

Borough of Neptune City
106 W. Sylvania Ave
Neptune City, NJ 07753
Phone: 732-776-7224 Fax: 732-776-8906

Application for a Street Opening Permit

Fee: \$250.00

Date: _____

Day Phone Number: _____ Night Phone Number: _____

Applicant: _____

Permission requested to open street at _____

For the purpose of _____

Work to commence on _____ Work to be completed on _____

Size of opening _____

Place scale drawing below (or attach):

Before a permit will be issued the following requirements must be complied with as prescribed by an ordinance of the Borough of Neptune City (Ordinance 2002-15, 2011-3)

Please check the following and sign below:

- _____ 1. I have filed a certificate of Insurance
- _____ 2. I have filed a surety bond—Amount \$ _____
- _____ 3. I have filed a scale drawing
- _____ 4. I have submitted a check for \$250.00
- _____ 5. I have reviewed the attached ordinance which stipulates the requirements for road openings and restoration.

Signature _____

Permittee or agent

For office use:

Application Fee Received _____

Bond _____

Copy to Public Works _____

Copy to Police Dept. _____

Copy to Engineer _____

Date: _____

Approval: _____

Title: _____

CHAPTER 113 STREETS AND SIDEWALKS

ARTICLE I Street Excavations

- § 113-1. Permit required; definition.
- § 113-2. Application for permit.
- § 113-3. Application fee.
- § 113-4. Surety bond.
- § 113-5. Liability insurance.
- § 113-6. Tunneling or boring.
- § 113-7. Safety measures.
- § 113-8. Public utilities and corporations; bond, insurance and fees.
- § 113-9. Backfilling; restoration of surface.
- § 113-10. Emergency permit.
- § 113-11. Newly paved public streets and highways.
- § 113-12. Reserved.
- § 113-13. Application fee for private sidewalks, curbs or driveways.

ARTICLE II Recreational and Other Devices on Streets

- § 113-14. Prohibited recreational or other devices on streets.

ARTICLE III Temporary No Parking and Snow Removal

- § 113-15. Temporary no parking and snow removal.
- § 113-16. Removal costs.
- § 113-17. Depositing snow on street restricted.

GENERAL REFERENCES

- Numbering of buildings -- See Ch. 91.
- Sewers -- See Ch. 107.
- Taxicabs -- See Ch. 119.
- Trees -- See Ch. 124.
- Vehicles and traffic -- See Ch. 129.
- Zoning -- See Ch. 139.

ARTICLE I Street Excavations

[Adopted during codification; amended 11-10-97 by Ord. No. 1997-11; 12-11-00 by Ord. No. 2000-16.
Amended in its entirety 11-26-01 by Ord. No. 2001-15; amended in its entirety 4-25-11 by Ord. No. 2011-3]

Editor's Note: See Ch. 1, General Provisions, Art. II.

§ 113-1. Permit required; definition.

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

§ 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 two hundred fifty dollars (\$250.) for any **opening** under ten (10) square feet, plus an additional two hundred fifty dollars (\$250.) for any **opening** larger than ten (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 one thousand dollars (\$1,000.) for a term of one (1) year to guarantee the cost of restoring or repairing the work area. Permanent restoration shall be made within three (3) 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 one-half (1/2) hour before sunset and one-half (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 five thousand dollars (\$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 two hundred fifty (\$250.) dollars for each **opening** under ten (10) square feet plus an additional two hundred fifty dollars (\$250.) for each **opening** over ten (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 (2) feet in thickness if heavy compacting equipment is used, or in layers not exceeding one (1) foot in thickness if light compacting equipment is used. This fill shall be brought to an elevation of six (6) 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 (6) 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 (6) 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 (2) feet, the permittee shall be required to excavate to the curb and evenly install six (6) inches of bituminous stabilized base course in the entire area.

The partially restored pavement shall be allowed to settle for no less than ninety (90) and no more than one hundred eighty (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 twenty-four (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 (1) foot wider on each side of the initial repair and install no less than two (2) 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 one hundred (100) square feet shall require milling and restoration of the excavation work area extending a minimum of one (1) foot beyond the edge of excavation to the nearest curb. Any excavation equal to or greater than one hundred (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 (1) foot beyond the outer edges of the excavation. If the excavation work area will be within two hundred (200) feet or less of previous excavations occurring within one (1) 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 forty-eight (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 sixty (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 ten (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 ten (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 three percent (3%) of the above total for each unelapsed month or fraction thereof of the ten (10) year (120 months) restricted period. The minimum penalty shall be one thousand five hundred dollars (\$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 9-27-04 by Ord. No. 2004-15]

Editor's Note: Provisions for violations and penalties, previously codified herein, may be found in Chapter 1, Article III of these Revised General Ordinances.

§ 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 thirty-five dollars (\$35.).