

ORDINANCE 2016-13

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 198, STREETS AND
SIDEWALKS, OF THE CODE OF THE TOWNSHIP OF COLTS NECK
COUNTY OF MONMOUTH, STATE OF NEW JERSEY**

BE IT RESOLVED by the Township Committee of the Township of Colts Neck that Chapter 198, Streets and Sidewalks § 198-3 Permits, application procedure be repealed in its entirety and shall be supplemented in its entirety to read as follows:

§ 198-3 Street Opening Permit; application procedure

A. Permit Required

- (1) It shall be unlawful for any person, company, firm, corporation or other legal entity to perform any excavation work, dig up, excavate, tunnel, undermine, or in any manner break up a street or to make or cause to be made any excavation in or under the surface of any street for any purpose or to place, deposit or leave upon any street any earth or other excavated material, obstructing or tending to interfere with the free use of the street, or dig up, break, excavate or undermine or in any way affect any other public improvement without first obtaining a Street Opening Permit from the Township Planner.
- (2) In the event of any emergency in which a sewer, main, conduit or utility in or under any street breaks, bursts or otherwise is in such condition as to immediately endanger the property, life health, or safety of any individual, the person owning or controlling such sewer, main conduit, or utility, without first applying for and obtaining an excavation permit hereunder, shall immediately take proper emergency measures to cure or remedy the dangerous conditions for the protection of property, life, health and safety of individuals. However, such person owning or controlling such facility shall apply for an excavation permit not later than the end of the next succeeding day during which the Township office is open for business and shall not proceed with permanent repairs without first obtaining a street opening permit hereunder.
- (3) The Township Planner shall issue a Street Opening Permit to any person, company, firm, corporation or other legal entity who performs work under contract to the Township without fee.

B. Application and Procedures for a Street Opening Permit. Permit application shall be obtained and submitted to the Township Planner.

- (1) The application shall contain the following information:
 - (a) Name and address of the applicant
 - (b) Name of the street where the opening is to be made and the street number, if any, of the abutting property
 - (c) The Township Tax Map Block and Lot number of the property for the benefit of which the opening is to be made
 - (d) Nature of the surface in which the opening is to be made
 - (e) Character and purpose of the work proposed
 - (f) Proof of insurance. Evidence of a comprehensive general liability insurance policy naming the Township as an additional insured.
 - (g) Time when the work is to be commenced and completed
 - (h) The name and address of the workman or contractor who is to perform work
- (2) Two complete sets of construction plans and details showing the extent of the proposed excavation work, the excavation dimensions, the elevation of both the existing and proposed ground surfaces, the location of the excavation work and such other construction plans as may be prescribed by the Public Works Department or Township Engineer including complete plan,

profile and details of any proposed curb, sidewalk, pavement, drainage structure or other proposed improvement. All work shall be in accordance with N.J.A.C. 5:21 et seq. Residential Site Improvement Standards and the 2007 Standard Specifications for Road and Bridge Construction of the New Jersey Department of Transportation as currently amended.

- (3) Restoration of any excavation in any paved areas shall be thoroughly compacted and have a minimum pavement section of four inch Dense Graded Aggregate and six inch HMA base course initially installed. After a 60 day time period, the excavated area shall be infrared heated to a distance of one foot beyond the excavation and two inch asphalt material removed and two inch of HMA surface course installed. Excavation in other than paved areas shall be restored to a condition equivalent to that which currently exists.
 - (4) The Township Planner after conferring with the Township Engineer, and/or Director of Public Works may issue the Street Opening Permit, issue the Permit subject to conditions or deny the Permit.
 - (5) Each Street Opening shall be accompanied by cash or check made payable to the Township of Colts Neck in the amount of \$100.
- C. Performance Guarantee and Inspection Fee. Street Opening Permit involving excavation and/or modification to any pavement, curb, driveway apron, drainage structure or other Township improvement shall be accompanied with a performance guarantee and inspection fee calculated by the Township Engineer and administrated in accordance with Section 102-16 Guarantees and Inspections.
- D. Insurance. No permit shall be issued until the applicant has furnished the Township with satisfactory Proof of Insurance on which naming the Township of Colts Neck as an additional insured, indemnifying and holding harmless the Township and its agencies, employees and agents against injury to persons and damage to property caused by any act or omission of the applicant, his agents, employees or subcontractors done in the course of the work to be performed under the permit. The insurance shall cover all hazards likely to arise in connection with the work, including but not limited to, collapse and explosion, and shall also insure against liability arising from completed operations. The limits of the policy of insurance shall be \$1,000,000 for injury to any one person, \$500,000 for property damage for a single incident. In cases where the character or nature of the proposed excavation work are such as to present an unusual hazard of a higher than normal risk of damage or injury, the Township may require increase amounts of liability and property damage insurance.
- E. Restrictions on opening new, reconstructed or resurfaced streets. No Street Opening Permit shall be issued by the Township Planner to any person allowing an excavation or opening in a paved, reconstructed or resurfaced street less than five years old unless an emergency condition exists. The Township Committee reserves the right to waive or relax this restriction for cause.
- F. Barriers to be erected; lights; enforcement. It shall be the duty of every person or persons or corporation engaged in digging down any street, in paving any street or section of a street, building any sewer or drain, digging any trench for gas pipes or water pipes or making any opening or excavation in any of the public streets where such work, if left exposed, would be dangerous to passengers, to erect a fence or railing at such excavation or work in such a manner as to prevent danger to passengers who may be traveling such streets and to continue and keep up the railing or fence until the work shall be completed or the obstruction or danger removed; and it shall also be the duty of such person or persons or corporation to place upon such railing or fence, at twilight in the evening, suitable and sufficient lights and keep them burning through the night during the performance of such work under penalty as provided in Section 1-9 for every neglect or violation of any of the provisions of this section.

EXHIBIT A

APPLICATION FOR STREET OPENING PERMIT

*****COMPLETE APPLICATIONS MUST INCLUDE PLANS SHOWING THE EXTENT OF THE PROPOSED EXCAVATION WORK, THE DIMENSIONS AND ELEVATIONS OF BOTH THE EXISTING GROUND PRIOR TO THE EXCAVATION AND THE PROPOSED EXCAVATION SURFACES, THE LOCATION OF THE EXCAVATION WORK AND COMPLETE CONSTRUCTION PLANS, PROFILE AND DETAIL OF ANY PROPOSED CURB, PAVEMENT, DRIVEWAY APRON, DRAINAGE STRUCTURE OR OTHER PROPOSED IMPROVEMENT ALONG WITH A \$100 FEE.**

PLEASE PRINT

1. Applicant's Name: _____
2. Applicant's Address: _____
3. Phone Number: _____ Cellphone No. _____

PROPERTY TO BE SERVICED:

1. Name of Street: _____
2. Street Address of abutting property: _____
Block _____ Lot: _____
3. Nature of the surface in which the opening is to be made: _____

4. Character and purpose of work proposed: _____

5. Dimensions of Opening: _____ Square feet of opening _____

6. Work will start on or about _____ and will be completed by _____

7. Workman or Contractor responsible for performing the work:

Name: _____ Address: _____

Phone No. _____ Cellphone No. _____

ALL APPLICATIONS MUST BE SIGNED:

Property Owner, Applicant or Designated Agent Signature Print Name Date

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Application for Street Opening Permit contained in Exhibit "A" be hereby adopted:

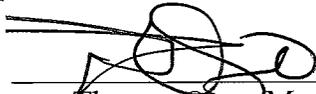
NOW, THEREFORE, BE IT FURTHER RESOLVED if any section, paragraph subsection, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subsection, clause of provision so adjudged and the remainder of this ordinance shall be deemed valid and effective.

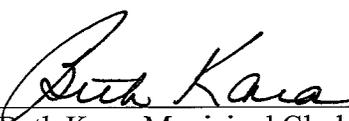
NOW, THEREFORE, BE IT FURTHER RESOLVED, the remainder of all other sections and subsections of the aforementioned ordinance not specifically amended by this ordinance shall remain in full force and effect.

NOW, THEREFORE, BE IT FURTHER RESOLVED, all ordinances or parts thereof inconsistent with the provisions of this ordinance are hereby repealed as to such inconsistency.

NOW, THEREFORE, BE IT FURTHER RESOLVED, this ordinance shall take effect immediately upon passage, publication and filing according to law.

I, Beth Kara, Municipal Clerk in the Township of Colts Neck, in the County of Monmouth, New Jersey, hereby certify that annexed hereto is a true and complete copy of Ordinance No. 2016-13, which was introduced at a duly convened meeting of the Township Committee on June 22, 2016, and adopted after public hearing at a duly convened meeting of the Township Committee on July 13, 2016.


Thomas Orgo, Mayor


Beth Kara, Municipal Clerk

RECORD OF VOTE												
Committeeman	First Reading						Second Reading					
	June 22, 2016						July 13, 2016					
	M	S	Yes	No	NV	Ab	M	S	Yes	No	NV	Ab
Mayor Orgo			X						X			
Deputy Mayor Fitzgerald	M		X									X
Macnow			X						X			
Bartolomeo		S	X				S		X			
Eastman			X				M		X			
M - Moved S - Seconded X - indicates vote NV - Not Voting Ab - Absent												