

Borough of Beach Haven, NJ
Wednesday, June 18, 2014

Chapter 176. STREETS AND SIDEWALKS

Article I. Excavations in Streets

§ 176-1. Permit required.

No person, firm or corporation shall cut, break into or open any public street, road or highway in the Borough of Beach Haven unless he, they or it has theretofore obtained a written permit for that purpose from the Borough Clerk under the provisions of this article.

§ 176-2. Form of application.

Written application for the permit shall be accompanied by a plan or map showing in detail the location of the proposed opening of the highway or highways therein identified and the dimensions of the breadth or width and length of such opening and containing a short statement of the purpose for which the street is to be opened and the name or names of the owners for whom the work is to be done and the name or names of the contractors who are to perform the work for which the street is opened, accompanied by the fee hereinafter provided to be paid to the Borough of Beach Haven.

§ 176-3. Fees and deposits.

- A. For every permit to open an unpaved street where the opening to be made is 20 square feet or less in size: the sum of \$10.
- B. For every permit to open an unpaved street where the opening to be made is larger than 20 square feet: the sum of \$10 for the first 20 square feet and, in addition thereto, the sum of \$0.50 for each additional square foot of opening.
- C. For every permit to open a street whose surface is paved or otherwise covered or treated, where the opening to be made is 20 square feet or less in size: the sum of \$50.
[Amended 8-13-1973 by Ord. No. 73-8; 3-26-1984 by Ord. No. 84-8]
- D. For every permit to open a street whose surface is paved or otherwise covered or treated, where the opening to be made is larger than 20 square feet in size: the sum of \$50 for the first 20 square feet and, in addition thereto, the sum of \$1 for each additional square foot of opening.
[Amended 3-26-1984 by Ord. No. 84-8; 8-8-2005 by Ord. No. 2005-17]
- E. The Beach Haven Sewerage Authority be and is hereby exempt from the payment of permit fees and deposits to open an unpaved street or street whose surface is paved or otherwise covered or treated, provided that a performance bond is posted with the municipality to assure the proper resurfacing of the street as set forth in § 176-3A, B, C and D.

[Added 10-13-1981 by Ord. No. 81-15A]

§ 176-4. Guarding of openings.

The permittee shall maintain safe crossings along the line of openings and keep the same properly guarded by suitable barricades and warning signs during the day, and by barricades and lights by night. If the excavation exceeds the full width of the road, only 1/2 of the road shall be opened, and this is to be backfilled before the other half is opened, so as to permit the free flow of traffic.

§ 176-5. Restoration requirements.

The permit holder, in all instances, shall cause the openings to be properly filled and the fill to be properly rammed or puddled or compacted to prevent settlement of the fill, which shall be done immediately upon completion by the permittee of the work it is doing in said street opening. Said openings are to be so filled as to permit traffic to pass over the fill without resurfacing and in safety, and the same shall be redone by the permittee for so long as same is required until the surface has been permanently repaved or restored in conformity with its original condition. The permittee shall periodically reinspect and so restore same as required from time to time.

§ 176-6. Bond requirements and guarantee of restoration.

[Amended 8-8-2005 by Ord. No. 2005-17]

- A. The permit holder shall also be required to deposit, in cash or certified check, or in the Borough's discretion, a bond sufficient to defray the expense of the Borough hiring an outside contractor to restore the street to its preexisting condition should the permit holder fail to do so.
- B. The amount deposited shall be based on a minimum of \$55 per square foot to restore a typical three-foot wide by fifteen-foot-long forty-five-square-foot trench.
- C. The street surface shall be restored so as to extend a minimum of one foot beyond the excavation on all sides.
- D. All monies on deposit will be held for a period of six months after completion of the restoration of the street surface.
- E. If the work is not completed within the time prescribed in the permit or any extension granted by the Borough or is not performed in accordance with the standards set by the Superintendent of Public Works, the Borough may complete the work itself and restore the surface of the street. The cost of completing the work and restoring the street shall be charged to the permit holder and may be deducted from the deposit or recovered by an action in any court of competent jurisdiction.

§ 176-9. Certificate of insurance.

[Amended 9-13-2010 by Ord. No. 2010-20]

By the making of an application for a permit, the permittee agrees to save harmless the Borough of Beach Haven, its officers, agents and servants from and against any loss, injury or damage resulting from any negligence or the fault of the permittee in the case of work covered by the permit. The permittee shall file with the Borough Clerk a certificate of insurance in amounts to be determined by the Borough Manager in accordance with the practice of the trade, naming the Borough of Beach Haven as a named insured, which coverage shall run to the benefit of the Borough's officers, agents and servants. *Editor's Note: Original § 61-10, Violations and penalties, which immediately followed this section, was repealed 5-26-1981 by Ord. No. 81-6. For current penalty provisions, see § 1-16, General penalty provisions, of this Code.*