

ORDINANCE NO. 4, 2014

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PITMAN,
COUNTY OF GLOUCESTER, STATE OF NEW JERSEY AMENDING CHAPTER XVIII
ENTITLED "STREETS AND SIDEWALKS" OF THE CODE OF THE BOROUGH OF PITMAN

WHEREAS, the Mayor and Council of the Borough of Pitman have determined that certain amendments to the Chapter XVIII entitled "Streets and Sidewalks" are necessary;

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Borough Council of the Borough of Pitman, in the County of Gloucester and State of New Jersey, and it is hereby enacted and ordained by the authority of same as follows:

Section 1.

§18-1.3 entitled "Permit Required; Additional Requirements" shall be amended to read as follows:

18-1.3 Permit Required; Additional Requirements.

No person, firm, partnership or corporation shall open or dig a trench in any public road, street, highway, avenue or alley of this Borough without having first completing each of the following:

- a. Made application therefore to the Borough of Pitman, on forms to be provided by the Borough along with four (4) copies of a map or sketch of the project.
- b. Paid the proper fees to the Borough of Pitman for such opening or trench, in the amount specified by subsection 18-1.7, Permit Fees.
- c. Given the Borough cash or surety company bond, in the manner specified by subsection 18-1.6, to guarantee that the opening or trench made by the permittee will be properly closed. Upon completion of the work in a satisfactory manner, the performance bond or cash will be released in return for a maintenance bond or cash to guarantee that the opening or trench will remain in good condition for at least one (1) year after the closing by the permittee. The minimum amount of each maintenance bond shall be twenty-five percent (25%) of the amount of the performance bond but shall not be less than five hundred (\$500.00) dollars. A utility company may, in lieu of giving a separate performance bond and a separate maintenance bond on each project, keep continuing effect and posted with the Borough Clerk a combination performance and maintenance bond for the sum of ten thousand (\$10,000.00) dollars by the permittee and a surety company licensed to do business in New Jersey, which bond shall guarantee both performance and maintenance by the utility company in regard to street openings as required by this section and shall be approved as to form by the Borough Solicitor.
- d. Approval by the Borough Engineer, as needed or as determined by the Public Works Manager.
- e. Received from the Borough a written permit for the specific opening.
- f. Provide notification (written or in person) to every property owner within two hundred (200) feet of the location of the proposed street opening within forty-eight (48) hours of the date of the commencement of the project. The notification shall include the date the project shall begin and the proposed completion date; whether the street shall be closed; and the name, address and telephone number of the contractor performing the street opening.

Section 2.

§18-1.5 entitled "Regulation of Operations" shall be amended to read as follows:

18-1.5 Regulation of Operations.

Each permittee shall do each of the following things with respect to each opening for which the permittee is responsible:

- a. Have the opening dug within thirty (30) days after the permit aforesaid is granted.
- b. Have the material which is taken from the opening placed so as not to interfere with public use of the highway.
- c. Have proper and ample guards, barricades, signs and lights maintained on the site to sufficiently warn users of the road, street, highway, avenue or alley of the dangers attendant to the projects from the time the opening work commenced until the time the opening is completely restored and completely reopened to public travel.
- d. Assume full liability for any and all injuries caused by the negligence of the permittee or the employees or agents of the permittee in constructing such opening as well as in its maintenance or closing.
- e. Keep said opening open a minimum period of time to accomplish the purpose of the permittee and close such opening as soon as possible thereafter.
- f. Comply with the following standards hereby adopted in this Borough for such openings in public roads, streets, highways, avenues and alleys:
 1. *Protection for traveling public.* The permittee shall keep such opening properly guarded and at night have lights placed there at 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 Public Works Manager ~~and~~ or the Borough Engineer.
 2. *Protection from claims.* The permittee shall indemnify and save harmless the Borough of Pitman, its officers and servants from and against any loss, injury or damage resulting from any negligence or fault of the permittee, his agents or servants in connection with the performance of the work covered by the permit.
 3. *Time limit.* The opening shall be backfilled and semi-permanently patched immediately, and the pavement shall be restored within two (2) weeks of the opening date. In case the work has not been completed before the day of expiration as shown on the permit and the permittee has not requested and received a written extension of time, the Public Works Manager ~~and~~ or the Borough Engineer may, if deemed advisable, take steps to backfill the trench and replace a permanent pavement over the opening for which the permit has been issued, the entire cost of which shall be the responsibility of the permittee. If any extension of time beyond said date is needed for the completion of the work, a new application must be filed, if required by the Borough Engineer or Public Works Manager.
 4. *Maintenance.* The restoration at the opening shall be maintained for one (1) year after acceptance of the opening restoration by the Borough Engineer or Public Works Manager.

5. *Excavation.*

(a) The applicant shall give a forty-eight (48) hour notice to the Public Works Manager ~~and or~~ the Borough Engineer ~~or his or her duly authorized assistant~~ prior to making an opening, except in case of emergency.

(b) No opening shall be commenced on a Saturday, Sunday or holiday, except in case of emergency.

(c) On a bituminous-surface-treated road, the edges of the opening shall be cut straight through the bituminous surface before the opening is excavated.

(d) The work shall be conducted as not to interfere with the water, sewer or gas mains or any connections with buildings until permission of the proper authorities shall have been obtained. All rock within five feet (5') of a water main or other pipe which will be damaged thereby shall be removed without blasting. No excavation which will damage trees shall be made without the approval of the Borough Engineer or Public Works Manager.

6. *Backfilling.* The permittee shall completely backfill the excavation and replace as great a portion as possible of the material excavated, compacting it by using mechanical tamping equipment and supply additional material when there is a deficiency. Whenever the Borough Engineer ~~or his duly authorized representative~~ Public Works Manager shall deem the material unsatisfactory for backfill, the permittee shall backfill the trench with select backfill material, Zone or Type 3, compacted, and shall remove all excess material from the premises. The material shall be placed in layers not exceeding six inches (6") in thickness, moistened where and as directed, and each layer mechanically tamped until thoroughly compacted.

7. *Restoration of surface paving and surface paving foundation.* After the backfilling of the opening has been completed as above specified, the restoration of the pavement shall be governed by the following applicable rules:

(a) In the case of an opening in the earth shoulder, the permittee shall restore the top four inches (4") of the trench or opening with material capable of supporting the growth of grass and shall fertilize and seed the surface with grass seed.

(b) In the case of a gravel pavement, the permittee shall fill in the top twelve inches (12") of the excavated opening with compacted State-approved Type I-5 road gravel.

(c) In the case of a penetration macadam road which consists of broken stone of various sizes, the permittee may salvage the broken stone and replace it in the top of the opening similar to the original pavement and cover it with two inches (2") of hot-mixed bituminous concrete.

(d) In the case of a gravel-based bituminous concrete road, the permittee shall restore the surface with eight inches (8") of compacted State-approved Type I-5 road gravel with two inches (2") of bituminous stabilized base, mix I-2 and two inches (2") of FAB-1, mix 5, top pavement or surface and base similar to existing road, whichever is greater.

(e) In the case of a bituminous-treated-gravel road, the permittee shall restore the surface with twelve inches (12") of compacted State-approved Type I-5 gravel covered with two inches (2") of FABC-1, mix Type I-5.

(f) In the case of a concrete surface, the permittee shall construct a concrete foundation and shall restore the reinforcement and the concrete pavement as directed by the Borough Engineer or Public Works Manager.

(g) In the case of any special condition, the permittee shall restore the opening as directed by the Borough Engineer or Public Works Manager. In any case, if the Borough is required to restore the pavement, the final charges, based on the schedule of costs, shall be billed to the permittee on the completion of the work by the Borough.

Section 3.

§18-1.6 entitled "Bond" shall be amended to read as follows:

18-1.6 Bond.

a. Each applicant for a permit for such opening shall post a cash or surety company bond with the Borough to cover the estimated costs of closing the particular opening for which the application is being made, according to the schedule of estimated costs as from time to time may be set by the Council of the Borough of Pitman, or as determined by the Borough Engineer or Public Works Manager.

b. Each such surety bond shall be executed by the permittee as principal therein, and the surety company shall be the surety therein, which surety company shall be one licensed to do business in the State of New Jersey.

c. Upon completion of the project by the permittee and the restoration of the public road, street, highway, avenue or alley in accordance with this Chapter, the permittee shall receive back said performance bond upon proper written application therefore and upon approval thereof by the Borough Council, and upon posting of the maintenance bond or cash described in subsection 18-1.3c.

Section 4.

§18-1.7 entitled "Permit Fees" shall be amended to read as follows:

18-1.7 Permit Fees.

a. Fees shall be paid when the application is submitted for any street or road opening as follows:

- 1) Application Fee: ~~\$100.00~~ \$150.00 for the first Application per calendar year.
The fee for the second and subsequent Applications in the same calendar year shall be \$60.00 per square foot of the proposed street opening.

If the services of the Borough Engineer are utilized, then the following fees shall be paid when the Application is submitted for approval:

- 1) Engineer Review Fee: \$150.00
2) Engineer Inspection Fee: \$250.00

In the event that the Borough Engineer or Public Works Manager determines that any excavations for which a permit has been issued is of greater dimensions than those stated in the permit(s), he shall so notify the permittee who shall pay the additional fee required immediately and before continuing any further work in connection with such excavation or construction.

b. The fees referred to in paragraph a. above shall be paid to and become the property of the Borough and shall be turned over by the Borough Clerk to the Borough Treasurer within forty-eight (48) hours, accompanied by a written statement of the source of each fee.

Section 5.

Repealer.

All prior Ordinances or parts of Ordinances inconsistent with this Ordinance be and the same are hereby repealed to the extent of such inconsistencies.

Section 6.

Severability.

Should any section, clause, sentence, phrase or provision of this Ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

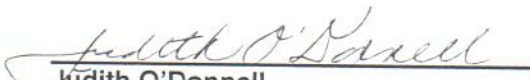
When effective.

This Ordinance shall take effect immediately upon final passage and publication in accordance with law.

BOROUGH OF PITMAN


BY: 
Russell C. Johnson, III, Mayor

ATTEST:


Judith O'Donnell
Borough Clerk/Administrator

NOTICE

The Ordinance published herein was introduced and passed upon first reading at a meeting of the Mayor and Council of the Borough of Pitman, in the County of Gloucester and State of New Jersey, held on February 10, 2014. It will be further considered for final passage, after public hearing hereon, at a meeting of said Mayor and Council to be held in the Borough Hall, 110 S. Broadway, Pitman, New Jersey 08071, on February 24, 2014 at 8:00 P.M. During the week prior and up to and including the date of such meeting, copies of said Ordinance will be made available at the Clerk's office at Borough Hall, 110 S. Broadway, in the Borough, to the members of the general public who shall request the same.


Judith O'Donnell
Borough Clerk/Administrator