

ORDINANCE 2354

**AN ORDINANCE OF THE BOROUGH OF SOUTH PLAINFIELD TO
AMEND CHAPTER 409, STREETS AND SIDEWALKS, ARTICLE III,
EXCAVATIONS IN STREETS**

BE IT ORDAINED by the Mayor and Council of the Borough of South Plainfield, County of Middlesex, State of New Jersey that Section 409-25 be amended to delete such Section and replace as follows:

No permit shall be issued for any street opening which would disturb the pavement of any street or roadway which had been constructed, reconstructed, paved, repaved, or overlaid for a period of 60 months after completion of said construction, reconstruction, pavement, repavement, or overlay, except in the event of an emergency or hardship as described below.

A. Emergency Opening

(1) Notwithstanding any provision of this section to the contrary, a road opening shall be permitted under the following circumstances which shall be deemed an emergency for purposes of this section:

(a) Construction of a new home, commercial or industrial construction on a previously vacant parcel of land. A parcel shall be deemed vacant if it is not legally occupied by an owner or tenant, and it is in such a condition that it cannot be legally occupied because of the presence of at least two of the conditions described in Chapter 334, Article I defining vacant and abandoned property;

(b) In the case of a homeowner changing their home heating service from oil to gas;

(c) In order to repair a broken water line, broken gas line, or broken sanitary sewer line;

(d) In order to repair a broken underground electric, cable television, fiber optic, telecommunications or telephone line; or

(e) In any case of an emergency which would threaten the health, safety or welfare of the citizens of the Borough of South Plainfield.

B. Waivers

The Borough Council shall have the authority to grant waivers to the provisions of this section. Written requests shall be submitted to the Borough Clerk, which requests shall include the basis for the request and must demonstrate good cause to grant a waiver or that the applicant will suffer undue hardship if the waiver is not granted. The request must identify the location of the opening by reference to street address and indicate the

size of the opening and the purpose for which it is needed. Waivers may be granted by the Borough Council in their sole and absolute discretion. In the event a waiver is granted during the moratorium, the applicant shall be responsible to limit the destruction as much as possible, and restore the disturbed area to its original condition, including, but not limited to, the pavement, surface treatments and striping. All restoration shall be performed in accordance with the direction of the Municipal Engineer and shall be subject to approval of the Municipal Engineer.

This Ordinance shall take effect upon final passage and publication in accordance with New Jersey law.