of this Ordinance are hereby repealed in their entirety.

Section 5. Effective Date. This ordinance shall take effect after publication and passage according to law.

NOTICE

NOTICE is hereby given that the above ordinance was introduced and passed at first reading at a meeting of the Township Council of the Township of Sparta held on Tuesday, August 13, 2019 at 7:30 p.m. at the Municipal Building, 65 Main Street, Sparta, NJ and will be considered for final passage at a meeting to be held on Tuesday, September 10, 2019 at 7:30 p.m. at the Municipal Building, 65 Main Street, Sparta, NJ at which time and place all persons interested therein or affected thereby will be given an opportunity to be heard concerning the same.

BY ORDER OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF SPARTA.

KATHLEEN CHAMBERS, RMC
MUNICIPAL CLERK

NOTICE

NOTICE is hereby given that the above entitled ordinance was introduced and passed at a meeting of the Township Council of the Township of Sparta, held at the Municipal Building, 65 Main Street, Sparta, NJ on August 13, 2019. The same came up for final passage and adoption at a meeting of the Township Council of the Township of Sparta, to be held on September 10, 2019 at 7:30 p.m. at the Municipal Building, 65 Main Street, Sparta, NJ and after all persons present were given an opportunity to be heard concerning the same, it was finally passed and adopted and will be in full force in the Township according to law.

KATHLEEN CHAMBERS, RMC
MUNICIPAL CLERK