

# Borough of Union Beach

## ORDINANCE NO. 2017-264:

### AN ORDINANCE AMENDING SECTION XII (STREETS AND SANITATION) OF THE GENERAL ORDINANCES OF THE BOROUGH OF UNION BEACH TO AMEND CERTAIN PROVISIONS REGARDING THE REQUIREMENTS FOR STREET EXCAVATIONS

BE IT ORDAINED by the Borough Council of the Borough of Union Beach, County of Monmouth, and State of New Jersey that Section XII (Streets and Sanitation) of the General Ordinances of the Borough of Union Beach is hereby amended or supplemented as follows:

#### PURPOSE

The purpose of this ordinance is to amend or add certain procedures and standards to incorporate changes to clarify the permit requirement for excavations and road openings as recommended by the Borough Engineer.

*Chapter XII (Streets and Sanitation) of the General Ordinances of the Borough of Union Beach is hereby amended or supplemented as follows (new text is double underlined, text to be deleted is ~~struck through~~ and notations to the reader and changes in subparagraph designations either with or without changes to content are italicized):*

#### SECTION 1

*Chapter XII (Streets and Sanitation), Section 12-1 (Excavation of Streets) shall be amended as follows:*

##### 12-1 EXCAVATION OF STREETS.

12-1.1 Permit Required. It shall be unlawful for any person, corporation or other legal entity to dig or excavate any street, sidewalk, curb, driveway apron, 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 as herein provided be first made to and a permit therefor be first granted by the borough ~~[clerk in concert with the]~~ public works director and a minimum twenty-four (24) hours notice is provided to the public works director prior to the start of any work.

12-1.2 Permit Application. 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 said excavation and of the proposed excavated surfaces, the location of the excavation work, and such other information as may be prescribed by the borough public works director including complete plan, profile and details of any proposed curb, sidewalk, pavements or other proposed improvements. In addition, the length of time the work will require and in

public works director including complete plan, profile and details of any proposed curb, sidewalk, pavements or other proposed improvements. In addition, the length of time the work will require and in which the excavation and restoration hereinafter provided will be completed should be stated on the application.

12-1.3 The Borough of Union Beach Road Opening and Repair Directive.

a. Application Fee, Repair Deposit and Inspection Fees.

1. The application for an excavation permit to perform excavation work under subsection 12-1.3 of this section shall be accompanied by a repair deposit, unless a performance guaranty is accepted in lieu thereof pursuant to subsection 12-1.5 of this section. Such cash repair deposit shall take the form of cash or certified check, payable to the Borough of Union Beach, and shall be received by the borough prior to the issuance of any permit.
2. The amount of the cash repair deposit required for openings in streets paved with concrete or bituminous concrete or within sidewalk or driveway aprons shall be in accordance with the following schedule. Please note the minimum cash repair deposit amount shall be five hundred (\$500.00) dollars.

<u>Pavement Disturbance</u>	<u>Cost Per Square Foot</u>	<u>Pavement Disturbance</u>	<u>Cost Per Square Foot</u>
0 to 49 S.F.	\$500 minimum	500 to 599 S.F.	\$6.50 per S.F.
50 to 79 S.F.	\$10.00 per S.F.	600 to 699 S.F.	\$6.00 per S.F.
80 to 99 S.F.	\$9.00 per S.F.	700 to 799 S.F.	\$5.50 per S.F.
100 to 199 S.F.	\$8.50 per S.F.	800 to 899 S.F.	\$5.00 per S.F.
200 to 299 S.F.	\$8.00 per S.F.	900 to 999 S.F.	\$4.50 per S.F.
300 to 399 S.F.	\$7.50 per S.F.	1,000 to 4,999 S.F.	\$4.00 per S.F.
400 to 499 S.F.	\$7.00 per S.F.	5,000 to – S.F.	\$3.00 per S.F.

The amount of the cash repair deposit in streets not constructed of concrete or bituminous concrete shall be in accordance with the following schedule.

<u>Pavement Disturbance</u>	<u>Cost Per Square Foot</u>
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 – S.F.	\$0.75 per S.F.

3. The 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 backfilling of the opening and the excavation work performed in accordance with the excavation permit. Upon the permittee's completion of the work covered by such

permit, and approval by the Borough Engineer to determine the work is in conformity with this section as determined by the borough, one-half of the remaining cash deposit shall be ~~promptly~~ refunded by the borough to the permittee and the balance shall be refunded by the borough to the permittee upon the expiration of two years from the date of final approval of the work upon the borough's engineer's determination that the permittee has performed the work remains in conformity with this section and that no corrective action is required.

4. In the case of excavation or removal or alteration of other public improvements such as drainage, ~~[sidewalks, driveways, driveway aprons,]~~ utility pole relocation, etc., the borough engineer/department of public works shall determine in each case the amount of cash repair deposit in sum total sufficient to allow the borough to perform all required repairs and restorations. The amount shall be estimated to include gross borough costs, including fees, temporary maintenance costs, permanent restoration costs, engineering costs, etc.
  
5. Cash 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 of real property and may be waived in the case of installation of new public improvements by a sub-divider or site developer in accordance with the approved plans without cost to the borough; however, that such waiver will not be granted if, in the opinion of the borough, a cash repair deposit is necessary to assure protection of existing improvement or to guarantee against damages during construction.
  
6. In addition, the application for an excavation permit shall be accompanied by a permit application fee in cash or other form acceptable to the borough. The fee shall cover the cost of the application review, inspection fee and other administrative matters. The fee is based on a percentage of the repair deposit as outlined above in accordance with the following schedule. In no case shall a permit fee charge be less than one hundred ~~fifty~~ fifty (\$150.00 100.00) dollars. A copy of the permit shall be kept on site at all times.

Repair Deposit	Percentage	Repair Deposit	Percentage
\$500.00-\$1,999.00	15%	\$3,000.00-\$4,999.00	9%
\$2,000.00-\$2,999.00	13%	\$5,000.00- Over	7%

7. Equipment or machinery having crawler tracks or other treads that mar or damage pavements shall not move over or operate from newly constructed or existing pavements unless precautions are taken to prevent damage.

Any damage to existing utilities or newly constructed or existing pavements within the limits of the excavation, or adjacent hereto, which in the opinion of the borough engineer/department of public works was caused by the permittee's operations, shall be

repaired as directed, at the permittee's expense or the repairs will be made by the borough and the cost of such repairs will be deducted from cash deposit.

Any restrictions of required traffic lane widths or diversion of traffic, at any time, are subject to approval.

8. 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 person and three hundred thousand (\$300,000.00) dollars for any one 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 as 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.
  9. Specifications. The New Jersey Department of Transportation Standard Specifications for Road and Bridge Construction, 2007 [1989], shall serve as the standard for pavement repair. Pavement repair requirement shall be set by the public works director or 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 property traffic maintenance and protection devices, notification of all authorities and agencies, and for site safety.
  10. If it is determined by the Union Beach Police Department that a Traffic Safety Officer is required, all costs shall be the responsibility of the permittee and the costs shall not be included in the application fee or cash repair deposit.
- b. Pavement Openings. All utility road openings through existing pavement for excavation purposed shall be saw cut to provide a neat edge. The saw cut requirement may be waived by the borough engineer/public works director and will be on a case-by-case basis. Where trenches are to be two feet or more in depth, the base pavement shall be removed to at least 12 inches beyond the outer limits of the trench. The face of the remaining pavement shall be approximately vertical.
  - c. Excavation and Backfilling Requirements.
    1. All trench openings shall be neatly saw cut. Unless specifically allowed, in writing, by the department of public works for unusual circumstances, no excavation work area shall remain open overnight.

2. All applications for excavations exceeding four feet in depth shall be accompanied by engineering plans showing how the excavation will be protected from side-wall collapse and damage to adjoining property and structure.
  3. Unless otherwise allowed, the contractor shall backfill all trenches at the end of each working day with a DGA material or with granular borrow material. Rocks larger than six inches may not be included in backfill. Backfill material shall be deposited in 12 inch lifts and mechanically compacted to a minimum 90 percent Modified Proctor Density to an elevation of eight inches below finished roadway grade. Hot Mix Asphalt 19M64 [Stabilized] base course is to be placed to the elevation of finish roadway grade and remain in place for a minimum period of three months. Consolidation will not be acceptable as a method to achieve the soil densities specified.
  4. The backfilling, replacement of sub-base, and installation of base course shall be completed within 24 hours after commencement of work.
- d. Restoration of the Surface.
1. Bituminous concrete Roads (See Detail "A").<sup>1</sup>
    - (a) Following compaction, the permittee shall install no less than six inches of dense graded aggregate followed by eight inches of Hot Mix Asphalt 19M64 [bituminous stabilized] base course to the trench. If the distance from the edge of the excavation work area to the existing curb or roadway edge is less than two feet, the permittee shall be required to excavate to the curb and evenly install six inches of dense graded aggregate followed by eight inches of Hot Mix Asphalt 19M64 [bituminous stabilized] base course in the entire area.
    - (b) The partially restored pavement shall be allowed to settle for no less than 90 days and nor more than 180 days. The permittee shall have the responsibility to monitor and maintain the trench so that a depression does not develop. If at any time during the settlement period the trench becomes unacceptable in the view of the department of public works or borough engineer, the permittee shall be notified of the condition requiring repair, and such repair shall be performed by the permittee within 24 hours of such notification by the Union Beach Public Works Department or borough engineer. In the absence of such repair, the borough may use bond or cash deposit fees to repair said trench.
    - (c) Following the period of settlement, the permittee shall be required to mill the excavation work area surface as specified in paragraph d, 1(d) below and install no less than two inches of Hot Mix Asphalt 9.5M64 [FABC] surface course. The permittee shall also be required to provide a tack coat on all existing bituminous

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<sup>1</sup> Editor's Note: Detail "A", referred to herein, may be found on file in the office of the director of public works.

concrete surfaces and a hot-poured, rubber asphalt joint sealer per Section 401 [908] of DOT Standard Specifications for Roads and Bridges.

- (d) All longitudinal excavations shall require milling and restoration of the excavation work area extending a minimum of one foot beyond the outer edges of the excavation or if the distance from the edge of excavation work to the existing curb or roadway edge is less than two feet, the permittee shall be required to mill the curb or edge of roadway and install no less than 2 inches of Hot Mix Asphalt 9.5M64 [FABC] surface course. (See Detail B)<sup>2</sup>
- (e) All pavement repairs on roadways constructed within five years of the date of the permit or as directed by the borough engineer/public works department and all square excavations or longitudinal excavations less than 100 square feet shall be repaired using infrared thermal bond seamless bituminous pavement patching to provide a seamless permanent restoration. The area heated should extend a minimum six inches beyond the perimeter of the trench.
- (f) The permittee shall be required to replace any facilities including but not limited to curb, pavement, sidewalk, line striping, etc. that are affected by the excavation and restoration work.
- (g) With department of public works or borough engineer's approval, the centerline of road milling and restoration may be offset by the distance necessary to avoid disturbing the existing lien striping or markets.

2. Concrete Roads (See Detail "C [B]").<sup>3</sup>

- (a) Following compaction, the permittee shall install no less than six inches of dense graded aggregate base course to the trench. If the distance from the edge of the excavation work area to the existing curb or roadway edge is less than two feet, the permittee shall be required to excavate to the curb and evenly install six inches of dense graded aggregate base course in the entire area.
- (b) The permittee shall install #3 longitudinal and traverse reinforcing bars as shown on Detail "C [B]"<sup>3</sup> (two rows spaced four inches apart). Steel dowels (18 inches long, 1 1/8-inch diameter) shall be set in predrilled holes in the existing concrete pavement spaced every two feet along edge. Following approval by the borough engineer, the permittee shall then follow with eight inches of 4,000-psi concrete bringing the finished trench to grade.

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<sup>2</sup> Editor's Note: Detail "B" referred to herein, may be found on file in the office of the director of public works.

<sup>3</sup> Editor's Note: Detail "C [B]" referred to herein, may be found on file in the office of the director of public works.

- (c) The permittee shall be required to replace any facilities, including but not limited to curb, pavement, sidewalk, line striping, etc. that are affected by the excavation and restoration work.
- (d) All repairs to concrete driveway aprons, sidewalks and curb shall be in accordance with New Jersey Department of Transportation (NJDOT) standard specifications, 2007 [~~1989~~] Edition<sup>3</sup>.

If at any time during the first two years following restoration the trench becomes unacceptable in the view of the department of public works or borough engineer, the permittee shall be notified of the condition requiring repair and such repair shall be performed within 24 hours of such notification.

- e. Maintenance Procedures. Performance bond will be released when final pavement restoration is approved by the department of public works. Such release shall be subject to the permittee agreeing to maintain the restored excavation work areas for a period of two years from the date of final approval of the work and posting a maintenance bond to guarantee same. As such, the borough [~~clerk~~] shall retain as a cash retainage 50 percent of the cash repair deposit and/or performance guaranty during the two-year period.

If an inspection reveals that the restored excavation area becomes unacceptable, the department of public works or borough engineer shall notify the permittee that he must repair the area in accordance with the aforementioned procedure within 30 days from the date of notification or sooner if safety on public conveyances is involved. If the permittee fails to repair the trench within this time limit, the borough will utilize the permittee's cash retainage and maintenance bond to pay for the cost of the repairs.

Upon termination of the two-year maintenance period, any remaining portions of said maintenance bond that has not been expended shall be returned to the permittee without interest.

- f. Temporary Patching. The permittee may be required to place a temporary surface over openings made in paved traffic lanes if the road must be reopened before the normal completion of the work. Except when the permanent replacement pavement is to be replaced before the opening of the cut to traffic, the fill above the bottom of the existing pavement shall be tamped into place, properly graded and topped with a minimum of six inches of bituminous patch material which is suitable to maintain the opening in good condition until permanent restoration can be made, but in no case shall temporary patch be used for more than seven days.
- g. Trenches in Pipe Laying. Except by special permission from the borough engineer, no trench shall be excavated more than 150 feet in advance of pipe laying or left unfilled for more than 150 feet where pipe has been laid.

- h. Sidewalk Excavations. Any excavation made in any sidewalk or under a sidewalk shall be provided with a substantial and adequate footbridge over said excavation on the line of the sidewalk, which bridge shall be at least three feet wide and securely railed on each side. This requirement may be waived by the department of public works or borough engineer if found unnecessary or unreasonable.
- i. Urgent Work. If traffic conditions, the safety or convenience of the traveling public or the public interest require that the excavation work be performed as emergency work, the department of public works shall have the power to order, at the time the permit is granted, that a crew of men and adequate facilities be employed by the permittee 24 hours a day, for the duration of the project so that such excavation and repair work may be completed as soon as possible. In enforcing this provision, the borough does not assume under any circumstances the responsibility for the health and safety of the contractor's employees, subcontractor, or other agents acting on behalf of the contractor, the public or third parties.
- j. Emergency Action. In the event of any emergency in which a sewer, main, conduit, or utility in or under any street breaks or bursts or otherwise is in such condition as to immediately endanger the property, life, health or safety of any individual, the owner or operator of any such sewer, main, conduit or utility, without first applying for and obtaining a permit, shall immediately take proper emergency measures to cure or remedy the dangerous conditions for the protection of property, life, health and safety of individuals. All emergency utility repairs shall be reported immediately to the Union Beach Police Department. The owner or operator shall apply for an excavation permit not later than the end of the next succeeding day during which the department of public works is open for business and shall not proceed with permanent repairs without first obtaining an excavation permit.
- k. Notice and Inspections. Twenty-four [Forty-eight] hours prior to the commencement of work, the permittee shall notify the department of public works and request that an inspector be present to observe the excavation and restoration. All work shall be inspected and approved by the Borough Engineer's office. The permittee shall also call for a utility markout prior to undertaking any excavating activity.
- l. Maintenance and Protection of Traffic. When vehicular or pedestrian traffic or both are to be maintained within the scope of the project, the contractor shall plan and carry out the work to provide for the safe and convenient passage of such traffic in accordance with the Uniform Traffic Safety Code.

When the construction involves improvement of an existing roadway, the roadway shall be kept open to traffic unless otherwise approved or shown on the plans.

The portion of the project which is opened to traffic shall be kept in such condition that traffic is adequately accommodated. Temporary approaches or crossings and intersection, and access to trails, roadways, businesses, parking lots, residences, garages and farms shall be provided and maintained in a safe condition. The owners of adjoining properties shall be given



a written notice at least 48 hours prior to the beginning of any work which interferes with owner's normal passage.

The roadway shall not be closed to traffic without first notifying the Union Beach Police Department a minimum 24 hours in advance. All roadway closures are to be in accordance with the Union Beach Traffic Safety Code. If it is determined by the Union Beach Police Department that a Traffic Safety Officer is required, all costs shall be the responsibility of the permittee and the costs shall not be included in the application fee or cash repair deposit.

12-1.4 Terms of Permit.<sup>4</sup>

- a. All street excavation permits issued by the director of public works shall expire one 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 director of public works 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 12-1.3a.8 insurance.
- b. Five Year Restriction on Street Openings on Newly Paved Borough Streets.
  1. Five Year Restriction Notice. Whenever the Mayor and Council of the Borough of Union Beach enact any ordinance or resolution providing for the paving or repaving of a borough road, the public works director may be required to promptly serve written notice thereof to each owner of any sewer, main, conduit, or other utility in or under said borough road and to the owner and tenants of any real property abutting the said affected borough road.

Such notice shall notify such owner or tenant that no permit shall be issued for openings, cuts, or excavations in said borough road for a period of five years after the date of enactment of such ordinance or resolution without written consent of the public works director. Such notice shall also notify such owner and tenant that applications for permits, for work to be done prior to such paving or repaving, shall be submitted promptly in order that the work covered by the permit may be completed not later than 45 days from the date of enactment of such ordinance or resolution. If service of the notice cannot be made by mail or personally, notice may be given by attaching a copy thereof to the premises and by further posting signs at both ends of the proposed construction or reconstruction.

The public works director may also be required to publish notice of proposed paving or repaving of any borough road in one or more newspapers circulating in the area

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<sup>4</sup> Editor's Note: Former subsections 12-1.4 through 12-1.7 previously codified herein and containing portions of Ordinance Nos. 254, 581 and 630 were repealed in their entirety by Ordinance No. 2000-813. Former subsections 12-1.8 through 12-1.10 were renumbered as subsections 12-1.4 through 12-1.6 by ordinance No. 2000-813.

where the work is proposed to be done, notifying all owners and tenants that any excavation must be completed not later than 45 days from the date of the enactment of the borough ordinance or resolution authorizing the paving or repaving.

Within said 45 days, every public utility company receiving notice as prescribed herein shall perform such excavation work, subject to the provisions on this subsection, as may be necessary to install or repair sewers, mains, conduits, or other utility installations. In the event any owner or tenant of real property abutting said borough road shall fail with 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 borough road, shall be forfeited for a period of five years from the date of enactment of said ordinance or resolution. During the said five year period no excavation permit shall be issued to open, cut, or excavate in said borough road unless the public works director or borough engineer determines in writing that an emergency exists which makes it absolutely essential that the excavation permit be issued or that the said proposed work can be completed, with such written conditions signed and agreed upon by the applicant and the public works director or borough engineer may require, without undue impairment of the paving or repaving completed.

12-1.5 Inspection. The borough engineer, ~~[public works department,]~~ or in an emergency or on weekends, the public work department or police 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, which shall be used to defray these and other administrative costs associated with the enforcement of this section. The borough engineer, ~~[public works director]~~ or in an emergency, or on weekends, the public work department or police department, 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.<sup>5</sup>

12-1.6 Penalty. Any person, corporation or other legal entity violating any of the provisions of this section shall be subject to the penalty as stated in Chapter III, Section 3-1.

## 12-2 PROTECTION OF STREET SURFACES

### 12-2.1 Regulations.

- a. No person shall place any material in any gutters along any street within the borough in any stoppage of drainage along these streets.
- b. No person shall obstruct or damage any street surface without the borough by spilling or throwing stones, or direct other materials thereon.

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<sup>5</sup> Editors' Note: The regulations contained herein are in addition to the inspection requirements set forth in subsection 12-1.3k. Notice and Inspections.

- c. No person shall divert surface or other waters, or pump any water on any street within the borough, or do any act upon properties abutting any street within the borough resulting in the spillage of water from these properties to the streets, except in an unusual or emergency situation, as determined by code enforcement official.

12-2.2 Penalty. Any person violating any of the provisions of this section shall be subject to a fine as stated in chapter III. Section 3-1.

12-3 CONSTRUCTION OF CONCRETE SIDEWALKS, CURBS, GUTTERS AND DRIVEWAYS.

12-3.1 Construction Standards. The construction of concrete sidewalk, curbs, gutters and driveways in the borough either by private parties or under borough contract shall be in accordance with the New Jersey Department of Transportation Standard Specification for Road and Bridge Construction 2007, Section 606 and 607 and the Standard Details on file in the office of the public works director. [under the following general specification which are hereby established:

a. Materials to be Used:

1. Cement: Best grade of Portland Cement, approved by borough engineers in writing, one part.
2. Sand: Sharp, medium fine, free from clay or loam, two parts for curbs and sidewalks, one and one-half parts for gutters and driveways.
3. Stone or pebbles: Hard crushed rock, granite, or pebbles, washed free from dirt or dust, coarse aggregate to be three parts for gutter and driveways and four parts for curbs and sidewalks.

b. Measuring and Mixing Aggregate. Materials must be exactly measured in quantity no greater than for immediate use, and not by barrow, and must be mixed in layers, thoroughly wetted and raked four times or more until uniform, preferably by machine. Violations by workmen shall result in rejection of work done.

c. Reinforcement. Cross gutters shall be reinforced with steel bars or fabric attached to or lapping all joints of intersection, of 56 pounds weight per 100 square feet, steel to be free from excess rust, scale, paint or coating of any kind.

d. All work done shall be to grade established on borough's approved grade map, and if not so laid may be torn up and re-laid at expense of person violating same. No work shall be laid on boggy foundation without proper filling, permitting to settle before surfacing to grade. Tree roots shall be cut to a distance of six or more inches from concrete work.]

a.[e.] Dimensions and Construction.

1. Gutters shall be at least three feet wide and six inches thick, but crossing streets shall be shallow and eight inches thick, reinforced.
2. Driveways shall be six inches thick, bottom at curb to be variable above gutter. Curbs shall be six inches wide at top, eight [seven] inches at bottom, and eighteen (18)[16] inches deep, with batter on gutter side.
3. Sidewalks shall be at least four feet wide, and four inches thick except in driveway crossings to be six inches thick reinforced; slope toward curb one-quarter inches to foot.
4. All concrete shall be NJDOT Class "B."

Forms must be kept clean and free from warp; and concrete shall be spaded and tamped until thoroughly consolidated and surplus mortar covers surface, while top is yet soft it shall be brought to an even surface to grade with metal float and edge rounded with edging tool.

Street corners shall be rounded with an eight-inch radius curb, or greater. Transverse joints one-quarter inch wide shall be at intervals of four feet on four foot sidewalks, and five feet on five foot walks with expansion joints three-eighths inch thick in each side of sidewalk on crossing driveways or paths, and every tenth joint in walk. Surfaces must be floated with a wood float to rough finish.

b.[f.] Protection. All freshly finished concrete work shall be protected from defacement or damage by suitable barriers and lighted at night. It shall be covered five or more inches by straw or salt hay properly moistened. Any work marred or defaced shall be replaced by contractor without additional cost.

c. Inspection. The borough engineer, or in an emergency or on weekends, the public work department or police 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, which shall be used to defray these and other administrative costs associated with the enforcement of this section. The borough engineer or in an emergency, or on weekends, the public work department or police department, 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

d. Penalty. Any person, corporation or other legal entity violating any of the provisions of this section shall be subject to the penalty as stated in Chapter III, Section 3-1.

## SECTION 2

If any section, subsection, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the remaining portions of this ordinance. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 3**

The Municipal Clerk is hereby directed, upon adoption of the Ordinance after public hearing thereon, to publish notice of the passage thereof. The Clerk shall also forthwith transmit a copy of this Ordinance after final passage to the Borough Tax Assessor as required by N.J.S. 40:49-2.1.

**SECTION 4**

This Ordinance shall take effect immediately upon final passage and publication according to law.

Introduced: September 21, 2017

Passed and Approved: October \_\_\_\_\_, 2017

I hereby approve of the  
passing of this ordinance.

\_\_\_\_\_  
Paul J. Smith Jr.  
Mayor

Attest:

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Anne Marie Friscia  
Municipal Clerk

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