



Township of Holland
IN
HUNTERDON COUNTY

61 Church Road
Milford, New Jersey 08848
Phone (908) 995-4847 ext 210
Fax (908) 995-7112

www.hollandtownship.org

HOLLAND TOWNSHIP
ROAD OPENING PERMIT APPLICATION

Applicant _____ Date _____

Purpose of Opening _____

Location of Proposed Opening _____

Plans of Opening _____

Date and Cost of Project _____
Date Estimated Cost of Project

_____ agrees to indemnify and save harmless the Township of Holland from any and all loss, injury or damage to persons or property and from any and all actions, damages, costs or charges which may be caused by, grow out of, relate to, or result from operations or the negligence or other wrong doing of our agents, servants, employees or contractors retained in connection with the work covered by said plans or in connection with any excavation or other disturbance of such street, road surface, pavement, shoulder or bank.

_____ agrees to obtain and keep in full force and effect during the entire time of said work a policy, or policies, of insurance satisfactory to said work a policy, or policies, of insurance satisfactory to said Township, showing that the applicant is covered by public liability and workman's compensation insurance during the period required for the proposed improvement in the following minimum amounts

- (1) For personal injury to one (1) person: five hundred thousand dollars (\$500,000)
- (2) For personal injury for one (1) accident: five hundred thousand dollars (\$500,000)
- (3) For property damage: one hundred thousand dollars (\$100,000)

_____ agrees to obtain and keep in full force and effect during the entire time of said work, workman's compensation insurance on all the applicant's employees, and there shall be annexed to each application a certificate evidencing that such insurance is in full force and effect and will be for the entire time of said work.

By _____
Signature of Applicant

Include appropriate drawings which show following details:

- 1. Map Location of proposed opening relative to surrounding roads, streets or other key land marks.
- 2. Existing facilities such as pavement, curbing, sidewalk, drainage and utilities in the working area.
- 3. Details of the proposed opening and work to be done.

ORDINANCE 2009-7
AN ORDINANCE TO AMEND CHAPTER 76
(EXCAVATIONS) OF THE CODE OF THE TOWNSHIP OF HOLLAND,
BY REVISING SECTION 76-5 WHICH DEALS WITH FEES AND
GUARANTIES

BE IT ORDAINED, by the Township Committee of the Township of Holland, in the County of Hunterdon and State of New Jersey, that Section 76-5, "Fees; guaranties," of Chapter 76 (Excavations) of the Code of the Township of Holland, be, and the same hereby is, amended to read as follows:

§ 76-5 Fees; guaranties

- A. The applicant shall submit to the Township, along with the permit form and prior to construction:
- (1) A non-refundable administrative fee of \$150, to cover the basic cost of administration of the permit; and
 - (2) A deposit to be held in escrow, in the amount of 5 percent of the estimated cost of construction, but not less than \$2,000, to cover the cost of fees paid by the Township to the Township Engineer in the performance of permit review, construction inspection and the like. The charges of the Township Engineer shall be at rates charged to the Township under the then current Professional Services Engineering Agreement between the Engineer and the Township. In general such escrow account shall be administered in the same manner as is set forth in Section 100-147 D. of this Code.
 - (3) A performance guaranty in the form of a bond with licensed surety, cash deposit or bank letter of credit, approved by the Township Attorney, in an amount equivalent to the estimated cost of construction directly related to the permit, guaranteeing the performance by the applicant of all conditions associated with the opening and closing in accordance with this chapter, including the repair of all damages to the road or other property arising from the project. Such performance guaranty shall be returned to the party posting it, promptly following acceptance of the work by resolution of the Township governing body and the acceptance by such governing body of the maintenance guarantee referred to in Section 76-5 B.

- B. Upon completion of the project in accordance with this chapter the applicant shall submit to the Township a maintenance guaranty in the form of a bond with licensed surety, cash deposit or bank letter of credit, approved by the Township Attorney, in an amount equivalent to 15 percent of the estimated cost of construction directly related to the permit, but not less than \$2,000, guaranteeing the completed work against defects in workmanship and materials or noncompliance with this chapter for a period of 18 months from the completion of the project, as certified by the Township Engineer.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect immediately after publication following final passage and filing of a copy hereof with the Planning Board of the County of Hunterdon, in accordance with law.

I Catherine M. Miller, Municipal Clerk, hereby certify that the foregoing ordinance is a true and accurate copy of an ordinance adopted on final reading by the Township Committee of the Township of Holland at a regular and duly convened meeting held on June 3, 2009

Township of Holland, NJ
Tuesday, April 4, 2017

Chapter 76. Excavations

[HISTORY: Adopted by the Township Committee of the Township of Holland 10-3-1966; amended in its entirety 12-16-1986 by Ord. No. 1986-15. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Uniform construction codes — See Ch. **63**.
Driveways — See Ch. **72**.
Fees — See Ch. **83**.
Land use — See Ch. **100**.
Sewers — See Ch. **135**.
Soil removal — See Ch. **140**.
Streets and sidewalks — See Ch. **148**.
Water — See Ch. **205**.

§ 76-1. Permit required.

No person, persons, partnership, association or corporation shall excavate, dig, test drill, tunnel, construct or reconstruct or otherwise disturb any public street, road, highway, curb, sidewalk, bridge, culvert, utility structure or other public improvement or facility located within, over or under any public right-of-way, easement or publicly owned property in the Township of Holland for the purposes of laying, changing, repairing, connecting, constructing or maintaining any water, gas or sewer pipe, or any electric, telephone or telegraph pipes or conduits, or for any other purpose whatsoever, without having first obtained a permit from the Township Clerk, in accordance with the rules, procedures and specifications hereinafter set forth, and without having first paid the required fees or cash deposit as required by this chapter, unless specifically exempted.

§ 76-2. Definitions.

The words, terms or phrases listed below shall, for the purposes of this chapter, be deemed and interpreted as follows:

APPLICANT

Any person, persons, partnership, association or corporation who make application for a permit.

EMERGENCY

Any unforeseen and unexpected circumstance or occurrence which causes a clear and immediate danger to persons or damage to property and which requires immediate opening or repair of a road or street.

ENGINEER

The licensed professional engineer duly appointed as Township Engineer, his authorized deputy, representative or inspector.

OPENING

Any excavation, removal, repair, construction, reconstruction, drilling or tunneling under and within the rights-of-way of roads or easements owned, regulated and within the responsibility of the Township and including excavation, drilling or cutting through pavement, curbs, gutters, drainage facilities, sidewalks, shoulders, embankments, utility lines or structures. Test holes and holes made by surveyors of small diameter, whether drilled, driven or cut, are to be considered "openings," except that one application, one permit and one fee will apply to a series or group of such test holes.

PERMITTEE

Any applicant, as defined above, who has been issued a permit and is obliged to fulfill all the terms and conditions of this chapter.

PERSON

Any natural person or persons, owner, partnership, firm, association, utility, corporation or properly constituted authority, and shall include for the purposes of this chapter the developer, applicant, agent, contractor, engineer or other person representing such person.

ROAD

This is a general term and is a roadway, street, alley, highway, way, easement or right-of-way, improved or unimproved, over which there is a public right of passage.

TOWNSHIP

The Township of Holland, in the County of Hunterdon, New Jersey.

TRAVELED WAY

That portion of a road which when constructed is intended to accommodate vehicular passage or travel.

UNIMPROVED ROAD

Any road whose traveled way is surfaced with cinders, dirt, gravel or stone without bituminous or cement binder.

§ 76-3. Emergencies.

In the event of an emergency, where repairs to existing facilities must be made immediately and the person charged with the responsibility for making the repairs would be unduly delayed, or the health, safety or convenience of the public might be adversely affected, in seeking a permit through hereinafter specified channels, then, in that event, the opening may be made to remove, correct or repair the condition causing the emergency without making prior application for a permit. As soon as the emergency condition has been corrected and the emergency no longer exists, the person having caused the opening to be made shall forthwith apply for a permit and comply with all the other provisions of this chapter. In emergency matters and in the absence of the Township Clerk, a permit may be issued by the Mayor, or by such other Township employee, including the Superintendent of Roads and Township Engineer, as the Mayor and Township Committee may direct.

§ 76-4. Permit procedures.

- A. Application for permit must be made on standard forms provided by the Clerk, must be filled out completely in the number of copies specified on the form and must be filed with the Clerk, along with the required permit fee and other exhibits that may be required, either under the terms of this chapter or as outlined on the form.

- B. Drawings. The applicant shall file, along with the permit form, appropriate drawings in triplicate which show the following details:
- (1) Map. The location of the proposed opening relative to surrounding roads, streets or other key landmarks.
 - (2) Existing facilities such as pavement, curbing, sidewalk, drainage and utilities in the working area.
 - (3) Details of the proposed opening and work to be done.
- C. Insurance. The applicant shall file, along with the permit form, and as part of each application, a certificate of insurance, acceptable to the Township, showing that the applicant is covered by public liability and workman's compensation insurance during the period required for the proposed improvement in the following minimum amounts:
- (1) For personal injury to one person: \$500.
 - (2) For personal injury for one accident: \$500,000.
 - (3) For property damage: \$100,000.
- D. Save-harmless agreement. The applicant shall file, along with the permit form, an agreement in writing to save the Township harmless from any loss, injury or damage whatsoever resulting from the course of construction, whether directly or indirectly connected with the work, or from any negligence or fault of the applicant, its agents, servants, representatives or contractors in connection with the performance of the work.
- E. The applicant shall file, along with the permit form, an estimate of the cost of the opening work to be done and an estimate of the starting and completion dates. All applications for permit, along with the estimated cost of opening and closing, etc., shall be submitted to the Clerk and may be subject to the review and approval of the Township Engineer. In the event that the estimated cost of the opening and closing as filed is in the amount of \$1,000 or more, then the detailed items making up the estimated cost are to be submitted to the Holland Township Engineer and will be subject to his review and approval.

§ 76-5. Fees; guaranties.

[Amended 6-3-2009 by Ord. No. 2009-7^[1]]

- A. The applicant shall submit to the Township, along with the permit form and prior to construction:
- (1) A nonrefundable administrative fee, as established in Chapter **83**, Fees, to cover the basic cost of administration of the permit; and
 - (2) A deposit to be held in escrow, in the amount as established in Chapter **83**, Fees, to cover the cost of fees paid by the Township to the Township Engineer in the performance of permit review, construction inspection and the like. The charges of the Township Engineer shall be at rates charged to the Township under the then current Professional Services Engineering Agreement between the Engineer and the Township. In general such escrow account shall be administered in the same manner as is set forth in § **100-147D**, of this Code.
 - (3) A performance guaranty in the form of a bond with licensed surety, cash deposit or bank letter of credit, approved by the Township Attorney, in an amount equivalent to the estimated cost of construction directly related to the permit, guaranteeing the performance by the applicant of all conditions associated with the opening and closing in accordance with

this chapter, including the repair of all damages to the road or other property arising from the project. Such performance guaranty shall be returned to the party posting it, promptly following acceptance of the work by resolution of the Township governing body and the acceptance by such governing body of the maintenance guarantee referred to in § 76-5B.

- B. Upon completion of the project in accordance with this chapter the applicant shall submit to the Township a maintenance guaranty in the form of a bond with licensed surety, cash deposit or bank letter of credit, approved by the Township Attorney, in an amount as established in Chapter 83, Fees, guaranteeing the completed work against defects in workmanship and materials or noncompliance with this chapter for a period of 18 months from the completion of the project, as certified by the Township Engineer.

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

§ 76-6. Issuance of permit; renewal; nontransferability; expiration or revocation.

- A. If all required exhibits and fees have been received to the satisfaction of the Clerk, he will issue the opening permit, which shall be in a form set forth and approved by the Township. The permit shall contain the following data:
- (1) A listing of the supporting documents, plans, specifications, etc. that are the basis for the permit.
 - (2) A brief description of the location of the proposed opening and the work contemplated.
 - (3) A termination date.
 - (4) Total deposit fees paid.
- B. Renewal or permit. Upon request of the permittee, an opening permit may be renewed for a period of time not to exceed the total time of the original permit.
- C. Opening permits issued under the provisions of this chapter are not transferable.
- D. Expiration of permits. Permits issued under the provisions of this chapter will expire at 12:00 midnight of the day indicated on said permit or the day of expiration of any extension of said permit. Permits will also be revoked at any time it shall be found by the Township of Holland that the permittee has failed to comply with the provisions, of this chapter or the permit and after 24 hours' written notice has been given to the permittee without correction of said stop-work order effective immediately. If, after the permit revocation, it becomes necessary for the Township to either complete the work or to refill and repair the opening, the cost of such work by the Township will be deducted from any fees that may have been paid by the permittee. Reinstatement of revoked permits will occur only after favorable recommendation of the Engineer or Superintendent of Roads and on majority affirmative vote of the Township Committee.

§ 76-7. Advisement of commencement of work.

Except for emergencies, at least 72 hours before the permittee plans to commence work under an opening permit, the permittee will advise the Township Engineer or Superintendent of Roads or the Road Commissioner, or such other officials of the Township as may be designated by the Road Commissioner, of the time and date when the work is to be started. In the event that another utility is in the same roadway or right-of-way and may be affected by the proposed opening or construction, it will

be necessary for the permittee to notify such utility or utilities at least 72 hours in advance of the proposed construction of the opening.

§ 76-8. Satisfactory workmanlike manner required.

The work shall be done in an efficient and workmanlike manner and in accordance with the plans and specifications, using proper tools, machinery, materials and manpower to effect a quality and expeditious job. Failure to perform in a manner satisfactory to the Engineer may result in revocation of the permit. Except under emergency conditions, the opening work will be conducted between the hours of 7:00 a.m. and 7:00 p.m., except Sundays and holidays (New Years Day, Memorial Day, July 4, Labor Day, Thanksgiving Day and Christmas Day), when no opening work will be permitted.

§ 76-9. Supervisor on site.

The permittee will have a qualified supervisor at the site of the opening work during all working hours.

§ 76-10. Inspections.

The permit for opening as granted shall be posted on the site of the work. In the event that there is no convenient place for the posting, the permit then must be in the possession of the supervisor, available to be seen on the site during all working hours. The Engineer, the Road Superintendent, the Road Commissioner or their authorized representatives shall be given access to the construction site during progress of the work in order to observe and inspect the work. All materials, including excavated materials, are subject to inspection and approval by the Township Engineer or Township Road Supervisor. Where the planned opening will be made through, adjacent to or near an existing public utility facility, the permittee shall notify said utility, whose representative shall be given access to the construction to observe and inspect that portion of the work involving said utility facility. Notification to said public utility company shall be done in accordance with § 76-7.

§ 76-11. Removal of existing features.

The existing pavement, blacktop or concrete shall be cut in a straight line or lines, prior to any subsurface excavation, which shall be confined to the area between the cuts. If pavement, curbing, sidewalk or other surface construction becomes damaged, ragged or zig-zagged when it comes time to repave or replace the facility, then the edges shall be cut or recut in a straight line or lines to the satisfaction of the Township Engineer, in general parallel with the lines of the excavated trenches and in a width sufficient to accommodate the entire excavation and to create a smooth finished appearance when the construction is complete. When cutting through reinforced concrete pavement, the saw cutting will be done in such a way as to permit the exposing of existing reinforcement, which is not to be cut, but is to be exposed, retained and allowed to project into the excavation at least 18 inches. These exposed bars will later be reformed to tie into the patched concrete.

§ 76-12. Protection of unpaved areas; backfilling; replacement of disturbed surfaces.

- A. Protection of unpaved areas. On banks and slopes of improved or unimproved Township roads or grass planted areas, the topsoil shall be saved and carefully replaced in a six-inch depth after the

opening has been refilled and resettled. The topsoil shall be raked and shall have acceptable grass seed or approved sod placed thereon. The permittee will be responsible for turf growth through two mowings. If insufficient topsoil is available from the excavation, then the permittee will bring new topsoil in and place the same as required above. All disturbed areas shall be mulched with unrotted straw or salt hay at a rate of 1 1/2 to two tons per acre.

- B. Backfilling. After the required work or construction has been completed in the open excavation, the backfilling shall be done, using excavated material, if acceptable to the Engineer, or, if excavated material is unacceptable, using imported clean shale, bank-run gravel, quarry-blend stone or other acceptable material. In placing backfill, the permittee or his contractor shall use a mechanical or vibrating tamping device or machine placing fill in six-inch to ten-inch compacted lifts, as directed by the Engineer.
- C. On unimproved (unpaved) roads and shoulders, the backfill shall be brought to within eight inches (after compaction) of the existing surface grade. The remaining eight inches shall receive one-and-one-half-inch quarry-processed blend stone compacted by a vibratory tamper or other such suitable compacting equipment in a minimum of two four inch lifts. Depending on the composition of the existing unpaved surface, a stone of smaller aggregate size may be substituted for the top four inches, subject to approval by the Township Engineer or Road Superintendent. All materials and methods of construction must conform to New Jersey Department of Transportation Specifications, as currently amended.
- D. On improved (bituminous pavement) roads, the backfill shall be brought to within a minimum of seven inches (after compaction) of the existing surface grade. The remaining seven inches shall receive a five-inch depth of bituminous stabilized base (mix No. 1) in two lifts and a two-inch depth of FABC (mix No. 5), all materials compacted as specified in Subsection C above. Any unstable or unsuitable areas below the pavement shall be dug out and receive one-and-one-half-inch quarry-processed blend as required. All materials and methods of construction must conform to New Jersey Department of Transportation Specifications, as currently amended.
- E. Shoulders. Where shoulders are unimproved, backfilling and surface repairs shall be as specified for unimproved roads in Subsection C above. Where shoulders are of bituminous pavement, the provisions of Subsection D above shall apply.
- F. Curbs, gutters, sidewalks, driveways, etc. Where the opening involves cutting through existing curbs, gutters, sidewalks, driveways and any other surface structures, the permittee or his contractor shall rebuild or replace such surface structures as closely as possible duplicating the original as to dimensions, grade, appearance and materials. Curbs, gutters and aprons shall be reconstructed of state highway Class B concrete; sidewalks and other miscellaneous structures shall be reconstructed of state highway Class C concrete or superior.

§ 76-13. Replacement of damaged structures.

Any existing subsurface pipes, utility, lines, drains, foundations, abutments, inlets or other structures that may be disturbed, damaged or removed during the necessary opening work by the permittee are to be replaced, reconstructed or repaired under the direction of the Engineer and the appropriate officials of the utility company whose facility may be involved. Such replacement, reconstruction or repair shall be made using materials, methods and standards of workmanship at least equal to those of the existing feature or, in the case of a public utility facility, to the standards imposed by said utility. Caution and care shall be exercised by the permittee not to disturb such existing structures or facilities exposed by the opening and found to be in or adjacent to the opening.

§ 76-14. Applicability of other legislation adopted.

If and when the Township may have adopted other ordinances detailing standards or specifications for the construction of any structures or facilities covered by §§ 76-11 through 76-13 above, then such ordinance provisions shall govern the standards to be applied for openings or excavations under this chapter.

§ 76-15. Temporary surfacing.

Pending the actual repaving or reconstruction operations stated above, the permittee or his contractor shall provide a temporary pavement or surface over the compacted refilled opening of such material as shall be directed by the Engineer. The contractor shall maintain, refill and temporarily repave said surface from time to time as may be required by the Engineer or Road Superintendent until a permanent pavement has been constructed to provide a properly graded traveling surface. Where a bituminous concrete temporary pavement is indicated or warranted as determined by the Engineer, such temporary pavement shall be constructed two inches thick of bituminous concrete or equivalent material approved by the Engineer.

§ 76-16. Tunneling; jacking; drilling; blasting.

- A. Tunneling. In cases where it becomes necessary to resort to tunnelling operations to accomplish the opening work in a most practical way, then the backfill in such tunnel shall be rammed soil composed of a mixture by volume of one part cement to six parts of aggregate material such as sand or three-quarter-inch quarry blendstone. Tunneling shall be permitted only with the approval of the Engineer and when the need for tunneling is indicated on the application for permit. Jacking or drilling is not considered to be tunneling.
- B. Jacking and drilling will be permitted when the need is indicated on the application for permit and when other existing structures or utilities will not be disturbed or damaged thereby. In the event that jacking or drilling is required, it will be necessary to present plans showing the details of this construction. These plans will need to be approved prior to construction by the utility engineer, if involved, and by the Township Engineer.
- C. Blasting. No blasting shall be allowed, unless approved by the Engineer. Blasting work shall be done only by an experienced and, where required, licensed dynamiter and only after all required safety precautions have been taken and other necessary permits, if any, obtained. At least 24 hours prior to any blasting operation, notification must be given to the Township Engineer, Clerk, Road Superintendent and Police Department and all property owners within 200 feet of the work site.

§ 76-17. Removal of surplus materials.

The permittee or his contractor shall remove all surplus or unusable fill, debris and other materials from the job site at his own expense. The area shall be left cleaned up at the end of the work to the satisfaction of the Township Engineer or Township Road Superintendent. During construction, machinery, vehicles or tools of the contractor are not to be left over night or during period of in operation in the right-of-way of the road or street. Contractors shall make provisions to place or store said machinery, vehicles or tools in other places. Machinery, vehicles and tools of the contractor shall be promptly removed from the job site when the work has been completed.

§ 76-18. General conditions.

- A. Safety precautions. The permittee and his contractor shall keep all openings, all excavated materials and all other machinery, tools or other materials properly guarded and shall place and maintain barricades, temporary fencing, guards or other appropriate warning devices, including signs warning motorists approaching the project area, at all times during the progress of the work. Adequate flashing warning lights shall be operated at the opening site to warn the public from one hour before sunset till one hour after sunrise. Positioning and spacing of barricades and lights shall be under the strict supervision of the Township Engineer, Road Superintendent or Chief of Police. Light batteries must be replaced as required. The permittee and his contractor shall at all times comply with all state safety regulations outlined in the Construction Safety Code of the Department of Labor and Industry, Bureau of Engineering and Safety, State of New Jersey, effective November 15, 1963, as may be amended from time to time.
- B. Cleanliness. If dust, dirt, air pollution, poor housekeeping or detrimental material are allowed to exist, occur or continue as a result of the work to the point where a public nuisance has occurred, in the opinion of the Township Committee, the Township Engineer or Township Road Superintendent, the Engineer may stop the work until the situation complained of is eliminated. Streets or roads are to be kept broom-cleaned on a daily basis. If dust persists, streets or roads may be required to be hosed clean. The Engineer may direct the permittee or his contractor to spread dust inhibiting chemicals.
- C. Maintenance of traffic. At all times during the course of construction, at least 1/2 of the traveled way shall be kept open for public vehicular travel, unless the permittee or his contractor provides and marks, to the satisfaction of the Township Chief of Police, a suitable detour. The permittee shall, at all times, make provision for local residents to have access to their properties and shall maintain the roadway and adjacent areas free from needless obstruction. During all working hours that single-lane traffic is necessary, the permittee shall provide a flagman or flagmen as reasonably required by the Township Engineer, Road Superintendent or Chief of Police. No length of street, road, shoulder or embankment shall be left open, even though guarded, at any one time in excess of 200 feet.
- D. Protection of private property. Prior to starting work on the opening, it shall be the responsibility of the permittee to advise in advance each nearby or adjacent property owner whose property will be temporarily inconvenienced or disturbed, or whose access or use of his property or the road facilities, utilities or other features will be affected, by the opening work, either directly or indirectly, when the work will be done and as far as possible the effect it will have on the owner's free use of his property. The permittee will be solely responsible for any damage, inconvenience or disruption to nearby or adjacent properties and will save the Township harmless for any neglect, real or alleged, that may arise from the conduct of the work. It will be the permittee's obligation and responsibility to arrange for any access permission needed. The permittee shall not store tools, machinery, materials, dirt or debris on private property, nor use water, electricity, telephone or other private facilities without first obtaining permission from the property owner.
- E. Maintenance of newly reconstructed surface facilities. The permittee assumes the responsibility of refilling the excavation, as it may sink, consolidate or break out, from time to time, whether the repair be temporary or permanent, and keeping the surface level smoothly blended with the surrounding undisturbed pavement. After permanent repavement and approval by the Township, for a period of 18 months, refilling, compacting, repaving and repairing damage, restoring turf and shrubbery, all as directed by the Engineer when necessary, and in the case of undue trench settlement may be required to reopen the trench or excavation to ascertain the cause of undue settlement and to remedy the fault, all as required by the Engineer.

§ 76-19. Acceptance of openings.

All openings made and restored under the terms of this chapter and any permits issued shall be subject to acceptance in writing by the Township Clerk or Township Engineer. No remaining deposit money shall be returned until after said written acceptance has been obtained. This acceptance will not normally be effected until the expiration of the eighteen-month period specified above in § 76-18E.

§ 76-20. Nonapplicability.

- A. The provisions of this chapter also shall not apply to work being done on openings in the Township by working forces of the Township.
- B. The provisions of this chapter shall not apply to opening work involved within the rights-of-way of roads or easements owned, regulated and within the responsibility of the County of Hunterdon or the State of New Jersey, or their various departments, bureaus or agencies.
- C. The provisions of this chapter shall not apply to the installation, erection, replacement or maintenance of wood utility poles for electric distribution or telephone or telegraph installations, nor to such other appurtenances such as stub poles, anchors, guys or ground lines incidental to those poles, where such poles and appurtenances belong to any of the franchised public utility companies operating within the Township.

§ 76-21. Violations and penalties.

[Amended 9-5-1989 by Ord. No. 1989-9]

- A. The governing body may prescribe penalties for the violation of ordinances it may have authority to pass, either by imprisonment in the county jail or in any place provided by the municipality for the detention of prisoners, for any term not exceeding 90 days or by a fine not exceeding \$1,000, or both. The court before which any person is convicted of violating this chapter shall have power to impose any fine or term of imprisonment not exceeding the maximum fixed in this chapter.
- B. Any person convicted of the violation of this chapter may, in the discretion of the court by which he was convicted, and in default of the payment of any fine imposed therefor, be imprisoned in the county jail or place of detention provided by the municipality for any term not exceeding 90 days.

