

ORDINANCE NO. 2397

AN ORDINANCE AMENDING CHAPTER XXIII, SECTIONS
1.13 THROUGH 1.15 OF THE CODE OF THE BOROUGH OF ROSELLE PARK
REGARDING EXCAVATIONS IN STREETS

BE IT ORDAINED by the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey that Chapter XXIII, Sections 1.13 through 1.15 of the Borough Code be hereby amended as follows:

SECTION 1.

23-1.13 Prior Notification

- a. The permittee shall notify the Superintendent of Public Works in writing via fax or e-mail at least forty-eight (48) hours in advance of any activity. Likewise the permittee shall notify the Superintendent of Public Works at the completion of the activity or project. See permit application for contact information.
- b. The permittee shall provide written notification outlining the scope and timeframe of work to all affected households in the area(s) subject to excavation at least forty-eight (48) hours in advance of any activity. A copy of such written notification must be furnished with the Borough Clerk's Office in advance of excavation.**
- c. Failure to provide such notification **as described in preceding subsections a. and b. may** ~~shall~~ result in additional fines ~~being imposed on the permittee.~~ **as prescribed in section 1.15 of this chapter.**
- d. The permittee shall keep a copy of the permit at the site at all times. The permittee shall retain full responsibility for any damages, which may result from any construction activity notwithstanding any approvals from the Borough Engineer or Superintendent of Public Works.

The excavation and the work required to be done shall be completed within reasonable time. Trenches shall not be kept open when work is not in progress. If work is stopped, for more than twenty-four (24) hours, the trench shall be temporarily backfilled and capped with a temporary pavement **or covered with one-quarter (0.25) inch steel plate.** Upon completion of work, it shall be inspected by the Superintendent of Public Works. The permittee shall start work within twenty (20) working days of issuance of a permit and the permit shall remain valid for sixty (60) working days from the start of work unless otherwise authorized by the Superintendent of Public Works. If work on the permit does not start in twenty (20) working days, then the permit shall expire and a new permit shall be obtained, unless a written extension is obtained from the Superintendent of Public Works. The validity of a permit may be extended, if so requested, in writing by permittee prior to the expiration period thereof for such additional periods as determined by the Superintendent of Public Works.

23-1.14 Method of Construction.

The street when opened pursuant to this section and permit shall conform to the most recent restoration designs, plans, details, specifications and method of construction and traffic control devised and required by the Superintendent of Public Works and Police Department Safety Officer.

All permits issued under this section shall be subject to the following rules and regulations:

a. *Safety.*

1. All work shall be conducted in such a manner as to cause the least public inconvenience and to permit the use of the sidewalk by pedestrians, the roadway by vehicles and the flow of water in the gutters. All openings, digging, excavation, piles of material, equipment, machinery, barricades or obstructions, including earth and stone removed from excavation shall be properly guarded at all times to prevent accidents and a sufficient number of lights, shall be maintained between sunset and sunrise by the person whom such permits have been issued to designate such openings or obstructions during the hours of darkness. Reflective barrels, blinking lights, warning signs, flagman, uniformed traffic officers and all other man-powered equipment as required by or directed by the Borough Safety Officer shall be provided.

2. The work area shall be made passable to all emergency vehicles during all phases of the work.

3. In the event that the work requires the detour of the vehicular traffic, the permittee shall submit a detour plan for review and approval by the Borough Safety Officer, who at his sole discretion, may require the approval of the municipalities involved prior to any road closings.

4. If any sidewalk is blocked by any such work, a temporary sidewalk shall be constructed or provided, which shall be safe for travel and convenient for users.

b. All existing pavements, road surfaces, sidewalks, curbs, gutters, pipes, manholes, drains, conduits or other installation or fixtures and property liable to be damaged or destroyed shall be properly protected by the person doing any work for which a road opening permit has been issued during the time when such work is being performed and the responsibility for any such damage shall be assumed by the person to whom such permit has been issued.

c. No person shall divert or discharge water into, upon or across any street or sidewalks so that a nuisance is created, or a hazardous condition is caused to exist, as a result of the work of the permittee or cause the adjacent pavement to be damaged.

d. It shall be unlawful to make any such excavation, or tunnel, in any way contrary to or at variance with the terms of the permit thereof. Proper bracing shall be maintained to prevent the collapse of adjoining ground, and protection of the workers shall be in accordance with the regulations of the New Jersey Department of Labor and Industry and the Occupational Safety and Health Administration; the excavation shall not have any portion below the surface extending beyond the opening at the surface.

e. No injury shall be done to any pipes, cables, or conduits in the making of such excavations, or tunnels. Notice shall be given beforehand to the utility company maintaining any

such pipe, cables, or conduits or to the Officer charged with the care thereof, which are or may be endangered or affected by the making of any such excavation or tunnel.

The permittee shall not be authorized to proceed with any excavation until he submits to the Bureau of Inspection a reference number of verification stating that Garden State Underground was notified at:

One Call System
Garden State Underground
1450 Route 22 West
Mountainside, New Jersey 07092
1-800-272-1000

All work by the permittee shall be done in accordance with the provisions of N.J.S.A. 34:6-47.1 et seq., and in accordance with the provisions of the Federal Occupational Safety and Health Act of 1970 and of subpart N, Paragraph 1926.550 of the rules and regulations issued under said acts.

f. No work shall occur in such a manner as to result in damage or destruction of any property of the Borough of Roselle Park unless this is necessary for completion of the work and written permission has been obtained in advance from the Borough Engineer or Superintendent of Public Works.

g. The permittee shall clean up and remove ~~promptly from the work site at the end of each work day, all surplus excavated material and debris, and upon final completion of the project shall leave the site of work in a neat and orderly condition as good as it was previously.~~ **all earth moving equipment, surplus excavated material, and debris, so as to leave the street neat and orderly at the completion of each day. Upon final completion of the project the street should be left in as good condition as it was prior to the start of work.**

Where topsoil, seeded areas or sod is disturbed in the course of the work, permittee shall restore such ground surfaces to a condition equal to that prior to commencement of work.

h. Bar holes and probes by utility companies shall be restored after work has been completed unless otherwise authorized by the Superintendent of Public Works.

i. If permittee shall fail to comply with the rules and regulations as provided in this section, after receipt of written notice, then the Borough reserves the right to take any action to insure compliance with the section. In that event, the permittee shall be charged with the cost of same at a rate determined by the Borough Engineer based on annual Borough contract rates, if such are in effect, or a certain schedule of costs maintained by the Borough Engineer, based on the rates in the contractor's blue book plus fifteen (15%) percent. Permittee shall be responsible for the expense incurred by the Borough. Any monies due to the Borough in excess of the permit fee shall be billed upon completion of the work and shall be paid by the permittee within thirty (30) days after the receipt of the bill. Failure to pay such dues shall result in the permittee paying the maximum interest rate allowed by law, as well as any attorney's fees and costs incurred by the Borough in furtherance of the collection of said monies.

The Superintendent of Public Works shall also have the authority to deny all future permits until differences identified as above are corrected to the satisfaction of the Superintendent of Public Works.

(Ord. No. 2173 § 105-10)

23-1.15 Violations and Penalties.

Any person who violates any provision of this section shall, upon conviction thereof, be punished by a fine not exceeding ~~five hundred (\$500.00)~~ **one thousand (\$1000.00)** dollars or by imprisonment for a term not exceeding ninety (90) days, or both. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (Ord. No. 2173 § 105-11)

SECTION 2. If any section or portion of a section of this Code shall be invalid for any reason, such invalidity shall not affect the validity of the remaining sections or portions of this ordinance.

SECTION 3. All ordinances or parts of ordinances, to the extent that they are inconsistent herewith, are hereby repealed.

SECTION 4. This amendment to the Code of the Borough of Roselle Park shall become effective upon publication and in accordance with law.

Introduced: December 5, 2013

Adopted:

Mayor

Attest: _____
Borough Clerk