

ORDINANCE #1004

AN ORDINANCE AMENDING CHAPTER 331 "STREETS & SIDEWALKS" OF THE CODE OF THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH, STATE OF NEW JERSEY

BE IT ORDAINED by the Council of the Borough of Oceanport, in the County of Monmouth, in the State of New Jersey that the following ordinance be and the same is hereby enacted:

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

SECTION ONE: Chapter 331 Streets and Sidewalks

§ 331-9 Excavations in recently improved streets.

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. Non-emergency openings for roads under moratorium shall be approved only by resolution of the Governing Body.

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.

D. Repairs to roads under moratorium, both emergency and non-emergency, shall consist of a 2" milling and paving from curb to curb or where appropriate edge to edge for the length of the repair. Tack coat shall be placed on all edges of the milled area and over the base course. At the discretion of the Borough Engineer, if a patch is deemed not acceptable then infrared pavement repair may be required.

! **BE IT FURTHER ORDAINED** that all ordinances or parts of ordinances in conflict or inconsistent with this ordinance are hereby repealed, but only, however to the extent of such conflict or inconsistency, it being the legislative intent that all other ordinances or parts of ordinances now existing and in effect, unless the same be in conflict or inconsistent with any of the provisions of this ordinance, shall remain in full force and effect.

BE IT FURTHER ORDAINED this amending ordinance shall become effective upon due passage and publication according to law.

APPROVED ON FIRST READING

DATED: June 20, 2019

JEANNE SMITH
Clerk of the Borough of Oceanport

ADOPTED ON SECOND READING

DATED: July 18, 2019

JEANNE SMITH
Clerk of the Borough of Oceanport

APPROVAL BY THE MAYOR ON THIS _____ DAY OF _____.

JOHN F. COFFEY, II
Mayor