

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY**

ORDINANCE NO. 07-2026

**ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF LEBANON BY
AMENDING CHAPTER 325, ARTICLE II ENTITLED “STREET EXCAVATIONS”
AND ARTICLE IV ENTITLED “STREET CONSTRUCTION STANDARDS”**

BE IT ORDAINED by the Township Committee of the Township of Lebanon, County of Hunterdon, State of New Jersey that Chapter 325, Article II “Street Excavations” §325-14 and Article IV, entitled “Street Construction Standards” of the Code of the Township of Lebanon are hereby amended as follows (additions are bolded and underlined; deletions have strikethrough):

SECTION 1. § 325-14 Conduct of opening work.

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 according to the standards set forth herein may result in revocation of the permit as provided in § 325-12. Where the Engineer deems it necessary for the protection of the public or to proper installation of the permittee's facilities, he may order a cessation of work by the permittee pending such action by the Township Committee, provided that such cessation order by the Engineer may in no event exceed three days in duration. 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 Year's Day, Memorial Day, July 4, Labor Day, Thanksgiving Day, Christmas Day) when no opening work will be permitted, unless otherwise permitted by the Township Committee.

A. – C. *No changes.*

D. ~~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 to a four-inch depth after the opening has been refilled and resettled. The topsoil shall be raked evenly and shall have rye grass seed, other 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 same as required above.~~ **Soil erosion and sediment control. Any land disturbance as defined by the Soil Erosion and Sediment Control Act (N.J.S.A. 4:24-39 et seq.) shall be stabilized in accordance with standards and principles provided therein. On embankments and slopes, the topsoil shall be stockpiled and carefully replaced to at least a four-inch depth after the opening has been properly backfilled. If insufficient topsoil is available from the excavation, then the permittee shall bring topsoil in and place same to the prescribed depth. The topsoil shall be raked and shall be stabilized with permanent vegetative cover in accordance with standards of the aforesaid ordinance. The permittee will be responsible for turf growth through two mowings.**

E. – F. *No changes.*

G. ~~On improved (bituminous pavement) roads, the backfill shall be brought up to a level, relative to the original pavement, where a proper base and bituminous pavement can be constructed in accordance with Article **IV** of this chapter, Street Construction Standards, the requirements of which shall be considered minimum for repaving over bituminous paved street openings. **On improved (bituminous pavement) roads, the backfill shall be brought up to a level within six inches of the top of the original pavement wherein a base course consisting of four inches (compacted thickness) of hot mix asphalt 19M64 base course and a surface course consisting of two inches (compacted thickness) of hot mix asphalt 9.5M64** The material and workmanship for this construction shall be in accordance with the New Jersey Department of Transportation Standard Specifications for Road and Bridge Construction, dated 2019, and all amendments thereto. These requirements shall be considered the minimum for repaving over bituminous paved street and road openings.~~

H. ~~On improved roads (portland cement concrete pavement), the backfill shall be brought up to a level, relative to the original pavement, where a proper and complete concrete surface pavement can be reconstructed at least to the total thickness of the original pavement, and providing further that a minimum of eight inches of concrete pavement shall be reconstructed. Reinforcement, using No. 3 longitudinal reinforcement bars spaced six inches center to center, shall be set in the new concrete, overlapping with the old, exposed bars, and at the same approximate vertical positioning. End surfaces of existing concrete pavement are to be thoroughly cleaned, soaked with water, and coated with a brush coat of neat cement prior to placing new concrete in contact with same. Concrete shall be Class "B" conforming to the requirements specified therefor in Article 4.1.2 of the Standard Specifications (1961) of the New Jersey Department of Transportation. **On improved roads (portland cement concrete pavement), the backfill shall be brought up to a level, relative to the original pavement, where a proper and complete concrete surface pavement can be reconstructed at least to the total thickness of the original pavement, and provided further that a minimum of eight inches of concrete pavement shall be reconstructed. Reinforcement, using No. 3 longitudinal reinforcement bars spaced six inches center to center, shall be set in the new concrete, overlapping with the old exposed bars and at the same approximate vertical positioning. End surfaces of existing concrete pavement are to be thoroughly cleaned, soaked with water and coated with a brush coat of neat cement prior to placing new concrete in contact with same. Concrete shall be Class B conforming to the requirements in the New Jersey Department of Transportation Standard Specifications for Road and Bridge Construction, dated 2019, and all amendments thereto.**~~

I. *No changes.*

J. ~~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 the dimensions, grade, appearance and materials. Curbs and gutters shall be reconstructed of State Highway Class "B" concrete; sidewalks, concrete aprons and other miscellaneous structures shall be reconstructed of State Highway Class "C" concrete or superior.~~

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 sidewalk shall be constructed with Class B concrete conforming to the requirements of the New Jersey Department of Transportation Standard Specifications for Road and Bridge Construction, dated 2019, and all amendments thereto

K – L. *No changes.*

M. ~~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 materials as shall be directed by the Engineer. The contractor shall maintain, refill and temporarily repave the surface as may be required by the Engineer or Department of Public Works Supervisor until a permanent pavement has been constructed to provide a properly graded traveling surface. Where a bituminous concrete temporary pavement is indicated and warranted, as determined by the Engineer, such temporary pavement shall be constructed two inches thick of type SM bituminous concrete or equivalent material approved by the Engineer.~~ **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 approved 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 Department of Public Works Supervisor until a permanent pavement has been constructed, to provide a properly graded traveling surface. Where a bituminous concrete temporary pavement is indicated and warranted, as determined by the Engineer, such temporary pavement shall be constructed two inches thick of hot mix asphalt 9.5M64 surface course or equivalent material approved by the Engineer.**

N – Q. *No changes.*

SECTION 2. Article IV Street Construction Standards

§325-30 to §325-34. *No changes.*

§325-35 Street opening in new pavement.

Whenever the governing body enacts any ordinance or resolution providing for the reconstruction or resurfacing of any street, the Township Clerk shall promptly mail a written notice thereof to all owners of utilities within said street. Such notice shall notify the utility owner that street opening permits for said street will not be issued for a period of five years after the date of enactment of the ordinance or resolution. The notice shall also advise that any application for street opening permits in said street shall be promptly submitted in order that the excavation work can be done prior to the street being repaved. During the five-year period no street opening permit shall be issued to excavate a newly reconstructed or resurfaced street unless public health or safety requires that the proposed work be

permitted, or unless an emergency condition exists as determined by the Township and it is essential that the street opening permit be issued.

§ 325- ~~35~~36 Violations and penalties.

Any person who violates any provision of this article shall, upon conviction thereof, be subject to a penalty as established in Chapter 1, Article II, General Penalty.

§ 325- ~~36~~37 Exhibits.

The detail sheet drawing Exhibit "A" shall be available for inspection or purchase at the office of the Township Clerk and Planning Board Clerk during regular business hours.

SECTION 3. Repealer.

All ordinances or parts of ordinances in conflict or inconsistent with any part of this Ordinance are hereby repealed to the extent that they are in conflict or inconsistent.

SECTION 4. Severability.

If any section, provision, or part of provision of this Ordinance shall be held to be unenforceable or invalid by any court, such holding shall not affect the validity of this Ordinance, or any part thereof, other than the part so held unenforceable or invalid.

SECTION 5. Effective Date.

This Ordinance shall take effect after passage and publication in the manner provided by law.

Introduced: May 13, 2026
Public Hearing: June 10, 2026

ATTEST

Carolynn Budd, RMC
Township Clerk

Jay Wojcik
Mayor

CERTIFICATION

I, Carolynn Budd, Township Clerk of the Township of Lebanon, County of Hunterdon, State of New Jersey, do hereby certify that the foregoing is a true and correct copy of an Ordinance introduced by the Lebanon Township Committee at a meeting held May 13, 2026 and adopted by the Township Committee on _____, 2026.

Carolynn Budd, RMC
Township Clerk