

**#982**

**AN ORDINANCE AMENDING CHAPTER 331 (STREETS AND SIDEWALKS) OF THE CODE OF THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH AND STATE OF NEW JERSEY**

**SECTION 1. BE IT ORDAINED** by the Borough Council of the Borough of Oceanport, County of Monmouth and State of New Jersey, that the following amendments be made as follows:

**NOTE:** Additions are underlined and deletions are marked by strike through.

**Chapter 331. Streets and Sidewalks**

**Article I. Excavations**

**§ 331-1. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

**BOROUGH CLERK**

The Borough Clerk of the Borough of Oceanport or such other Borough official as the governing body may designate. He shall act as the administrative officer for this article and coordinate with the Borough Engineer and other Borough officials and entities, as may be required.

**EMERGENCY**

A condition or circumstance which involves immediate danger to life or property, or both, or which involves a possibility of interruption or curtailment of any service furnished to the public by a public utility.

**PERMITTEE**

Any public utility, individual or company to which a permit has been issued under and pursuant to this article.

**PUBLIC UTILITY**

Any public utility as defined in N.J.S.A. 48:2-13.

**§ 331-2. Permit required.**

It shall be unlawful for any person to perform any excavation work or to dig up, break, excavate, tunnel, undermine or in any manner break up any street or right of way 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 or right of way 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 within a public right-of-way unless such person shall first have obtained a permit therefor from the Borough Clerk as herein provided.

**§ 331-3. Application requirements.**

- A. Application for a permit shall be made on forms to be provided by the Borough. The application shall state the purpose of the excavation and the name and address of the person who will restore the permanent pavement when the same is not to be done by the Borough or the applicant. The application shall be accompanied by a diagram indicating the nature and extent of the excavation to be made and the work to be done, the proposed dates of commencement and completion of the excavation, which date shall be the expiration date of any permit issued pursuant to the application, and other data as may reasonably be required. If during the course of the work any

major variation is required, the permittee shall file an amended diagram showing the manner in which the work is actually being done.

- B. Whenever the excavation will or may take more than one working day to complete or whenever the excavation site shall be left unattended, the permittee shall furnish to the Oceanport Police Department an emergency telephone number.
- C. No permit for a street excavation in excess of 1,000 square feet shall be issued until the application shall have been reviewed by the Borough Engineer.
- D. All street excavations in excess of 1,000 square feet shall be supervised by an inspector to be designated by the Borough Engineer, and the permittee shall be required to reimburse the Borough for the cost of such inspection.

#### **§ 331-4. Fees.**

- ~~A. Application for a permit shall be accompanied by a fee of \$15 to cover administrative costs for excavations up to 100 square feet and by a fee of not less than \$100 for larger excavations. In addition to the permit fee, the applicant shall pay an inspection fee before the permit is issued equal to 10% of the cash repair deposit, but not less than \$35, if the cash repair deposit is less than \$500; 8% if the cash repair deposit is at least \$500 but less than \$5,000; and 6% if the cash repair deposit is \$5,000 or greater. Such inspection fee shall be paid even though the applicant shall post a bond in lieu of a cash repair deposit.~~

The following schedule of fees is hereby fixed, determined and established as being the nonrefundable fees to be paid to the Borough of Oceanport to be drawn upon by the Borough Engineer in conjunction with the issuance and servicing of such permits, and supervision and inspection of such openings to proper restoration.

Opening not greater than 50 square feet or occupancy only: \$75.

Opening up to 100 square feet: \$100.

Opening up to 200 square feet: \$125.

Opening up to 400 square feet: \$175.

Opening over 400 square feet: \$250, plus \$0.50 per square foot in excess of 400 square feet.

- B. The Borough Clerk shall forward a copy of each application for a street opening permit to the Oceanport Police Department and, upon receipt thereof, the Chief of Police or his designee shall review the subject application to determine whether traffic control shall be needed during the period of construction. If it is determined that the permittee shall need the assistance of a law enforcement officer to control traffic in the vicinity of the construction site, then the applicant shall be required, in addition to the other fees provided for in this article, to pay to the Borough of Oceanport the prevailing police overtime rate for each hour or part thereof that a member of the Oceanport Police Department will be required to direct traffic at the site.

#### **§ 331-5. Cash repair deposits.**

- ~~A. The application for an excavation permit to perform excavation work under this article shall be accompanied by a cash repair deposit. Such cash repair deposit will take the form of cash or certified check payable to the Borough of Oceanport and shall be received by the Borough Clerk prior to the issuance of any permit. The amount of the cash repair deposit required shall be:-~~

~~(1) For openings in streets paved with concrete or bituminous concrete:~~

~~(a) Three hundred dollars plus \$2.50 per square foot of opening not exceeding 1,000 square feet.~~

~~(b) Two thousand five hundred dollars plus \$2 per square foot of opening in excess of 1,000 square feet but not exceeding 5,000 square feet.~~

~~(c) Ten thousand dollars plus \$1.50 per square foot of opening in excess of 5,000 square feet.~~

~~(2) For excavations made in streets of lesser construction: 1/2 the preceding fees.~~

~~(3) In the case of excavation or removal or alteration of other public improvements, such as drainage, sidewalks, driveway aprons, etc., the Borough Engineer shall determine in each case the amount of the cash repair deposit in a sum sufficient to allow the Borough to perform all required repairs and restorations. Said amount shall be estimated to include gross Borough costs, including fees, temporary maintenance costs, permanent restoration costs, etc. In no case shall any cash repair deposit be less than \$500.~~

~~B. Any cash repair deposit made hereunder shall serve as security for the inspection, repair and performance of work necessary to put the street in as good a condition as it was prior to the excavation if the permittee fails to make the necessary repairs or to complete the proper refilling of the opening and the excavation work under the excavation permit. The Borough shall be entitled to reimbursement from the cash repair deposit for the actual cost of any such necessary repairs which may be performed by employees of the Borough Public Works Department.~~

~~C. Upon the permittee's completion of the work covered by such permit, and after a sixty-day maintenance period in conformity with the ordinance as determined by the Borough Engineer, 2/3 of the remaining cash deposit shall be refunded by the Borough to the permittee, and the balance shall be refunded by the Borough to the permittee upon the expiration of such twelve-month period, provided that, if the amount of cash deposit does not exceed \$500, the entire cash repair deposit shall be returned upon the Borough Engineer's determination that the permittee has performed the work in conformity with this article and provided further that the Borough may use any or all of such deposit to pay the cost of any work the Borough performs to restore or maintain the street as herein provided in the event that the permittee fails to perform such work, in which event the amount refunded to the permittee shall be reduced by the amount thus expended by the Borough.~~

~~D. Cash repair deposits will be waived in the case of installation or repair of sidewalks by the owner or by a person acting for the owner of real property and may be waived in the case of installation of new public improvements by a subdivider of site development in accordance with the approved plans and without cost to the Borough; provided, however, that such waiver will not be granted if, in the opinion of the Borough Administrator, a cash repair deposit is necessary to assure protection of existing improvements or to guarantee against damages during construction.~~

A. Before any permit is granted, a refundable performance guaranty shall be deposited with the Borough to insure proper restoration of the trench, pavement surface, and any other improvements within the borough right-of-way.

(1) For openings and excavations, the deposit shall be \$1,000 or \$25 per square foot of the actual excavated trench size, whichever is greater. The amount of the deposit shall be computed by multiplying the trench length in feet by the trench width in feet, which produces square feet.

(2) For temporary occupancy of a Borough right-of-way with a residential or commercial structure, the deposit shall be \$10,000.

(3) For temporary occupancy of all other obstructions, the deposit shall be \$1,000 or \$25 per square foot of the actual occupied area, whichever is greater. The amount of the deposit shall

be computed by multiplying the trench length in feet by the trench width in feet, which produces square feet.

- B. The guaranty shall be refunded if the surface or other improvements are replaced according to Borough specifications, and will be forfeited in lieu of restoration in the event that the Borough specifications are not met. For paved roads, the guaranty will be retained for a period of three months to one year from the date of completion of the permitted construction, at which time the guaranty will be refunded upon the written approval of the Borough Engineer. In the event the Borough Engineer does not approve the same in writing, and upon recommendation to the Borough Council, the guaranty will be forfeited.

§ 331-6. Surety bonds.

- A. If an individual cash repair deposit required by § 331-5 exceeds \$500 or if the applicant is a public utility regulated by the federal government and/or the State of New Jersey, the applicant may deposit with the Borough Clerk a surety bond in the amount of the cash repair deposit or an annual bond in the amount of \$5,000 made payable to the Borough of Oceanport. The required surety bond must be:
- (1) With good and sufficient surety.
  - (2) By a surety company authorized to transact business in the State of New Jersey.
  - (3) Satisfactory to the Borough Attorney in form and substance.
  - (4) Conditioned upon the permittee's compliance with this article and to secure and hold the Borough and its officers harmless against any and all claims, judgments or other costs arising from the excavation and other work covered by the excavation permit or for which the Borough, the Borough Council or any Borough officer may be made liable by reason of any accident or injury to person or property through the fault of the permittee, either in not properly guarding the excavation or for any other injury resulting from the negligence of the permittee, and further conditioned to fill up, restore and place in good and safe condition, as nearly as it can be to its original condition and to the satisfaction of the Borough Administrator, all openings and excavations made in streets and to maintain any street where excavation is made in a condition as good as before said work shall have been done, for the period of 12 months after said work shall have been done, usual wear and tear excepted. Any settlement of the surface within the said one-year period shall be deemed conclusive evidence of defective backfilling by the permittee.
- B. Nothing herein contained shall be construed to require the permittee to maintain any repairs to pavement made by the Borough if such repairs should prove defective.
- C. Recovery on such bond for any injury or accident shall not exhaust the bond, but it shall in its entirety cover any or all future accidents or injuries during the excavation work for which it is given.
- D. In the event of any suit or claim against the Borough by reason of the negligence or default of the permittee, any final judgment against the Borough requiring it to pay for such damage shall, upon the Borough giving written notice to the permittee of such suit or claim, be conclusive upon the permittee and his surety.
- E. An annual bond may be given under this provision which shall remain in force for one year conditioned as above, in the amount specified above and in other respects as specified above, but applicable as to all excavation work in streets by the principal in such bond during the term of one year from said date.
- F. Public utilities may deposit a corporate bond conditioned as in the case of a surety bond in the amount of \$5,000 in lieu of said surety bond, but such corporate bond must be in addition to a

cash repair deposit of \$500. Such cash repair deposit may, by Council action, be returned with interest to the utility after a twelve-month period wherein the Borough has made no charges or written demands against the deposit.

**§ 331-7. Emergency approval.**

In case of emergency, any public utility, individual or company may make an excavation in or tear up the surface of any road without first having obtained from the Borough of Oceanport a permit therefor, in which case the public utility, individual or company shall make application for such permit within five working days after the occurrence of such emergency, provided that the public utility, individual or company first telephones to the office of the Borough Clerk a statement concerning the emergency in question or, in case such office is closed, the telephone call shall be made to the Borough Police Department, which shall log the information for the Clerk.

**§ 331-8. General requirements for excavations, backfilling and resurfacing.**

The permittee shall comply with the following general conditions with regard to the opening or excavation and the backfilling and resurfacing of any public street or public place:

- A. The permittee shall keep each opening properly guarded and at night have lights placed thereat and, in doing the work, interfere as little as possible with the travel along the road and open no greater part of the road at any time than shall be allowed by the Borough. If the excavation is to extend the full width of the road, no more than 1/2 of the road shall be opened at one time, and such half shall be backfilled before the other half is opened, so as to permit the free flow of traffic.
- B. The applicant shall give a ~~twenty-four~~ forty-eight-hour notice to the Borough Clerk Engineer prior to making an opening or prior to beginning surface restoration.
- C. No opening shall commence on a Saturday, Sunday or holiday, except in case of an emergency.
- D. On roads having either a concrete or bituminous concrete surface, the excavation work area shall be saw cut so that the edges of the opening shall be cut straight through the bituminous or concrete surface before the trench is excavated.
- E. If the distance from the edge of the excavation work area to the existing edge of pavement/curb is less than two feet, the permittee shall excavate to the curb and ~~evenly install six inches of bituminous stabilized base course in the entire area.~~ extend the trench repair to the edge of pavement/curb.
- F. The work shall be so conducted as not to interfere with the water mains, gas lines, sewer lines or their connections with houses unless the permission of the proper authorities shall have been obtained. All rock within five feet of a water main or other pipe which might be damaged thereby shall be removed without blasting. No excavation which will damage trees shall be made.
- ~~G. After the underground installation has been completed, the permittee shall properly backfill the excavation. The backfill may consist of the excavated materials but shall be free of all organic material, debris and clay. It shall be placed in lifts of no more than 12 inches, each lift to be thoroughly compacted to a grade or 24 inches below subgrade, the remainder to be backfilled with bank-run gravel. Should the excavated material be unsuitable for backfill in the opinion of the Borough Engineer, then the entire trench shall be backfilled with bank-run gravel and compacted as described above. Bank-run gravel shall conform to New Jersey State Department of Transportation soil aggregate dry Type I-1.~~
- ~~H. After the backfill has been placed, the permittee shall install a temporary pavement of bituminous concrete six inches thick and shall keep such temporary pavement to grade until it has been replaced by a permanent pavement. The excavated area shall then be allowed to settle for a period of not less than 90 days. Any settlement occurring within this period must be repaired by~~

the permittee.

- I. ~~When the final settlement has taken place, however, no later than 120 days after excavation, the permittee shall mill and overlay the temporary pavement with a permanent pavement which shall be not less than 12 inches larger than the length and width of the opening. The permanent pavement shall be of the same type as the original pavement, unless authorized by the Borough Engineer. The Borough Engineer shall be given 48 hours' written notice previous to the time when the permanent pavement is to be installed in order to permit an inspection thereof. The permittee shall be required to mill the excavation surface to a depth of two inches, one foot wider on all sides of the initial repair. If the distance from the edge of the milled area to the existing curb is between two feet and four feet, the permittee shall be required to mill this distance as well. FABC surface course shall be constructed over the entire milled surface. The permittee shall also be required to provide a tack coat on all existing bituminous and concrete surfaces prior to installation of the FABC surface course. As an alternate method of final restoration and subject to prior approval of the Borough Engineer, the permittee may utilize the infrared repair process, provided that the area of excavation does not exceed 100 square feet. If the excavation work area is within 100 feet of a previous excavation made within one year (by the same permittee along the same side of the road), the permittee shall mill and restore between the outermost excavation from the center line of the roadway to the curb. The permittee shall replace any facilities, including but not limited to curb, pavement, sidewalk, line striping, etc., that are affected by the excavation and restoration work, at the permittee's expense. Such work shall be performed according to Borough standards.~~
- J. ~~The restoration of the opening shall be maintained for 60 days after completion at the expense of the permittee, and any cash deposit, as set forth hereinabove, shall not be returned until at least 60 days have passed from the time of repair and the road is in acceptable condition.~~

### **§ 331-8.1 Requirements for backfilling.**

- A. The methods of construction for excavation and backfill shall be in accordance with Section 202 of the New Jersey Department of Transportation Standard Specifications for Road and Bridge Construction, latest edition, and such other provisions as are included herein and as may be added in the special conditions.
- B. No road opening, excavation or occupancy of a cross trench shall extend beyond the centerline of the road before being backfilled, compacted and the surface of the roadway temporarily restored.
- C. All utility facilities shall be located sufficiently ahead of trench excavation work to avoid damage of those facilities and to permit their relocation, if necessary. Storm drains, pipe culverts or other facilities encountered shall be protected by the permittee. If the work performed interferes with the established drainage system of any street or road, provision shall be made by the permittee to provide proper drainage during construction and restore the existing system all to the satisfaction of the Borough Engineer.
- D. No dewatering equipment, wells, points or piping shall occupy the traveled portion of roadways unless specifically approved and adequately protected to the satisfaction of the Borough Engineer. In addition, effluent from dewatering systems shall be discharged in such a manner that erodible soils are not adversely affected. All silt and sediments being carried in the dewatering effluent must be intercepted prior to effluent discharge into any drainage system through the use of a sediment basin designed to allow retention of discharge for sufficient time to render such waters free from suspended silt and sediments. The use of screening devices in lieu of sedimentation basin must receive specific approval and be employed only for minor flows.
- E. Any gravel, earth or other excavated material which is caused to roll, flow or wash upon any Borough road shall be removed from the roadway within 24 hours after deposit. In the event the

earth, gravel or other excavated material so deposited is not removed, the Borough shall remove the material and the cost incurred shall be paid by the permittee or deducted from his deposit. Applicants are put on notice that due to the work schedule of the Public Works Road Department, it will be necessary to make such repairs after normal working hours. The permittee shall employ construction methods and means that will keep flying dust to the minimum to the satisfaction of the Borough Engineer.

- F. In the event of a snow or ice storm, the permittee will be required to take whatever steps Department of Public Works deems necessary to secure the traveled way for snow removal operations. At the first sign of precipitation, all work on the shoulders and traveled way shall stop and they shall be cleared of all dirt, etc., and the area backfilled so as not to interfere with Borough snow operations until the weather permits resumption of work.
- G. Right-of-way or property monuments and/or markers, traffic control devices and other Borough maintained devices on the right-of-way shall not be removed or disturbed unless permission to do so is first obtained in writing from the Borough Engineer. Permission shall be granted only upon the condition that the permittee shall pay all expenses incident to the replacement of such monumentation and/or devices.
- H. If tunneling operations are required, the tunnel shall be backfilled with rammed concrete composed of one-part cement to 10 parts (1:10) sand.
- I. If blasting is required to be done in the course of any excavation, it shall be done in strict compliance with all applicable state laws and regulations.

#### **§ 331-8.2 Restoration of surface paving and subsurface foundation.**

- A. Within grassed areas, all trench openings and damaged areas shall be backfilled for the top four inches with topsoil as defined in Section 804 of the New Jersey Department of Transportation Standard Specifications for Road and Bridge Construction, latest edition. Then, both the trench and area disturbed by excavated material and construction operations shall be seeded with Fertilizing and Seeding, Type A, as specified in Section 917.05.01 of the same specifications.
- B. Within the limits of gravel roadways, driveways and parking areas all trench openings shall be backfilled and compacted as heretofore noted. The top eight inches shall be backfilled with eight inches of compacted Dense Graded Aggregate Base Course as defined in Section 302 of the New Jersey Department of Transportation Standard Specifications for Road and Bridge Construction, latest edition.
- C. Within the limits of bituminous concrete or bituminous treated roadways all trench openings shall be backfilled and compacted as required in Section 301 of the New Jersey Department of Transportation Standard Specifications for Road and Bridge Construction, latest edition. The upper 12 inches of the trench shall receive a temporary repair of six inches of compacted Dense Graded Aggregate Base Course as defined in Section 302 of the above listed specifications topped with six inches of Hot Mix Asphalt 19M64 Base Course as defined in Section 401 of the above-listed specifications.
  - (1) The temporary pavement shall remain in place until any residual settlement takes place, which time shall not exceed four months. During this time, the permittee shall assure maintenance of the pavement surface level. Manholes, valve boxes or other physical utility obstructions, shall have feathered approaches not to exceed a five-percent slope where necessary and pavement lining shall be restored by the permittee for adequate traffic control.
  - (2) Where 20% or more of the pavement surface has been destroyed or disturbed, final

restoration shall consist of milling as designated and final paving with a two-inch overlay of the entire pavement surface width with Hot Mix Asphalt 9.5M64 Surface Course as defined in Section 401 of the above-listed specifications. All vertical seams shall receive polymerized joint adhesive.

(3) Where less than 20% of the existing pavement surface has been destroyed or disturbed, final paving shall be as follows: The existing pavement shall be sawcut back to a clean, straight line approximately 12 inches away from each side of the existing disturbed pavement, and any material within one inch of the proposed surface shall be removed and any depressions filled. Two inches of Hot Mix Asphalt 9.5M64 Surface Course as defined above shall then be placed in the prepared area. All vertical seams shall receive polymerized joint adhesive.

(4) If it is determined, prior to release of the cash repair deposit, by the Borough Engineer that the repair seams are not acceptable then the area shall receive an infrared treatment to create a seamless repair.

D. Within the limits of portland cement concrete roadways, all trench openings shall be backfilled and compacted as previously required, a satisfactory foundation prepared, the reinforcement restored and the concrete pavement equal in thickness to that in place in the roadway replaced with concrete as defined in Section 405 of the above-listed specifications.

E. Road openings and/or trenches involving unusual or special conditions including attachment to bridges shall be restored in accordance with and pursuant to the direction of the Borough Engineer.

F. In the event that temporary paving, patching, final paving, or any other aspect of the restoration process is not completed to the satisfaction of the Borough Engineer, the Borough shall complete the restoration and the cost incurred shall be paid by the permittee or deducted from his deposit.

### **§ 331-8.3 Specifications for concrete sidewalk, aprons, and curbs.**

A. Materials, measuring, mixing, preparation of the foundation forms, joints, depositing of concrete, finishing, curing and protection are to be in accordance with the current New Jersey State Highway Department Standard Specifications for Road and Bridge Construction or the latest revision thereof.

B. All sidewalk, driveway apron, curb, gutter, or other right-of-way improvements shall be constructed in accordance with standard construction detail established by the Borough Engineer.

C. The contractors shall be required to confer with the Borough Engineer before starting any work, and further shall not be permitted to pour any concrete until the Borough Engineer has checked and approved the forms for alignment and grade.

D. For the installation of curb or sidewalk in the Borough, forms shall be of wood or metal, straight, free from warp, of sufficient strength, to resist springing during construction and of a height equal to the full depth of the finished curb or sidewalk. Wood forms shall be two-inch surfaced plank, it being understood that dressed lumber of one-and-five-eighths- inch width is herein permitted (where sharpness of curvature does not permit the use of two-inch material, plywood or fiber board of lesser thickness may be used with the permission of the Borough Engineer) or as provided in the particular specifications for the job in question.

### **§ 331-9. Excavations in recently improved streets.**

A. Whenever the Borough Council enacts any ordinance or resolution providing for the paving or

repaving of any street, the Borough Clerk shall promptly mail a written notice thereof to each person owning any sewer, main, conduit or other utility in or under said street. Such notice shall notify such persons that no excavation permit shall be issued for opening, cuts or excavations in said street for a period of five years after the date of enactment of such ordinance or resolution. The notice shall notify such persons that applications for excavation permits, for work to be done prior to such paving or repaving, shall be submitted promptly in order that the work covered by the excavation permit may be completed not later than 45 days from the date of enactment of such ordinance or resolution. The Borough Clerk shall also promptly mail copies of such notice to the occupants of all houses, buildings and other structures abutting said street for their information and to the state agencies and departments or other persons that may desire to perform excavation work in said street.

- B. Within said 45 days, every public utility company receiving notice as prescribed herein shall perform such excavation work, subject to the provisions of this article, as may be necessary to install or repair sewers, mains, conduits or other utility installations. In the event any owner of real property abutting said street shall fail within said 45 days to perform such excavation work as may be required to install or repair utility service lines or service connections to the property lines, any and all rights of such owner or his successors in interest to make openings, cuts or excavations in said street shall be forfeited for a period of five years from the date of enactment of said ordinance or resolution. During said five-year period, no excavation permit shall be issued to open, cut or excavate in said street unless, in the judgment of the Borough Engineer, an emergency as described in this article exists which makes it absolutely essential that the excavation permit be used.
- C. Every Borough department or official charged with responsibility for any work that may necessitate any opening, cut or excavation in said street is directed to take appropriate measures to perform such excavation work within said forty-five-day period as to avoid the necessity for making any openings, cuts or excavations in the new pavement in said Borough street during said five-year period.

**§ 331-10. Preservation of monuments.**

The permittee shall not disturb any surface monuments or hubs found on the line of excavation work until ordered to do so by the Borough Engineer.

**§ 331-11. Excavations in winter months.**

Unless authorized by prior written approval of the Borough Engineer, no permit for the excavation of any street shall be issued between December 1 and March 1, except for emergencies as provided in §331-7 or by resolution adopted by the Borough Council. All street excavations commenced after March 1 must be completed, backfilled and restored prior to December 1.

**§ 331-12. Indemnity.**

In accepting a permit, the permittee shall be deemed to have agreed to indemnify and save harmless the Borough from and against any and all loss, costs or damages incurred by reason of any damage to any property, injury to any person or any loss of life resulting from any negligence of the permittee, its agents or servants in performing the work covered by the permit.

**§ 331-13. Applicability.**

The provisions of this article shall not be applicable to any excavation work under the direction of competent Borough officials, by employees of the Borough or by any contractor of the Borough or agency or department of the Borough performing work for and in behalf of the Borough necessitating openings or excavations in streets, nor shall the provisions of §§ 331-4 and 331-5 apply to any excavation work performed adjacent to or within public rights-of-way by subdividers or site developers in accordance with approved subdivision or site plans, provided that such subdividers or site developers have posted cash guaranties and surety in accordance with the applicable ordinance

requirements.

**§ 331-14. Liability insurance required.**

~~A. A permittee, prior to the commencement of excavation work hereunder, shall furnish the Borough Administrator with Certificates of liability and workmen's compensation insurance satisfactory to the Owner. satisfactory evidence in writing that the permittee has in force and will maintain in force, during the performance of the excavation work and the period of the excavation permit, public liability insurance of not less than \$500,000 for any one person and \$1,000,000 for any one accident and property damage insurance of not less than \$500,000 duly issued by an insurance company authorized to do business in this state.~~

A. The minimum amounts of Insurance to be carried by the Permittee shall be as follows:

1. Workmen's Compensation and Employer's Liability Insurance

The Permittee shall take out and maintain during the life of this Contract adequate workmen's compensation and employer's liability insurance for all employees employed in connection with the work, and in case any work is sublet, the Permittee shall require each subcontractor similarly to provide workmen's compensation and employer's liability insurance for the latter's employees, unless such employees are covered by the protection afforded by the Permittee's insurance.

Coverage A shall be New Jersey Statutory

Coverage B (Employer's Liability) shall be in the amount of \$1,000,000 or unlimited as per the New Jersey Workmen's Compensation Laws.

2. Comprehensive General Liability

Limits shall be \$1,000,000 bodily injury (BI), each occurrence and \$500,000 property damage (PD) each occurrence.

The Certificate of Insurance must indicate coverage at the above limits for:

- A. Explosion, collapse and underground utilities (XCU)
- B. Contractual - Indicated on the face of the Certificate as being in accordance with the wording of the Contract, specifically the second paragraph of this section.
- C. Independent Contractors
- D. Completed Operations

3. Comprehensive Automobile Liability

Limits shall be \$1,000,000 bodily injury (BI), each occurrence and \$500,000 property damages (PD) each occurrence.

Certificate of Insurance must indicate coverage at the above limits for:

- A. Hired Vehicles
- B. Non-Owned Vehicles

#### 4. Owner's Protective Policy

The Permittee shall supply an Owner's Protector's policy written in the name of the Owner, the Engineer, and their agents, with limits of \$1,000,000 bodily (BI) and \$500,000 property damage (PD). In lieu of this policy, the Permittee may indicate on the Comprehensive General Liability Certificate of Insurance, the Owner, the Engineer, and their agents have been named as an additional insured for this Contract.

- B. In cases where the character or nature of the proposed excavation work is such as to present an unusual hazard or a higher than normal risk of damage or injury, the Borough Council may require provision of increased amounts of liability and property damage insurance. Any permits which occasion such increased hazard or liability shall be referred by the Borough Administrator for the consideration of the governing body prior to the issuance of a permit.

#### **§ 331-15. Violations and penalties.**

Any person who violates any provision of this article shall, upon conviction thereof, be punished as set forth in Chapter 1, § 1-15, General penalty. A separate offense shall be deemed committed on each day during which a violation occurs or continues.

### **Article II Street Dedications**

#### **§ 331-16. Requirements.**

No road, street, avenue or highway in the Borough of Oceanport dedicated to the public use shall be accepted as a public road, street, avenue or highway unless it is in compliance with the Residential Site Improvement Standards for a residential development otherwise ~~and until~~ the following requirements are must be complied with:

- A. All roads, streets, avenues or highways aforesaid shall be not less than 50 feet wide between property lines and not less than 30 feet wide between curb lines.
- B. No dead-end roads, streets, avenues or highways shall be accepted unless and until proper provisions have been made for the turning around of vehicles at the "dead end."
- C. All roads, streets, avenues or highways shall be curbed on both sides thereof.
- D. All curbs shall not be less than 16 inches deep.
- E. All curbs shall be constructed of concrete or bluestone or granite, and the minimum width of any curb at the top shall be five inches for concrete and three inches for bluestone or granite.
- F. All roads, streets, avenues or highways shall be graded with a longitudinal grade of not less than six inches to 100 feet, and a cross section of not less than 1/4 inch to the foot, nor more than 1/2 inch to the foot, each side of the center line.
- G. The minimum requirement for the surface of any road, street, avenue or highway aforesaid shall be road gravel not less than six inches in depth after ultimate compaction, and the road gravel used thereon shall first be approved by the Borough Engineer and the Street Committee.
- H. All roads, streets, avenues or highways aforesaid shall be provided with catch basins and pipes where the same may be necessary for proper surface drainage.
- I. Where subbase conditions of proposed roads, streets, avenues or highways aforesaid are wet, springy or of such nature that surfacing would be inadvisable without ~~first treating the subbase, treatment of the subbase shall be made in the following manner, viz: The road, street, avenue or highway shall be excavated to a depth that shall be 12 inches below the proposed finished grade. Material consisting of soft coal, cinders or two-and-one-half-inch broken stone or slag shall then~~

~~be placed to a depth which, after thorough rolling, shall be not less than six inches. After the subbase material has been properly placed and compacted, the road surfacing material as described heretofore shall be spread thereon.~~ remediation the permittee shall submit a signed and sealed engineering design by a New Jersey Professional Engineer. The design and calculations shall be submitted for review and approval by the Borough Engineer.

- J. The approval of any map of land delineating roads, streets, avenues or highways by the governing body of the Borough of Oceanport shall in nowise be construed as an acceptance of any road, street, avenue or highway indicated thereon.

**SECTION 2. Repealer.** All ordinances or Code provisions or parts thereof inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 3. Severability.** Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any Court of competent jurisdiction that any such portion of this Ordinance is un-Constitutional, void or ineffective for any cause or reason, shall not affect any other portion of this Ordinance.

**SECTION 4. Effective Date.** This ordinance shall take effect upon its passage and publication, as required by law.

**APPROVED ON FIRST READING**

DATED: October 19, 2017

JEANNE SMITH  
Clerk of the Borough of Oceanport

**ADOPTED ON SECOND READING**

DATED: November 2, 2017

JEANNE SMITH  
Clerk of the Borough of Oceanport

**APPROVAL BY THE MAYOR ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.**

\_\_\_\_\_  
**JOHN F. COFFEY, II**  
Mayor