

Chapter 94. Streets and Sidewalks

Article IV. Street Openings

§ 94-25. Permit required.

[Amended 9-7-83 by Ord. No. 8-83; 6-6-84 by Ord. No. 6-84]

It shall be unlawful for any person, partnership, association or corporation to cut, break into, excavate or open any road, street, avenue or highway in the Borough of Woodbury Heights, or any portion of the right-of-way, without first making written application to the Borough Clerk stating the kind, character and purpose of the proposed excavation or opening and such other information which may be reasonably required to fulfill the requirements of this Article. Applications shall be accompanied by six copies of a scaled plan, showing its location and size, to be distributed, copies to the Borough Engineer, one copy to the Superintendent of Streets and the final copy to be filed with borough. There shall be obtained from the Clerk a permit for each and every opening.

§ 94-26. Issuance of permit.

[Amended 9-7-83 by Ord. No. 8-83; 6-6-84 by Ord. No. 6-84]

Permits shall be issued, subject to the terms hereof, by the Clerk upon the approval of the application by the Borough Engineer, which approval shall be given if the application and plans conform to the requirements of this Article and provide for the work to be performed in accordance with the current New Jersey State Highway Department Standard Specifications for Road and Bridge Construction. Permit (application and plans) must be signed by both Borough Clerk and Engineer to be valid.

§ 94-27. Engineers Review and Inspection.

[Added 6-6-84 by Ord. No. 6-84]

Upon review and approval of permit (application and plan), with any necessary revisions, Engineer shall return three signed sets of same to the Borough Clerk. Borough Clerk shall, after signing permit, distribute same as follows:

- A. One copy to Borough Road Supervisor.
- B. One copy to applicant.
- C. One copy to borough files.

§ 94-28. Time limit of valid permit.

[Added 6-6-84 by Ord. No. 6-84]

The permit for street opening shall be valid, as prescribed herein, for a period of one year from the date of issuance. All proposed work and all temporary and permanent repairs shall be completed in this one-year period.

§ 94-29. Time sequence of permit and repairs.

[Added 6-6-84 by Ord. No. 6-84]

- A. The proposed construction shown on the permit (application and plan) shall proceed, during the one-year permit period, in accordance with the following phase sequence.

Time Frame	Actual Time (months)	Activity
0 to 2nd month	2	Proposed construction and all temporary repairs to be completed
2nd to 6th month	4	Time period to allow disturbed subsurface soil to settle and/or compact
6th to 7th month	1	Temporary repairs removed and permanent repairs completed
7th to 12th month	5	Time period for permanent repairs to be tested and inspected

- B. The one-year permit validation period may be changed or revised as may be necessary when recommendation by the Engineer is reviewed and approved by the Council.

§ 94-30. Fees and surety required.

[Added 6-6-84 by Ord. No. 6-84; amended 4-19-89 by Ord. No. 8-1989; 5-19-99 by Ord. No. 6-1999]

Prior to issuance of any street opening permit, the below listed fees and performance surety shall be received by the Borough Clerk, as follows:

- A. Single street openings involving one lot frontage:

- (1) Filing fee (nonrefundable): \$75
- (2) Municipal Engineer review and inspection fee (nonrefundable): \$300
- (3) Performance surety. The greater sum of \$750 or such sum that may be established by the Municipal Engineer to assure compliance with terms of this chapter in an amount not to exceed 120% of the cost of repair, rehabilitation or installation of improvements toward restoration of the roadway.

- B. Multiple street openings during a one year period commencing on January 1 and ending December 31:

- (1) Filing fee (nonrefundable): \$500
- (2) Engineer review and inspection fee (nonrefundable): \$1,000
- (3) Performance security in a principal sum of \$5,000

- C. Performance security, for the purposes of this subsection, shall mean and include cash deposits or performance bonds or irrevocable letters of credit in a form approved by the Municipal Attorney. In the event that the estimated costs of repair, rehabilitation or installation of roadway improvements shall, at any time, exceed the initial estimate or sums of performance security specified in subsections **A** or **B** hereof, the permit holder, on written notice, shall provide such additional performance security equal to such additional costs within 10 days of such notice.

- D. Single street opening for single family dwellings. In the case of single street openings pertaining to single-family dwellings, with such street openings for the sole and exclusive purpose of installing, maintaining, repairing, rehabilitating or inspecting municipal water or sewer service lines, mains, manholes, equipment, meters, devices or appurtenances thereto or driveway openings, the below listed fees and performance surety shall be received by the Borough Clerk, as follows:

[Added 9-15-99 by Ord. No. 16-1999]

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| 1. | Filing Fee (Nonrefundable) | \$50.00 |
| 2. | Municipal Engineer review and inspection fee (Nonrefundable) | \$150.00 |
| 3. | Performance surety: The greater sum of \$500 or such sum that may be established by the Municipal Engineer to assure compliance with the terms of this chapter in an amount not to exceed 120% of the estimated cost of repair, rehabilitation or installation of improvements toward restoration of the roadway. | |

§ 94-31. Backfilling and repaving.

[Amended 6-6-84 by Ord. No. 6-84]

Upon such notice to the Superintendent and under his inspection, the contractor securing the permit hereunder shall immediately, after completing the work necessitating the excavating or opening, refill with material suitable to the Superintendent of Streets, properly tampered, and restore the excavation or opening with a temporary cover as follows: earth and gravel roads with gravel not less than eight inches thick; all other roads and walks with two inches of patch, Type R.R. or F.A.B.C. No. 1 or No. 2. The applicant shall maintain the area of excavation free from potholes and depressions until the final surface has been applied and approved.

§ 94-32. Completion of repairs by borough.

[Added 6-6-84 by Ord. No. 6-84]

If the Borough completes either temporary or permanent repairs following a street opening, all costs incurred by the borough shall be deducted from the cash security performance deposit along with new filing fee and new engineer inspection and review fees. Costs for such repairs shall include but shall not be limited to all labor, wages, supervision, equipment, materials, gas, oil and advertising.

If the borough completes both temporary and permanent repairs, the entire cash security performance deposit shall be made available to a cost incurred by borough to affect said repairs with the balance of deposit, if any, to be credited to the general revenues of the borough. The holder of permit shall be considered to fault on the permit when the applicant fails to make needed repairs within 10 days after written, regular mail, notification from the Borough Clerk. After a permit is in fault, borough shall make all necessary repairs without any further notification to the holder of permit.

§ 94-33. Restrictions.

[Amended 9-7-83 by Ord. No. 8-83; 6-6-84 by Ord. No. 6-84]

Unless written permission is obtained from the Borough Clerk, no permit holder shall be allowed permission to cut, break into, excavate or open a road, street, avenue or highway for a greater distance than 300 feet at one time, or keep the same open for a longer period than one week. For all the period during which such road, street, avenue or highway is being cut, broken into, excavated or opened by the permit holder, there shall be provided by the permit holder a space of street level of at least 10 feet in width for the purpose of allowing vehicles free and unimpeded use of the same. In no event shall a permit be valid for period of time in excess of 60 days after its issuance without the written approval of the Borough Clerk.

§ 94-34. Work regulations.

[Amended 9-7-83 by Ord. No. 8-83; 6-6-84 by Ord. No. 6-84]

All cuts, breaks, excavations or openings shall conform in size to the application on which the permit is based and shall be performed in neat, even and rectangular sections. All excavations to a depth of six feet or over, and such other excavations as may be required by the Superintendent of Streets, shall be shored and braced to support the walls of the trench for the protection of workmen and to prevent the unintentional widening of the trench.

§ 94-35. Safety precautions.

[Amended 9-7-83 by Ord. No. 8-83; 6-6-84 by Ord. No. 6-84]

All permit holders shall, whenever any cut, excavation or opening would be dangerous if left exposed, erect a suitable barricade or railing around the same in such manner as to prevent danger to pedestrians or vehicles and place upon such fence or railing and upon any building materials and appliances suitable and sufficient warning lights during the period of darkness.

§ 94-36. Maintenance of area.

[Amended 9-7-83 by Ord. No. 8-83; 6-6-84 by Ord. No. 6-84]

All permit holders shall keep the area of their work clear of dirt and debris at all times and shall carry away and dispose of excess dirt, debris and other materials resulting from their work.

§ 94-37. Disposition of monies.

[Amended 6-6-84 by Ord. No. 6-84]

All monies received hereunder by the Borough Clerk shall be accounted for and deposited with the Borough Treasurer.

§ 94-38. Emergencies.

[Amended 9-7-83 by Ord. No. 8-83; 6-6-84 by Ord. No. 6-84]

In case of any emergency involving any underground gas, water, sewer, telephone or electric facility, where immediate repair is imperative to prevent loss or damage to streets or property or discontinuance of service, it shall not be necessary to obtain a permit before commencing such repair, but such permit shall be obtained within two days thereafter, and this section shall not be held or taken in any case to exempt the person, partnership, association or corporation repairing said facility from any other of the provisions of this Article.

§ 94-39. Exceptions.

[Amended 6-6-84 by Ord. No. 6-84]

The terms of this Article shall not apply to a street in any subdivision approved by the Borough of Woodbury Heights Planning Board prior to acceptance of the said street for maintenance by the borough.

§ 94-40. Violations and penalties.

[Amended 6-6-84 by Ord. No. 6-84 and 4-19-89 by Ord. No. 8-1989]

- A. Any person to whom a permit is issued who fails to provide the appropriate notices to either the Borough Clerk, the Engineer or any borough employee charged with the responsibility of inspecting said street opening shall be required to reimburse the Borough of Woodbury Heights for any and all costs incurred in correcting any deficiencies in the street opening or the subsequent repair of same.
- B. Any person violating or failing to comply with any of the provisions of this chapter shall, in addition to the liability as set forth above, upon conviction thereof, shall be subject to a fine of not less than \$500 and may be imprisoned for a term not to exceed 90 days at the discretion of the Municipal Court Judge. Each day such violation is committed or permitted to continue shall constitute a separate and distinct offense and shall be punishable as same.