

**CHAPTER XXI**  
**STREETS AND SIDEWALKS**

**21-1 EXCAVATION OF STREETS.**

**21-1.1 Permit Required.** It shall be unlawful for any person, corporation or other legal entity to dig or excavate any street, sidewalk, curb, pavement or other public place or area within the public right-of-way or any part thereof, within the Borough for the purpose of laying down rails, pipes, mains, conduits, or for any other purpose whatever, unless and until a written application be first made to and a permit granted by the Borough Construction Officer. (Ord. No. 15-95 § 12-1.1)

**21-1.2 Information Required for Permit.**

a. The written application shall be signed by the applicant and accompanied by plans showing the extent of the proposed excavation work, the dimensions and elevations of both the existing ground prior to the excavation and of the proposed excavated surfaces, the location of the excavation work, and such other information as may be prescribed by the Business Administrator including complete plan, profile and details of any proposed curb, sidewalk, pavements or other proposed improvements, and the length of time the work will require and in which the excavation and restoration hereinafter provided will be completed.

b. The applicant shall further provide proof of acknowledgement by all utilities serving the municipality that they have been notified of the excavation and consent thereto, pursuant to State Statute.

(Ord. No. 15-95 § 12-1.2; New)

**21-1.3 Fee Schedule.**

a. The applicant shall pay a permit application fee in cash to cover the cost of application review, inspection, and other administration matters. The fee is based on a percentage of the repair deposit required elsewhere in the ordinance according to the following schedule:

## STREET OPENING FEE:

a. The applicant shall pay a permit application fee in cash to cover the cost of application review, inspection, and other administration matters. The fee is based on a percentage of the repair deposit (below) according to the following schedule:

### *Street Excavation Permit Fee*

<u>Repair Deposit</u>	<u>Percent</u>
\$90 <del>75</del> — \$999 +15.00	15%
\$ 1,000 — \$1,999 +15.00	13.5%
\$ 2,000 — \$2,999 +15.00	12%
\$ 3,000 — \$3,999 +15.00	10.5%
\$ 4,000 — \$4,999 +15.00	9%
\$ 5,000 an over	7.5%

b. In no case shall a permit fee charged be less than \$75 dollars. Permit fee may be waived in the case of: (1) installation or repair of sidewalk by, or one acting for, the owner of real property; or (2) installation of new public improvements by a subdivider or side developer in accordance with approved plans without the cost to the Borough.  
(Ord. No. 15-95~ 12-1.3)







## REPAIR DEPOSIT

a. The applicant must also post a repair deposit in cash or certified check payable to the "Borough of Atlantic Highlands", or equivalent Repair Bond, and shall be received by the Borough prior to issuance of any permit.

b. The amount of the cash repair deposit required for openings in streets paved with concrete or bituminous concrete, shall be in accordance with the following schedule:

<u>Repair Deposit</u>		<u>Cost per square foot</u>
<u>Pavement Disturbance</u>		
1	to 20 S.F.	\$20
21	to 40 S.F.	\$19
41	to 60 S.F.	\$18
61	to 80 S.F.	\$17
81	to 120 S.F.	\$16
121	to 160 S.F.	\$15
161	to 200 S.F.	\$14
201	to 240 S.F.	\$13
241	to 280 S.F.	\$12
281	to 320 S.F.	\$11
321	to 360 S.F.	\$10
361	to 400 S.F.	\$9
401	to 440 S.F.	\$8
441	to 480 S.F.	\$7
481	to 600 S.F.	\$6
601	to 700 S.F.	\$5.50
701	to 900 S.F.	\$5
901	to 1,000 S.F.	\$4.50
1,000	to 5,000 S.F.	\$4
5,001	and above	\$3

### COLOR CODE FOR MARKING UNDERGROUND UTILITY LINES

	ELECTRIC
	GAS-OIL-STEAM
	COMMUNICATION CATV
	WATER
	SEWER
	PROPOSED EXCAVATION

**Dig Safely.**  
1 800 272-1000  
NEW JERSEY ONE CALL  
CALL FOR FREE MARKOUTS  
3 FULL DAYS BEFORE YOU DIG

c. *Opening(s) in Streets Not Constructed of Concrete or Bituminous Concrete:*

<i>Pavement Disturbance</i>		<i>Cost Per Square Foot</i>
0	to 149 S.F.	\$1.50 per S.F.
150	to 999 S.F.	\$1.25 per S.F.
1,000	to 4,999 S.F.	\$1.00 per S.F.
5,000	to —	\$0.75 per S.F.

d. The minimum cash repair deposit shall be three hundred fifty (\$350.00) dollars. In the case of excavation or removal or alteration of other public improvements such as drainage, sidewalks, driveways, driveway aprons, etc., the Borough shall determine in each case the amount of the repair deposit in an amount that will be estimated based on the estimated cost to perform all required repairs and restorations if the applicant fails to do so. The amount shall be estimated to include gross Borough costs, including fees, temporary maintenance costs, permanent restoration costs, engineering costs, etc.

Any repair deposit made hereunder shall serve as security for the inspection, repair and performance of work necessary to return the street to acceptable condition. Upon the permittee's satisfactory completion of work covered by such permit and in conformity with this section as determined by the Borough Engineer and/or Business Administrator, two-thirds (2/3) of the remaining deposit shall be refunded by the Borough to the permittee. The balance shall be refunded by the Borough upon expiration of a twelve (12) months' maintenance period, provided that if the amount of the deposit does not exceed one hundred (\$100.00) dollars the entire repair deposit will be returned upon the Borough Engineer's and/or Business Administrator's determination that the permittee has performed the work in conformity with this section, and provided further that the Borough may use any and all of such deposit to pay the cost of inspection and work the Borough performs to restore or maintain the street as herein provided in the event 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.

Repair deposits may be waived in the case of installation or repair of sidewalk by the owner, or by a person acting for the owner, and may be waived in the case of installation of new public improvements by a subdivider or side developer 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 Business Administrator/Borough Engineer, a cash repair deposit is necessary to assure protection of existing improvements or to guarantee against damages during construction.

### 21-1.5 Surety Bond.

a. If an individual repair deposit required by subsection 21-1.4 exceeds one thousand (\$1,000.00) dollars or if the aggregate of the repair deposits which any applicant expects to be required to provide within a period of one (1) year exceeds five thousand (\$5,000.00) dollars, or if the applicant be a public utility regulated by the Federal Government and/or the State of New Jersey, then the Borough Council may allow a portion of the required repair deposit in the form of a surety bond. If a surety bond is provided in accordance with the requirements of this section, the applicant shall deposit with the Borough Clerk a surety bond in an amount to be determined by the Business Administrator made payable to the Borough of Atlantic Highlands.

b. 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 section and to secure and hold the Borough and its officers, and employees, 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 near as may be to its original condition and to the satisfaction of the Borough Engineer and/or Business Administrator all openings and excavations made in streets, and to maintain any street where excavation is made in as good condition for the period of twelve (12) months after the work shall have been done, usual wear and tear excepted, as it was in before the work shall have been done. Any settlement of the surface within the one (1) year period shall be deemed conclusive evidence of defective backfilling by the permittee. 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. Recovery on such bond for any injury or accident shall not exhaust the bond but it shall in its entirety cover any and all future accidents or injuries during the excavation work for which it is given. In the event of any suit or claim against the Borough by reason of the negligence or default of the permittee, upon the Borough

giving written notice to the permittee of such suit or claim, any final judgment against the Borough requiring it to pay such damage shall be conclusive upon the permittee and his surety. An annual bond may be given under this provision which shall remain in force for one (1) 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 (1) year from the date.  
(Ord. No. 15-95 § 12-1.5)

**21-1.6 Insurance.** A permittee, prior to commencement of excavation work hereunder, shall furnish the Borough 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 one million (\$1,000,000.00) dollars for any one (1) person and three hundred thousand (\$300,000.00) dollars for any one (1) accident and property damage insurance of not less than five hundred thousand (\$500,000.00) dollars duly issued by an insurance company authorized to do business in this State. In cases where the character or nature of the proposed excavation work are such as to present an unusual hazard or a higher than normal risk of damage or injury the Borough Council may require increased amounts of liability and property damage insurance. (Ord. No. 15-95 § 12-1.6)

**21-1.7 Specifications.** The New Jersey Department of Transportation Standard Specifications for Road and Bridge Construction, 1983, shall serve as the standard for pavement repair. Pavement repair requirements shall be set by the Business Administrator/Borough Engineer on a "Case-by-Case" basis. In addition, traffic maintenance and protection during construction shall be in accordance with the Manual on Uniform Traffic Control Devices. The permittee shall be responsible for installation and maintenance of the proper traffic maintenance and protection devices, notification of all authorities and agencies, and for site safety. (Ord. No. 15-95 § 12-1.7)

**21-1.8 Terms of Permit.** All street excavation permits issued by the Borough Clerk shall expire one (1) year from the permit issuance date. Upon expiration, the applicant will be required to apply for a new permit, pay appropriate excavation permit fees, supplement (if required) any deficient repair deposits and shall furnish the Borough 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 excavation permit, public liability insurance in accordance with limits and conditions within subsection 21-1.6, Insurance. (Ord. No. 15-95 § 12-1.8)

**21-1.9 Inspection.** The Borough Engineer or Public Works Department shall make such inspections as are reasonably necessary. The cost of such inspections will be paid for by the application fee and the monies obtained from the street excavation permit fee shall be used to defray these and other administrative costs associated with the

enforcement of this section. The Borough Engineer or Business Administrator shall have the authority to promulgate and cause to be enforced such rules and regulations as may be reasonably necessary to enforce and carry out the intent of this section. (Ord. No.1 5-95 § 12-1.9)

**21-1.10 Penalty.** Any person, corporation or other legal entity violating any of the provisions of this section shall be liable, upon conviction, to the penalty stated in Chapter I, Section 1-5. Enforcement shall be by any Public Works Department or Police Department employee. (Ord. No. 15-95 § 12-1.10; New)



# BOROUGH OF ATLANTIC HIGHLANDS

100 FIRST AVENUE  
ATLANTIC HIGHLANDS, NJ 07716  
732-291-1444 (FAX 291-9725)

## APPLICATION - STREET OPENING PERMIT

Proposed Dates: Begin \_\_\_\_\_ Completion \_\_\_\_\_

Opening: Size \_\_\_\_\_ Fee (\$90 up to 25 sq ft; see schedule for larger areas) \_\_\_\_\_

Location: \_\_\_\_\_  
Attach a drawing or sketch showing the proposed work location and any other patches or roadway damage within 25' of the opening. Measurements from center and edges of opening to multiple identifiable locations like curbs and street corners.

For the purpose of: \_\_\_\_\_

Property Owner (or Utility Company): \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Contact Person: \_\_\_\_\_

Contractor: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Contact Person: \_\_\_\_\_

### Conditions of Permit:

- A Performance Bond (valid until repairs are satisfactorily completed) and a Maintenance Bond (valid for at least three years from completion), or equivalent cash deposit, are required.
- Applicant must obtain markout information before opening.
- Contractor must notify Municipal Clerk prior to Beginning and upon Completion of work.
- Both owner and contractor are responsible for the maintenance of the area and surface for three years from the completion inspection or any subsequent opening or surface repair.
- An "as built" sketch with dimensions shall accompany the request for completion inspection.

Repairs shall comply with street standards of the Borough Code and include 6" of DGA, 5" of base mix and 2" surface mix; all asphalt joints shall be completely coated with tack oil. If total street repairs exceed 50 sq ft, or are more than 25 feet long, the surface repair shall use mill and pave methods, or equivalent, and extend at least one foot beyond any excavation, but no less than four feet wide. Street repair seams longer than 10 feet shall be located at the centerline, curb or dripline of the street. Repair of any opening within 10 ft of another opening, current or previous, shall cover all openings. Excavations shall be filled in lifts no greater 12". Subject to Borough approval, a settling period between initial patching and final restoration is recommended.

Fees and Bond amounts will be based upon the street surface repair area schedule.

Bond Information: \_\_\_\_\_

Application Date \_\_\_\_\_

Authorized Signature \_\_\_\_\_

Printed Name \_\_\_\_\_