



Spring Lake
1892 - 1992

Borough of Spring Lake

423 Warren Avenue
P.O. Box 638
Spring Lake, New Jersey 07762
www.springlakeboro.org

(732) 449-0800
Fax (732) 449-8797

Application for Street Opening

(Complete top portion of form only)

Name of Applicant: _____

Address of Applicant: _____

Phone No. _____ Cell No. _____

Property to be Serviced:

Name of Street: _____ Block: _____ Lot: _____

The applicant hereby applies for a permit as indicated herewith. The applicant agrees to comply with all ordinances, rules, rate and regulations applicable on this subject, now or hereafter promulgated.

In accordance with Chapter 330 Street and Sidewalks of the Code of the Borough of Spring Lake as amended or supplemented adopted by the Mayor and Council of the Borough of Spring Lake, I herewith submit an application for a street opening as follows:

A PLAN or SKETCH MUST BE ATTACHED

Linear feet of Street Opening: _____

Work will start on/about _____ 20__ and will be completed by _____ 20__.

SEE REVERSE SIDE FOR APPLICATION FEES, SURETY BOND OR DEPOSIT FEE, AND INSPECTION FEE. MAKE CHECKS PAYABLE TO THE BOROUGH OF SPRING LAKE. (MUST BE THREE (3) SEPARATE CHECKS)

Date _____

Signature of Applicant _____

.....*Do not write below this line.*.....

PERMIT AND RECEIPT

No. _____

Application Received on: _____ Approvals: DPW Superintendent: _____ Borough Engineer: _____
Initial & Date Initial & Date Initial & Date

In accordance with Borough of Spring Lake Street Opening Ordinance a permit is approved for:

Property to be Serviced: _____ Block: _____ Lot: _____

Application Fee: Amount \$ _____ STREET ADDRESS Cash _____ Check # _____ Inspection Fee: \$250.00 _____

Surety Bond for \$1250.00: Cash _____ or Check # _____ Surety Bond: _____
BONDING COMPANY NAME

Amount \$ _____ Bond # _____

Borough Clerk

(SEAL)

Approval of Street Repair for Bond Release:

DPW Superintendent: _____ Borough Engineer: _____
Initial & Date Initial & Date

Surety Returned: _____

ARTICLE II, Excavation and Construction [Adopted by Ord. No. 22 (§ 13-2 of the Revised General Ordinances), as amended through Ord. No. 16-2000]

§ 330-19. Excavations in streets; notice of obstruction.

Whenever any person or persons or corporation shall have authority, under any contract with this Borough or under any permit authorizing the same, to remove the pavement or flagging from or to open or excavate or to occupy or use any part of the public streets in the Borough so as to obstruct the travel in any streets and to prevent the same from being used for the time being for the purpose of travel, such person, persons or corporation shall erect or cause to be erected, in conspicuous positions at the several points of intersection of such street so obstructed with the cross streets nearest to such obstruction, a suitable notice of such obstruction, which notice shall be in such manner and form as the Borough Superintendent may at any time direct; and every person or corporation who shall violate any provisions of this section shall be liable to the penalty established in § 330-32 for each offense.

§ 330-20. Barriers to be erected; lights; enforcement.

A. It shall be the duty of every person or persons or corporation engaged in digging down any street, in paving any street or section of a street, building any sewer or drain, digging any trench for gas pipes or water pipes or making any opening or excavation in any of the public streets of the Borough, under contract with the Borough or any officer thereof or by virtue of any permission which may have been granted to them by the Borough or the Borough Superintendent where such work, if left exposed, would be dangerous to passengers, to erect a fence or railing at such excavation or work in such a manner as to prevent danger to passengers who may be traveling such streets and to continue and keep up the railing or fence until the work shall be completed or the obstruction or danger removed; and it shall also be the duty of such person or persons or corporation to place upon such railing or fence, at twilight in the evening, suitable and sufficient lights and keep them burning through the night during the performance of such work under the penalty as provided in § 330-32 for every neglect or violation of any of the provisions of this section.

B. It shall be the duty of the Borough Superintendent to see that the provisions and requirements of this section in regard to the erection of the fencing or railing and placing lights in all such cases be complied with, and to make complaint of all violations thereof to the Code Enforcement Officer.

§ 330-21. Permit.

A. Permit required.

(1) It shall be unlawful for any person, company, firm, corporation or other legal entity to perform any excavation work, dig up, excavate, tunnel, undermine, or in any manner break up a street or to make or cause to be made any excavation in or under the surface of any street for any purpose or to place, deposit or leave upon any street any earth or other excavated material, obstructing or tending to interfere with the free use of the street, or dig up, break, excavate or undermine or in any way affect any other public improvement without first obtaining a written excavation permit for so doing from the Borough Clerk.

(2) In the event of any emergency in which a sewer, main, conduit or utility in or under any street breaks, bursts or otherwise is in such condition as to immediately endanger the property, life, health, or safety of any individual, the person owning or controlling such sewer, main, conduit, or utility, without first applying for and obtaining an excavation permit hereunder, shall immediately take proper emergency measures to cure or remedy the dangerous conditions for the protection of property, life, health and safety of individuals. However, such person owning or controlling such facility shall apply for an excavation permit not later than the end of the next succeeding day during which the Borough office is open for business and shall not proceed with permanent repairs without first obtaining an excavation permit hereunder.

(3) The Borough Clerk shall issue an excavation permit to any person, company, firm, corporation, or other legal entity who performs work under contract to the Borough without fee.

B. Denial of permit, appeal. The Borough shall be authorized to refuse the issuance of any permit if they ascertain after consultation with the Superintendent of Public Works, Borough Engineer or otherwise that such refusal is in the interest of public safety, public convenience or public health. If a permit is refused, an appeal may be taken to the Borough Council. The Borough Council, after hearing the applicant and such other evidence as may be produced, may either direct the issuance of the permit or sustain the refusal.

§ 330-22. Application.

- A Application for permit. Excavation permit application shall be obtained and submitted to the Borough Clerk.
- (1) The application shall contain the following information:
- (a) Name and address of the applicant.
 - (b) Name of the street where the opening is to be made and the street number, if any, of the abutting property.
 - (c) The Borough Tax Map block and lot number of the property for the benefit of which the opening is to be made.
 - (d) Nature of the surface in which the opening is to be made.
 - (e) Character and purpose of the work proposed.
 - (f) Time when the work is to be commenced and completed.
 - (g) Accompanied by plans showing the extent of the proposed excavation work, the dimensions and elevation of both the existing ground prior to said excavation and the proposed excavation surfaces, the location of the excavation work and such other information as may be prescribed by the Borough, Public Works Department or Borough Engineer including complete plan, profile and details of any proposed curb, sidewalk, pavements or other proposed improvements.
 - (h) The name and address of the workman or contractor who is to perform work.
- (2) No excavation permit will be issued unless the Chief of Police or police officer designated by the Chief has reviewed the proposed application and accepted the proposed traffic safety plan or agreed to traffic safety measures during operations.

Contents of permit; filing. Each permit shall state the identity and address of the applicant, the name of the street and the location where the excavation or tunnel is to be made, the dimensions of the opening and the period during which the permit shall be valid. The original of each permit shall remain on file with the Clerk.

C. Fees and deposit.

- (1) Accompanying each application shall be the appropriate fee as determined in the schedule of fees set forth below:

Schedule of Fees
Opening

(length in feet)	Fee
Up to 3 feet by 3 feet	\$100
From 3 to 500 feet	\$3 per foot, with a minimum of \$300
In excess of 500 feet	\$1 per additional foot

- (2) In addition thereto, there shall be due from the applicant the sum of \$1250 for each opening which shall be deemed a deposit which shall be either refunded or forfeited as hereinafter set forth. The person making the application and who paid the fee shall be responsible and liable for the satisfactory filling in and patching of the excavation. When, and if, the completed work is performed and approved as above stated, then, and in that event, the applicant shall be entitled to the refund or the \$1250 deposit. The applicant, however, shall forfeit the deposit of \$1250 if it becomes necessary for the Borough to restore the street to its preexisting condition should the permittee fail to do so as required by § 330-25.

- (3) There is also herein established an inspection fee of \$250 to be paid by the applicant, at the time of the filing of the application.

§ 330-23. Surety bond and insurance required.

A. Bond. If an individual repair deposit required by § 330-22C exceeds \$1,000 or if the aggregate of the repair deposits which any applicant expects to be required to provide within a period of one year exceeds \$5,000, or if the applicant be a public utility regulated by the federal government and/or the State of New Jersey, then the Borough may allow the 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 subsection, the applicant shall deposit with the Borough Clerk a surety bond in the amount determined by the Superintendent of Public Works and/or Borough Engineer made payable to the Borough of Spring Lake. 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 the form and substance.
- (4) Conditioned upon the permittee's compliance with this article and to secure and hold the Borough and its officers 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 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 Department of Public Works and/or Code Enforcement Officer all opening and excavation made in streets and to maintain any street where excavation is made in as good condition for the period of 12 months after said work shall have been done, usual wear and tear excepted, as it was in before said work shall have been done. Any settlement of the surface within said one-year period shall be deemed conclusive evidence of defective backfilling by the permittee.

B. Insurance. No permit shall be issued until the applicant has furnished the Borough with satisfactory proof that he is insured against injury to persons and damage to property caused by any act or omission of the applicant, his agents, employees or subcontractors done in the course of the work to be performed under the permit. The insurance shall cover all hazards likely to arise in connection with the work, including but not limited to, collapse and explosion, and shall also insure against liability arising from completed operations. The limits of the policy of insurance shall be \$1,000,000 for injury to any one person, \$500,000 for property damage for a single incident. In cases where the character or nature of the proposed excavation work are such as to present an unusual hazard of a higher than normal risk of damage or injury, the Borough Council may require increased amounts of liability and property damage insurance.

§ 330-24. Backfilling.

Backfilling shall be done with native material, which means that the material removed in the excavation shall be used in the backfilling operation unless, in the opinion of the Borough Superintendent or Borough Engineer, the native material will not compact and consolidate properly, and in such event, a substitute material shall be used. The backfilling material shall be moistened thoroughly and mechanically tamped until the material is compacted and consolidated in a proper manner. All excess material shall be removed from the streets and adjacent areas.

A. All work shall be done in a manner as to cause a minimum of interference with travel on the street affected. No street shall be closed to traffic unless the closing is approved by the Borough and Chief of Police. The Borough shall be informed of all street closings at least 24 hours in advance, except in an emergency when notice shall be given when the work commences.

B. All refuse and materials shall be removed within 48 hours of completion of all work under the permit. In the event the permittee fails to clean the affected property, the Borough, upon 24 hours' notice to the permittee, may clean and remove all rubbish, excess earth, rock, debris, and unused material and charge the permittee with the cost thereof. If the permittee fails to reimburse the Borough for the cost incurred, said cost may be deducted from the permittee's cash deposit if placed in lieu of a surety bond.

C. All excavation shall be completely backfilled and compacted by tamping, vibrating, rolling, flushing with water or other suitable means as required by the soil in question and sound construction practices. Where it is determined the excavated material is unsuitable for backfill, the permittee shall supply clean sand, dense graded aggregate, or other suitable pervious material. All backfilling of excavation shall be done in layers. Layers that are hand tamped shall not exceed three inches in thickness; layers that are power tamped shall not exceed six inches in thickness. All excess materials shall be removed from the site and properly disposed.

D. If tunneling operations are required, the tunnel shall be backfilled with rammed concrete composed of one part cement to 10 parts sand.

E. If blasting is required to be done in the course of any excavation, it shall be done in strict compliance with all applicable State laws and regulations.

§ 330-25. Restoration; temporary and permanent.

Temporary restoration of the street opening is to be made immediately after the trench has been backfilled and compacted properly. The permanent restoration of the street surface shall be done within a period of three months, weather permitting, from the date that the temporary restoration was installed. The permanent restoration shall, to the extent possible, match or duplicate the original street surface, including any sidewalks, gutters or curbs thereon or contiguous thereto, in type, material, color and texture of the original surface of the streets, sidewalks, gutters or curbs.

A. Once the excavation work area has been properly backfilled and compacted the pavement shall be saw cut and removed a minimum of six inches on each side of the excavation to expose undisturbed subgrade. Excavations less than two feet from the curb line will require removal of existing pavement for the excavation to the curb line. All edges shall be prepared with tack coat.

B. The permittee shall install no less than six inches of bituminous stabilized base course, Stone Mix No. 1-2, to the surface of the excavation.

C. All excavations shall be allowed to settle for no less than 90 days and no more than 180 days. During this time period, the permittee shall be responsible for maintaining the surface of the excavation. **If excavations cannot be allowed to settle more than 90 days the contractor shall backfill with soil cement to a minimum of 24 inches below the asphalt pavement.**

D. The permittee shall remove the bituminous stabilized base repair to a depth of 1 1/2 inches below the surface of the existing street by milling. The milling limits should be at least one foot beyond the base repair. The milled area shall be treated with a tack coat and paved with a minimum of 1 1/2 inches of bituminous concrete surface course, Stone Mix No. 1-5.

E. In streets constructed of cement concrete with a bituminous concrete overlay pavement shall be replaced with the equivalent concrete and bituminous pavement, thickness to match existing. Replacement of cement concrete with bituminous concrete is not permitted.

F. After an additional period of at least 60 days or as directed by the Borough Engineer, the area shall be repaired using infrared equipment as follows:

- (1) Sweep away any loose soil or standing water from the area to be repaired.**
- (2) Position infrared panel over area to be repaired.**
- (3) Allow infrared to penetrate 5 to 9 minutes depending on depth, season and aggregate.**
- (4) Rake softened in place material removing old joints, seams and rough areas.**
- (5) Rake out a percentage of the 3/4" stones from the top 2" of softened base material.**
- (6) Add HMA surface course material as necessary to meet required grade.**
- (7) Compact with vibratory roller as required.**

G. All materials and workmanship to be in accordance with the NJDOT Standard Specifications for Road and Bridge Construction.

H. If the excavation involves and/or disturbs any lawn area adjacent to the street and/or curb, then this area must be restored to grade and condition existing prior to the excavation. In the event that the adjacent property consisted of a mature, existing lawn, then, and in that event, the disturbed lawn area will be repaired by the replacement of sod turf only and not grass seed.

I. At all times the permittee shall not leave, in an unguarded or unprotected area, any machinery or equipment of any type which may have the effect of attracting children and which could be detrimental to their health, safety and welfare.

§ 330-26. Street opening by other governmental units.

Whenever a street opening permit is requested by another governmental unit or by a contractor doing business with the governmental unit, the provisions of this section shall apply in all respects. The surety bond required by another governmental unit from the contractor must show, as a named insured "the Mayor and Council of the Borough of Spring Lake, a municipal corporation of the State of New Jersey," and a copy of the surety bond must be furnished to the Borough of Spring Lake.

§ 330-27. Applicability.

This section is not intended to apply to street openings made by employees of the Borough of Spring Lake, either in installing water or sewer mains and pipes or in doing any repair or restoration work.

§ 330-28. Permit period.

The Borough Council reserves the right to specify reasonable times when street openings are permitted and, further, to specify a reasonable completion date for the work. In addition, the Borough Council may prohibit street openings at certain times of the year when, in its opinion, such street openings will interfere unduly with the orderly flow of traffic or for some other compelling reason.

§ 330-29. Permit conditions and regulations.

A. Transferability. A permit shall apply only to the person to whom it is issued and shall not be transferable.

B. Commencement of work. The work on any opening to be made under the permit provided for in this section shall be commenced within 10 days from the date of the permit and the work prosecuted with due diligence until its completion. If for any reason, the work is not commenced within the period of 10 days the applicant shall present the permit to the Borough Superintendent and notify the Borough Clerk, who shall thereupon either return the fee or extend the time for the beginning of the work for another period of 10 days by endorsement of the permit.

C. Possession of permit. By copy of the permit together with a copy of the plan endorsed with the approval of the Borough shall be kept in possession of the person actually performing the work and shall be exhibited on demand to any duly authorized employee of the Borough or police officer.

D.Revocation of permit. The Borough may revoke a permit for any of the following reasons:

- (1) Violation of any provision of this section or any other applicable rules, regulations, law or ordinance.
 - (2) Violation of any condition of the permit issued.
 - (3) Carrying on work under the permit is a matter which endangers life or property, or which creates any condition which is unhealthy, unsanitary or declared by any provision of this revision to constitute a nuisance.
- The procedure for revoking a permit shall be the same as that set forth in this revision for the revocation of licenses, except that the initial hearing shall be before the Borough Council. The Council may provide in their decision that the revocation shall not become effective if the permittee corrects the violation within a specified period of time.

E.Modification of permit conditions. In an emergency the Borough Council may authorize special conditions to which the issuance of the permit may be subject, or any decide that any provision of this article shall not apply or shall be altered.

§ 330-30. Power to make additional rules and regulations.

The Superintendent of Public Works and/or Borough Engineer may make any rules and regulations considered necessary for the administration and enforcement of this article, but no regulation shall be inconsistent with, alter or amend any provision of this article, or impose requirement which is in addition to those expressly or by implication imposed by this article. No regulations shall be effective unless they are approved by resolution of the Borough Council. Copies of all current regulations shall be furnished each permittee at the time of the issuance of the permit.

§ 330-31. Failure to complete work; performance of work by Borough.

If the work is not completed within the time specified in the permit or any extension granted by the Borough if not performed in accordance with the regulations set forth in this article and any other regulations that may be established by the Borough Council, then 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 permittee and may be deducted from his deposit or recovered by an action in any court of competent jurisdiction.

§ 330-32. Violations and penalties.

Every person, firm, association, organization or corporation violating any provisions of this article shall, upon conviction, be liable to the penalty stated in Chapter 1, Article II, General Penalty.

ARTICLE VI, Opening in New Streets [Adopted by Ord. No. 11 (§ 13-6 of the Revised General Ordinances), as amended through Ord. No. 11-2010]

§ 330-66. Notice of Improvements.

When the Borough shall improve or pave any street, the Borough Clerk shall first give notice to all persons owning property abutting on the street about to be paved or improved, and to all public utilities and authorities operating in the Borough, and all such persons, utilities and authorities shall make all connections as well as any repairs thereto which would necessitate excavation of the street within sixty (60) days from the giving of such notice. The time shall be extended if permission is requested in writing and approved by the Borough Clerk after review by the Zoning Review Agent.

§ 330-67. Restrictions Upon Opening New Streets.

No permit shall be issued by the Borough Clerk to any person given notice under this Chapter which would allow an excavation or opening in a paved and improved street surface less than five (5) years old unless the applicant can clearly demonstrate that public health or safety require that the proposed work be permitted, or unless an emergency condition exists.

§ 330-68. Penalty for Opening New Streets.

If, by special action of the Borough Clerk upon receipt of a written recommendation from the Zoning Review Agent, a permit is issued to open any paved and improved street surface less than five (5) years old, a penalty charge shall be made for the opening, except that the penalty shall be waived in the event the work is of an emergency nature. The penalty charge shall be on a sliding scale and shall be equal to two (2%) percent of the cost of restoring the opening for each unelapsed month, or fraction thereof, of the five (5) year restricted period. Said penalty charge to be calculated in writing by the Zoning Review Agent.

