



106 West Sylvania Avenue
Neptune City, New Jersey 07753

Phone: 732-776-7224

Email: clerk@neptunecitynj.com

APPLICATION FOR A STREET OPENING PERMIT

Fee: \$250.00

Date of Application: _____

Applicant Name: _____

Day Time Phone Number: _____ Evening Phone Number: _____

Applicant E-Mail (please complete): _____

Company or Person Responsible for Performing the Work : _____

Requesting permission to open the street at _____

For the purpose of _____

Work to commence on: _____ Work to be completed on: _____

Size of Opening: _____

Attach this application or Create below a scale drawing of the location and size of the opening:

Before a permit will be issued the following requirements must be complied with as prescribed by Chapter 113 of the Borough Code of the Borough of Neptune City (Ordinances 2002-15 & 2011-3). Please initial the following and sign below:

- _____ 1. I have filed a Certificate of Insurance
- _____ 2. I have filed a surety bond in the Amount of \$ _____
- _____ 3. I have filed a scaled drawing (_____above _____attached)
- _____ 4. I have submitted a check in the amount of \$250.00 made out to the **"Borough of Neptune City"**
- _____ 5. I have reviewed attached Borough Code Chapter 113, which stipulates the requirements for road openings and restoration

Applicant Signature: _____ Date: _____

For Office Use:

_____ Application Fee Received (Check Number: _____) _____ Bond Received (#: _____)

Copy to: _____ Public Works _____ Neptune City Police Department _____ Borough Engineer

Approval Signature: _____ Title: _____ Date: _____

Chapter 113

Streets and Sidewalks

[HISTORY: Adopted by the Mayor and Council of the Borough of Neptune City: Art. I, during codification (see Ch. 1, General Provisions, Art. II). Amendments noted where applicable.]

Article I

Street Excavations

[Adopted during codification; amended 11-10-1997 by Ord. No. 1997-11; 12-11-2000 by Ord. No. 2000-16. Amended in its entirety 11-26-2001 by Ord. No. 2001-15; amended in its entirety 4-25-2011 by Ord. No. 2011-3]

§ 113-1 Permit required; definition.

[Amended 3-12-2012 by Ord. No. 2012-12]

- A. No person or entity shall hereafter open, dig up, excavate or disturb the surface or any part of the public streets or highways of the Borough of Neptune City without having obtained a street opening permit as hereinafter provided.
- B. For the purpose of this Article, unless otherwise provided, "public street or highway" shall be defined as including all roads, sidewalks, alleys or any other passages designed for the passage of motor vehicles and pedestrians, owned by the Borough of Neptune City.
- C. For the purposes of this Article, "Street Superintendent" shall be defined as Director of Public Works or in the absence of the Director of Public Works, the Superintendent of Public Works, Borough Clerk or Borough Engineer.

§ 113-2 Application for permit.

All applications for a permit shall be made on a form provided by the borough. The Borough Clerk shall receive the applications and distribute same to the Street Superintendent, Police Chief and Borough Engineer. The application shall contain the name and address of the person or entity making the application and signed by the applicant or a duly authorized agent and shall set forth the location and the size of the work, the character of the work, construction schedule, detailed and scaled drawings of the proposed work, description of any special conditions and such additional information which may be required by the Borough Clerk.

§ 113-3 Application fee.

A nonrefundable fee of \$250 for any opening under 10 square feet, plus an additional \$250 for any opening larger than 10 square feet shall be filed for each opening with each application for a permit.

§ 113-4 Surety bond.

In addition to any permit application fee required, applicants shall furnish a surety bond, in form and with surety acceptable to the Borough Attorney, or cash or certified check made payable to the borough in the amount of \$1,000 for a term of one year to guarantee the cost of restoring or repairing the work area. Permanent restoration shall be made within three months after the completion of the work and be subject to the approval of the Street Superintendent.

§ 113-5 Liability insurance.

In addition to permit application fees and surety bond requirements, applicants shall furnish to the Borough Clerk, a certificate of insurance for bodily injury and property damage, in the amounts required by the Borough Clerk, for the purpose of indemnifying the borough for any personal injuries or property damage that may occur during the progress of work.

§ 113-6 Tunneling or boring.

Tunneling or boring may be permitted in certain circumstances, subject to the prior written approval of the Borough Clerk. Applicants shall file a performance bond in an amount and term required by the borough, and in accordance with specifications established by the borough from time to time.

§ 113-7 Safety measures.

All persons or entities granted a permit to make an opening or excavation in the public streets and highways of the Borough shall keep the area where the work is performed open to traffic at all times, shall barricade every excavation on all sides, shall post warning signs during the day and 1/2 hour before sunset and 1/2 hour after sunrise and shall place lights around such excavation. Provisions for the protection of pedestrians and vehicles shall be in such manner as shall be satisfactory to the Borough Police Department pursuant to the Uniform Traffic Control Devices Manual. No roadways shall be closed unless prior written approval of the Borough Police Department and Borough Clerk have been secured and detour signs have been placed pursuant to the Uniform Traffic Control Devices Manual.

§ 113-8 Public utilities and corporations; bond; insurance and fees.

Any entity which is a public utility, subject to regulation by the Board of Public Utility Commissioners of the State of New Jersey, or a municipal corporation of the State of New Jersey, may, in lieu of the provisions of this chapter, post a bond in the amount of \$5,000. Such bond shall be conditioned upon the compliance with the applicable provisions of this Article in respect to any work which shall be hereafter performed by such public utility or municipal corporation in the borough, and the obligation of such bond shall be a continuing obligation to be applied to the full amount of any and all work performed.

A public utility or municipal corporation, during the period while such bond is in full force and effect, may in lieu of filing a certificate of insurance for bodily injury and property damage, file with the Borough Clerk, a certificate certifying that it is a self-insurer and exempt from the necessity of obtaining an insurance policy pursuant to the provisions of the statutes of the State of New Jersey, and that the borough is completely indemnified thereby.

A nonrefundable fee of \$250 for each opening under 10 square feet plus an additional \$250 for each opening over 10 square feet shall be filed with each application for a permit.

§ 113-9 Backfilling; restoration of surface.

The permittee shall immediately backfill the opening with excavated material if such material is suitable, in layers not exceeding two feet in thickness if heavy compacting equipment is used, or in layers not exceeding one foot in thickness if light compacting equipment is used. This fill shall be brought to an elevation of six inches below the permanent surface. If the Street Superintendent determines that the excavated material is not suitable for backfilling as specified, then it shall be removed from the site and the opening backfilled as herein specified with suitable material, then six inches of road gravel of a grade satisfactory to the Street Superintendent, shall be applied and thoroughly compacted. This temporary restoration shall be checked for settling and all holes shall be filled evenly with the surface of the adjoining pavement.

Once the excavation work area has been properly saw cut, and the backfill tamped and compacted, the permittee shall install no less than six inches of bituminous stabilized base course, Mix 1-2, as set forth in the NJDOT Standard Specifications for Roads and Bridges, to the trench surface. If the distance from the edge of the excavation work area to the existing curb is less than two feet, the permittee shall be required to excavate to the curb and evenly install six inches of bituminous stabilized base course in the entire area.

The partially restored pavement shall be allowed to settle for no less than 90 and no more than 180 days. If at any time during the settlement period, the trench becomes unacceptable as determined by the Street Superintendent, the permittee shall be notified of the condition requiring repair, and such repair shall be performed within 24 hours of such notification by the Street Superintendent. If the repair is not made in the time specified, the borough may make the repair and any cost thereof will be charged against the permittee's surety.

At the end of the period of time of settlement required by the Street Superintendent, the permittee shall be required to mill the excavation work area surface to a width equal to one foot wider on each side of the initial repair and install no less than two inches of bituminous concrete surface course, Mix I-5 as set forth in the NJDOT Standard Specifications for Roads and Bridges. The permittee shall also be required to provide a tack coat on all existing bituminous and concrete surfaces and hot-poured, rubber asphalt joint sealer, as set forth in Section 908 of NJDOT Standard Specifications for Roads and Bridges.

Unless authorized by the Street Superintendent, any excavation less than 100 square feet shall require milling and restoration of the excavation work area extending a minimum of one foot beyond the edge of excavation to the nearest curb. Any excavation equal to or greater than 100 square feet shall require milling and restoration of the excavation work area extending from the center line of road to the curb and extending a minimum of one foot beyond the outer edges of the excavation. If the excavation work area will be within 200 feet or less of previous excavations occurring within one year of the subject excavation (by same permittee along the same side of the road), the permittee shall be required to mill and restore the roadway between the outermost excavations.

The permittee shall be required to replace any facilities including, but not limited to, curb, pavement, sidewalk, line stripping, etc., that is affected by the excavation and restoration work, at the permittee's expense. Such work shall be performed according to borough standards.

§ 113-10 Emergency permits.

In case of an emergency, an emergency permit may be issued by the Borough Clerk or the Police Department of the Borough of Neptune City, after which an application for a permit, as hereinbefore required, shall be made to the Borough Clerk within 48 hours after the work has been commenced.

§ 113-11 Newly paved public streets and highways.

When the borough, person or entity improves or paves any public street or highway, the borough shall first give notice to all persons owning property abutting the street about to be paved or improved, and to all public utilities and authorities operating in the borough, and all such persons, utilities and authorities shall make all connections as well as any repairs thereto which would necessitate excavation of the street within 60 days of the giving of such notice. The time shall be extended if permission is requested in writing and approved by the Borough Clerk.

No street opening permit shall be issued by the Borough Clerk to any person given notice under this section or their assignees or successors which would allow an excavation or opening in paved and improved street surface less than 10 years old unless the applicant can clearly demonstrate that public health or safety requires that the proposed work be permitted or unless an emergency condition exists.

Upon application to the Borough Council, a permit may be issued to open any paved or improved street surface less than 10 years old provided that a penalty charge shall be made for such opening, except that the penalty fee shall be waived by the Borough Clerk in the event the work is of an emergency nature. The penalty charge shall be on a sliding scale determined as follows:

(i)	Penalty assessment	=	\$1,500.
(ii)	Area of road cut in square feet x \$6.	=	Varies
	Total of 1 and 2	=	Varies

Penalty factor is 3% of the above total for each unelapsed month or fraction thereof of the ten year 120 months restricted period. The minimum penalty shall be \$1,500. Permit fees are payable in addition to the penalty charges set forth herein pursuant to Section **113-3**. No portion of the penalty charge shall be refundable and penalty charges do not relieve the permit holder from the required performance bond or the required insurance. The restoration shall be according to Section **113-9**.

§ 113-12 (Reserved)

[Repealed 9-27-2004 by Ord. No. 2004-15]

§ 113-13 Application fee for private sidewalks, curbs or driveways.

A. The fee for the installation or renovation of private sidewalks, curbs or driveways shall be \$35.