

SOUTH ORANGE VILLAGE
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ORDINANCE #2025-12

Introduction: May 12, 2025

Adoption: June 9, 2025

AN ORDINANCE OF SOUTH ORANGE VILLAGE AMENDING AND RESTATING VILLAGE CODE CHAPTER 305 STREETS AND SIDEWALKS, SECTION 12 – PURPOSE THROUGH SECTION 22 – VIOLATIONS AND PENALTIES AND AMENDING AND RESTATING CHAPTER 143 FEES, SECTION 28 – STREETS AND SIDEWALKS ALL REGARDING OPENING, EXCAVATION OR OTHER DISTURBANCE TO PUBLIC RIGHT OF WAYS

BE IT ORDAINED, by the Village Council of South Orange Village, a municipal corporation of New Jersey located in Essex County thereof, as follows:

SECTION 1. Village Code Chapter 305, Sections 12 – Purpose through Section 22 – Violations and Penalties shall be amended and restated in its entirety as follows:

305-12 Purpose

The purpose of this article is to establish regulations and fees for work within the public rights-of-way within South Orange Village.

305-13 Permit required

It shall be unlawful to excavate, bore into, tunnel under or otherwise disturb any public right-of-way in South Orange Village for any purpose without a permit being first secured from the Office of the Village Engineer, and then only upon compliance with the provisions of this article. "Public Right-of-Way" for the purpose of this article shall mean any roadway, sidewalk, alley, utility corridor, or other right-of-way accepted and maintained by the Village as public property, as well as any county right-of-way over which the Village has acquired jurisdiction by agreement or as a result of exercising control thereof.

305-14 Application procedures

Any person, firm, or corporation desiring a permit for work within the public right-of-way shall make application to said Village Engineer setting forth the following information.

- A. The name, emergency contact number, mailing address, and email address of the applicant.
- B. The name of the street where the opening is to be made and the street number, if any, of the abutting property.
- C. The Village Tax Map, block and lot number of the property for the benefit of which the opening is to be made.



- D. The nature of the surface in which the opening is to be made.
- E. The character and purpose of the work proposed.
- F. The time when the work is to be commenced and completed.
- G. The plan showing the exact locations and dimensions of all openings.
- H. The name and address of the contractor who is to perform the work, if different from the applicant.
- I. The Business Registration Certificate and Public Works Contractor Registration of the prime contractor and any subcontractors performing any work within the paved roadway.
- J. Applicants proposing work involving both Village right-of-way and private property must provide written consent from the impacted private property owner(s).
- K. A statement that the applicant agrees to replace, at their own cost and expense, the public-right-of-way in accordance with Village requirements described herein, and further agrees to comply with all other applicable ordinances, regulations and laws relative to the work.
- L. A statement agreeing to indemnify, defend and hold harmless the Village and Village Consultants from all loss, damage, claim or expense, including expenses incurred in the defense of any litigation arising out of injury to any person or property resulting from any work done by the applicant under the permit.
- M. Insurance, Permit Fee, and Security Deposit pursuant to §305-20.
- N. The registration number from the "New Jersey One Call" service indicating that they have been properly notified and will locate underground facilities in the area of the proposed work. It shall be the applicant's responsibility to secure information regarding buried utilities, by contacting the "New Jersey One Call" service, and to undertake such measures as may be required to ensure the safety and protection of underground utilities within the work area.
- O. Such other information as the Village Engineer may consider pertinent on a case by case basis.

305-15 Authority to grant or refuse permit

The Village Engineer is hereby authorized to refuse the issuance of any permit if such refusal is in the interest of public safety, public convenience or public health. If a permit is refused by the Village Engineer, an appeal may be presented to the Village Administrator. The Village Administrator, after hearing the applicant and the Village Engineer and such evidence as may be produced, may either direct the issuance of such permit or sustain the refusal of the Village Engineer. If refusal is sustained an appeal may then be presented to the Village Council for final determination of the matter.



305-16 Requirements for issuance of permits

All permits issued under this article shall require the applicant to comply with the following:

- A. All work shall comply with the most current and applicable "NJDOT Standard Specifications for Road and Bridge Construction", "NJDOT Standard Construction Details", "NJDOT Traffic Control Details", Federal "Manual of Uniform Traffic Control Devices" unless otherwise instructed herein.
- B. All work shall be kept properly barricaded at all times and, during the hours of darkness, shall be provided with the proper warning lights. The applicant shall provide such signs, controls, barricades, warning lights, metal plates, and personnel necessary for safe operation and compliance with applicable federal and state laws at its own cost and expense and, in any event, in strict compliance as may be required by the Village Engineer.
- C. All excavations shall be completely backfilled at the end of each working day, unless it would constitute a hardship to the permittee or where the size of the excavation makes it impossible to backfill at the end of each working day, in which event a waiver may be granted by the Village Engineer. In the event that a waiver is granted, the applicant shall cover the excavation with heavy one-inch-thick steel roadway plates secured to the existing pavement to prevent raffles and movement and erect appropriate barriers and lights around the entire excavation and arrange to provide appropriate security protection, if such security is necessary, at their own cost and such other safeguards as may be needed to protect the public from an open excavation. If plates are placed for over a weekend or other extended period, all edges are to be asphalt sealed and sloped. In no event shall an excavation be left open for more than 72 hours, unless an emergency exists and permission has been secured from the South Orange Police Department, Village Engineer or their designated Village representative. Plates left in the roadway between October 15 and April 15 shall be recessed to allow for potential snowplowing, should it become necessary.
- D. All work shall be sheeted, shored, or braced in accordance with applicable safety codes and Occupational Safety and Health Administration ("OSHA") standards.
- E. All work shall be done in such a manner as to cause a minimum of interference with vehicles and/or pedestrians within the public right-of-way affected.
- F. Once begun, all work shall be continued without interruption during normal working hours until completed.
- G. Normal working hours outside of school zones are 8am to 4pm, except where otherwise advised by the Village Engineer and South Orange Police Department. Within school zones no work may occur during morning and afternoon drop-off & pick-up which varies by school.



- H. Resident Notification: The applicant is responsible for providing resident notices within the immediate work zone no less than 48 hours in advance via a paper flyer, door hanger, or other hand delivered medium. A draft resident notification shall be provided with the permit application for review and approval. Where "No Parking" signs may be required, the applicant shall provide and install said signs after coordinating with the South Orange Police Department.
- I. The applicant is responsible for replacing any work that has been vandalized.
- J. The applicant shall, on a continuing basis, maintain the work zone in clean condition free from all rubbish, excess earth, rock and other debris. Upon completion of all work under the permit, the permittee shall again clean the affected area to remove all debris and unused material. In the event that the permittee fails to act as provided herein, the Village shall, upon 24 hours' notice, clean and remove all rubbish, excess earth, rock, debris and unused material and charge the applicant for the cost thereof. If the permittee fails to reimburse the Village for the costs incurred, said costs shall be deducted from the applicant's deposit held by the Village.
- K. If blasting is required in the course of any excavation, it shall be done in strict compliance with all applicable federal and state laws and regulations.
- L. All vegetated or graveled areas disturbed shall be repaired to meet preconstruction conditions, topsoiled, seeded and mulched within 14 days of completion of excavation. These limits may be waived by the Engineer only when abnormal temperatures or inclement weather necessitates the same.
- M. All work shall be guaranteed for a period of 12 months without condition or qualification.

305-16.1 Paved roadways

- A. No roadway shall be closed to vehicular traffic or parking unless approved by the South Orange Police Department. Police Traffic Control directors are to be scheduled at least 48 hours in advance through the South Orange Police Department's scheduling vendor. The applicant shall be responsible for the costs of Police Traffic Control directors, preparation of Traffic Control Plans if required, and provision of all traffic control items.
- B. Excavated material shall not be replaced as backfill. Excavated materials must be removed from the work site the day of excavation.
- C. All excavations shall be completely backfilled with a controlled low-strength material (CLSM), more commonly referred to as "soil cement," to a level six inches below the adjacent roadway surface.
 - 1. Asphalt roadways. A temporary patch of 6 inches bituminous stabilized base



course must immediately be installed until such time as the final surface restoration can be completed. CLSM shall have a twenty-eight-day minimum compressive strength of 120 psi, and the applicant shall submit a mix design to the Village Engineer for approval prior to use.

2. Concrete Roadways. The concrete shall be restored consistent with NJDOT Standard Construction Detail CD-453-1.1 "Full Depth Concrete Pavement Repair". Reinforcement steel mat is not required for excavations narrower than 4 feet. The repaired concrete section shall meet the thickness and surface elevation of the existing concrete. Final surface restoration shall then comply with §305-16.1-F matching the existing surface asphalt thickness.
- D. The applicant is responsible to ensure the temporary patch forms a smooth driving surface and remains smooth until final surface restoration is completed. The applicant shall maintain the temporary patch in this manner as directed by the Village Engineer as often as required until final surface restoration can be completed.
- E. Temporary patches shall sit for a minimum of 90 days but no more than 120 days (weather permitting) until final surface restoration can be applied.
- F. Final surface restoration of a temporary patch in a non-moratorium roadway shall entail cleanly sawcutting at least 12 inches outside the edge of the temporary patch, removing 2 inches of existing asphalt and temporary patch by means of jackhammer or compact milling machinery, applying tack coat to the sawcut edges and base course, and applying 2 inches of bituminous stabilized surface course. An infrared joint repair treatment may be used, and may be required by the Village Engineer, in situations where the surrounding surface is suitable for this treatment.
- G. Where either the temporary patch joint or final restoration joint is within the wheel path or less than 2 feet from the curb line or center line, the temporary patch or final restoration shall be expanded to relocate the joint outside the wheel path, at the curb line, or at the center line.
- H. All excavation, backfilling, and patching operations must be supervised by the Village Engineer or his/her designated representative to ensure compliance with the Village Engineer's standards. 48 hours notice is required to schedule inspections.
- I. Restoration work shall not commence until the Village Engineer or his/her designated representative has determined that settlement of the subsurface is complete and the area properly prepared for restoration.
- J. Pavement striping shall be replaced to its original configuration using long-life thermoplastic unless otherwise directed by the Village Engineer. If the Village Engineer chooses to alter the configuration for any reason that results in an increased cost to the applicant, the cost differential between the original and



altered configurations shall be paid by the Village.

K. Special Requirements for "Moratorium" roadways.

1. No permit for work within the public right-of-way shall be issued for a period of ten (10) years from the last paving project, subject to the exceptions described herein.
2. The Village Engineer shall keep a list of all such streets subject to this ten (10) year moratorium, which may be inspected in the Office of the Village Engineer or on the Village Website.
3. When emergency work, utility replacement work, or other such work in the interest of public safety must be performed within a moratorium roadway the applicant's final surface restoration shall include 2 inch milling and 2 inch repaving with bituminous stabilized surface course for the full width of the roadway to a distance of 100 feet around the area of the opening. Notwithstanding these requirements, the Village Engineer may, in their sole discretion, be flexible in the application of the requirements of this subsection under the following circumstances:
 - a. Where the 100 feet requirement would result in a pavement joint in an unwanted location. Pavement joints shall be placed such that they align with the edges of driveways or edges of utilities or coincident with property frontage. This may require extending or shortening the 100 feet requirement.
 - b. When the owner(s) of a single-family residential property who actually resides in that property applies for a Building Department permit to convert from oil heat to gas heat or to upgrade/repair an existing utility service.
4. In any circumstance where work is performed within a moratorium roadway the applicant is required to apply and infrared joint repair treatment on all joints so as to blend uniformly with the adjacent existing roadway.

L. Special Requirements for "Non-Moratorium" roadways.

For all streets that have not been paved within the last ten (10) years

1. If the applicant proposes work that requires trenching greater than or equal to 50 linear feet, upon completion of same, the applicant shall obey the final restoration requirements as if it is a moratorium roadway, extending at least 25 feet beyond each end of the trench or to the nearest intersection, whichever is shorter.
2. If the applicant proposes work that requires multiple small road openings in front of a parcel (ex. multiple utility openings for a development) or along a



section of roadway (ex. multiple openings for the purposes of finding a utility leak or facilitating a tunnelling project), upon completion of same, the applicant shall obey the final restoration requirements as if it is a moratorium roadway, extending at least 25 feet beyond the outermost openings or to the nearest intersection, whichever is shorter.

3. If the applicant proposes work within 100 feet of previous patches occurring within one year of the subject work by same applicant along the same side of the road, the applicant shall obey the final restoration requirements as if it is a moratorium roadway, extending at least 25 feet beyond the outermost openings or to the nearest intersection, whichever is shorter.
4. The Village Engineer has flexibility to adjust the 25 feet requirement similar to §305-16.1-K.3.a. That flexibility is expanded to requiring the pavement restoration extend from intersection to intersection if such extension is deemed in the public interest.

M. All sidewalks, driveway aprons, and curbs being restored or replaced ancillary to the roadway work, shall be restored pursuant 305-16.2.

305-16.2 Sidewalks, Driveway Aprons and Curbs

- A. All repairs or alterations shall be constructed of a material matching existing unless otherwise approved by the Village Engineer. Colors, joint distances, and curb shapes/sizes shall match existing to the greatest extent possible. The Village Engineer has no flexibility to approve different materials in historic districts and applicant shall be required to match materials.
- B. Formwork and subgrade preparation shall be inspected by the Public Works or the Village Engineer prior to placement of concrete. The applicant shall contact Public Works 48 hours in advance of planned concrete placement to schedule inspections.
- C. Forms shall be straight. The subgrade shall be compacted. The work area shall be free of debris and standing water during concrete placement.
- D. Concrete for sidewalks and curbs shall be minimum 4,500 psi. Sidewalks which are expected to only support pedestrian traffic shall be 4 inch thick whereas sidewalks & driveway aprons which are expected to support vehicular traffic shall be 6 inches thick and reinforced with 6x6 welded wire mesh or approved equal.
- E. Bluestone Sidewalks. New Bluestone slabs shall match the size and color of those existing adjacent to the work area. Joints and subgrade preparation shall similarly match.
- F. Brick Sidewalks. New Bricks shall match the size and color of those existing adjacent



to the work area. Joints and subgrade preparation shall similarly match.

- G. Granite block, Belgian block, and bluestone slab curbs shall match the size and color of those existing adjacent to the work area. Joints and subgrade preparation shall similarly match.
- H. When work is proposed adjacent to a moratorium roadway, the contractor shall sawcut along the curb face and perform all work from behind the edge of pavement. Any planned or incidental damage to the moratorium roadway will trigger the requirements of §305-16.1-K.

305-17 Other conditions applicable to permits

The following conditions and regulations shall apply to all permits issued under this article:

- A. Transferability. All permits shall apply only to the applicants to whom they are issued and for the purposes described in the application and shall not be transferable.
- B. Commencement of work. Work under a permit shall commence within 30 days from the date of issuance of the permit, which shall be valid for 60 days thereafter unless the extent of the project requires a longer duration which shall be agreed upon during the permit review process. If work is not commenced within 30 days, the permit shall automatically terminate, unless extended in writing by the Village Engineer.
- C. The Village Engineer shall be notified at least 48 hours prior to the work commencing, except where the work is of an emergent nature, when notice shall be given to the Village Engineer no later than at the time work commences.
- D. The applicant shall keep a copy of the permit and same shall be exhibited on demand to any duly authorized employee or police officer of the Village at the location where the work is occurring.
- E. Where the right-of-way opening permit is part of a project with permits issued by the Building Department, no Certificate of Occupancy shall be granted by the Building Department unless and until the requirements of the right-of-way opening permit are completed to the satisfaction of the Village Engineer.

A cash or a performance bond in an amount specified by the Village Engineer as sufficient to cover the cost of satisfying the requirements of the right-of-way opening permit shall be deposited with the Village to guarantee the acceptable completion of the work. A bond shall be conditioned on completion of the work within a period of six (6) months. Cash shall be held as a guarantee of performance within a period of six (6) months. If the work is not completed within such six-month period, the funds shall be used by the Village for the completion of the work by its own internal forces or public contractor, and any unused portion shall be returned to the applicant. The requirement to submit cash or a performance bond may be waived by the Village Administrator, in her sole discretion, only where it is impractical to satisfy the



requirements of the right-of-way opening permit due to seasonal weather conditions or other temporary physical factors beyond the applicant's control.

F. Revocation of permit. The Village Engineer may revoke a permit for any of the following:

1. Violation of any provisions of this article or any other applicable rules, regulations, laws, or ordinances.
2. Violation of any condition of the permit issued.
3. Carrying on work under the permit in a manner which endangers life or property, or which creates any condition which is unhealthy, unsanitary, or a nuisance, in the sole discretion of the Village Engineer.

G. Modification of permit conditions. In a special case, the Village Council may, by resolution, impose special conditions to which the issuance of the permit may be subject, or may decide that any provision of this article shall not be applicable or may be modified.

305-18 Village Work

Nothing in this article shall be construed as requiring the issuance of a permit for the performance of any work done by the Village Department of Public Works or a contractor performing work pursuant to a Village contract.

305-19 Protection of existing structures

The applicant shall give notice of the proposed street opening to any companies or organizations whose pipes, conduits, wires, or other structures are laid in the portion of the public right-of-way to be opened not less than 72 hours before commencing such opening. The applicant shall, at their own expense, carefully support, maintain in operation and protect from injury such pipes, conduits, wires, or other structures. If any damage is caused to such structures the applicant shall restore same, at their own expense, to as good or better condition as they were before the beginning of the work.

305-20 Insurance

The applicant shall present evidence satisfactory to the Village of insurance sufficient to indemnify and save harmless the Village and its agents and servants against and from all suits and costs of every kind and from all personal injury or property damage resulting from negligence or from any phase of operations performed under the permit. Said insurance shall provide limits of not less than \$3,000,000 per occurrence or, in the case of a public utility, may be in the form of a certificate of self-insurance, naming the Village and applicable Village Consultants as additional insureds. Such insurance must remain in force from the date of the permit until the cash bond is utilized by the Village or returned.

305-21 Permit Fees and Security Deposit



A. Permit fee. Prior to issuance of any permit pursuant to this article, the applicant shall pay for said permit as set forth in Village Code Chapter 143 – Fees, Section 28 – Streets and Sidewalks in accordance with the following schedule:

1. Excavations up to 25 square feet
2. Excavations between 25 square feet and 50 square feet
3. Excavations larger than 50 square feet
4. Boring, tunneling, or driving horizontally under the pavement
5. Pavement excavations in moratorium roadways (in addition to the fees described above)
 - a. Paved within the preceding two years
 - b. Paved within the preceding three to four years
 - c. Paved within the preceding five to seven years
 - d. Paved withing the preceding eight to nine years
6. All permit fees are nonrefundable, and said permit, once issued, is valid for a period of 60 days.

B. Security Deposit.

1. The Village Engineer shall not issue a permit unless the applicant has deposited, as security for faithful performance, a certified check made payable to South Orange Village or filed a bond with surety satisfactory to the Village in an amount not less than stated in § 143-28.
2. Public utilities will be allowed to establish an escrow account with the Village in lieu of a security deposit. A maximum of \$50,000 shall be deposited in this account, unless a single project requires the posting of a larger amount as determined by the Village Engineer. In no event shall a public utility escrow account have a balance less than \$10,000. The public utility escrow account shall be utilized by the Village for inspection of the work and shall be replenished by applicant as needed.
3. Property owners are exempt from this security requirement for permits that are strictly limited to sidewalks, driveway aprons and curbs.
4. The Village shall have the authority and right to use the escrow funds or cash bond to restore or maintain the work covered by the permit if the applicant fails to do so within 48 hours of written notification by the Village.
5. One year after the permanent restoration is completed, the Village shall reinspect the area. If the restoration is satisfactory, the security deposit or any remainder thereof shall be refunded. If additional restoration is required, the Village shall notify the applicant of the additional work to be performed and



will reinspect the restoration area again 60 days after the corrective action. A refund shall then be made if restoration is satisfactory.

305-22 Violations and penalties

- A. Any person, firm or corporation violating any of the provisions of this article shall be subject to a fine not exceeding \$2,000 for each offense or to imprisonment for a term not exceeding 90 days, or both, in the discretion of the judge of the Municipal Court.
- B. In case of failure to properly maintain temporary patches or final pavement restoration as hereinabove provided, after written notice by the Village Engineer to do so, each day that such temporary patches or final pavement restoration remain unrestored shall constitute a separate offense.

SECTION 2.

Village Code Chapter 143 Fees, Section 28 – Streets and Sidewalks is amended and restated as follows:

143-28 Streets and Sidewalks

Description	Code Section	Fee
Excavations in public rights-of-way:		
Excavations up to 25 square feet	§ 305-21-A.1	\$200
Excavations between 25 square feet and 50 square feet	§ 305-21-A.2	\$400
Excavations larger than 50 square feet	§ 305-21-A.3	\$10/sf
Boring, tunneling, or driving under the pavement	§ 305-21-A.4	\$5/lf
Pavement excavations in moratorium roadways (in addition to fees above)		
Paved within the preceding two years	§ 305-21-A.5.a	\$2,500
Paved within the preceding three to four years	§ 305-21-A.5.b	\$2,000
Paved within the preceding five to seven years	§ 305-21-A.5.c	\$1,500
Paved within the preceding eight to nine years	§ 305- A.5.d	\$1,000
Security deposit fee	§ 305-21-B	\$50/sf

SECTION 3.

All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

SECTION 4.



This ordinance shall take effect upon final passage and publication as required by law.

SECTION 5.

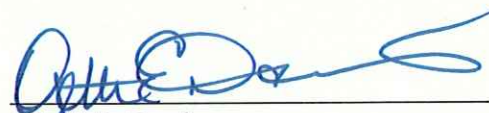
On passage this ordinance shall be codified.

Introduction – First Reading

Council Member	Motion	Second	Ayes	Nays	Abstain	Absent
Brown			X			
Greenberg		X	X			
Haskins	X		X			
Jones			X			
Lewis-Chang			X			
Schnall			X			

CERTIFICATION

I, Ojetti E. Davis, Village Clerk of South Orange Village, County of Essex, State of New Jersey, do hereby certify that this Ordinance was introduced on first reading by the Village Council at their regular meeting held on May 12, 2025.


Ojetti E. Davis
Village Clerk

Adoption – Second Reading

Council Member	Motion	Second	Ayes	Nays	Abstain	Absent
Brown			X			
Greenberg			X			
Haskins		X	X			
Jones			X			
Lewis-Chang	X		X			
Schnall			X			



CERTIFICATION

I, Ojetti E. Davis, Village Clerk of South Orange Village, County of Essex, State of New Jersey, do hereby certify that this Ordinance was adopted on second reading by the Village Council at their meeting held on June 9, 2025.

A blue ink signature of Ojetti E. Davis, written in a cursive style, positioned above a horizontal line.

Ojetti E. Davis
Village Clerk

Adopted:

A blue ink signature of Sheena C. Collum, written in a cursive style, positioned above a horizontal line.

Sheena C. Collum
Village Mayor

Attest:

A blue ink signature of Ojetti E. Davis, written in a cursive style, positioned above a horizontal line.

Ojetti E. Davis
Village Clerk