

Borough of Matawan
201 Broad Street, Matawan, New Jersey 07747



(732) 566-3898
Fax (732) 290-7585

DEPARTMENT OF PUBLIC WORKS
APPLICATION FOR PERMIT TO CUT SURFACE OF PUBLIC PLACE

PERMIT NO: _____ DATE: _____

Application to cut surface of: _____

House No: _____ between _____ and _____

Purpose of Cut: _____

Approximate Time Work to Start: _____

MUST BE COMPLETED WITHIN TWO (2) WEEKS – NO OPENING ON SATURDAY OR SUNDAY

Below: draw sketch of cut or attach drawing

Size of Cut:
_____ Ft. long
_____ Wide
_____ Ft. deep
_____ Total Sq. Ft.

INSPECTION FEE: Applicant: _____

Address: _____

CASH BOND: Person: _____

Telephone No: _____

APPLICATION FEE \$100.00 (Cash _____ Check _____ Money Order _____ CC _____)
Exp.: __/__/__ Sec.#: _____ Zip _____

CERTIFICATE OF INSURANCE

(Indicate Amount, Type & Company)

If work to be done under permit issued in consequence of this application involves or endangers underground structures belonging to others, PERMITTEE shall immediately notify owners thereof.

No excavation permit shall be issued unless existing utility companies have been advised and duly inspected by their representative. Written proof of utility inspection of location shall be submitted to Borough Official with application.

Certificate of Insurance shall accompany application (see reverse).

I hereby certify, as applicant, that I am aware of and will comply with the rules and regulations as set forth in General Ordinances of the Borough of Matawan.

Signature (applicant): _____ Date: _____

Date: _____ APPROVED: _____ (DPW Director)

Date: _____ RELEASED: _____ (Inspector)

All Certificates of Insurance must list the Borough of Matawan, 201 Broad Street, Matawan, New Jersey 07747 as Certificate Holder.

All Certificates of Insurance must be included under the Description of Operations/Locations/Vehicles/Exclusions added by Endorsement/Special Provisions of the following:

“The Borough of Matawan, its officers and employees are additional insured as respects to general liability in regard to work performed or activities by the named insured.”

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DEVELOPMENT CONSTRUCTION FEES

APPLICANT _____

BLOCK _____ LOT _____ ADDRESS _____

NAME AND ADDRESS OF AGENT OR CONTACT FOR APPLICATION

Performance Bond Amount	\$
Cash Bond Amount	\$
Total Performance Guaranty	\$
Inspection Escrow	\$

1. By the provisions of NJSA 40:55D-33, the "Municipal Engineer" **has** prepared the bond estimate attached hereto.
2. Should additional escrow inspection be needed, the applicant shall be required to post additional escrow within fourteen (14) days of the request.
3. Prior to release of any cash component of the bond posted to the applicant, he/she authorizes the release of the cash to the Borough for the payment of any outstanding escrow fees that have been posted to the account and payment is due, but not paid by the applicant.

Applicant's Signature

Date

Cc: Nicole Horvath, CFO
Karen Wynne, Clerk
Robert Keady, Jr., Borough Engineer

CHAPTER XXI STREETS AND SIDEWALKS*

21-1 STREET, SIDEWALK, CURB AND DRIVEWAY OPENINGS.

21-1.1 Definitions.

As used in this section:

Emergency shall mean any unforeseen circumstances or occurrence, the existence of which constitutes a clear and immediate danger to persons or property.

Permittee shall mean any person who has been issued a permit and is obligated to fulfill all the terms of this section.

Street shall mean the traveled surface, curbs and sidewalks of a public street, public easement, public right of way, public highway, public alley, public way, or public road accepted or maintained by the Borough, and any State or county road over which the Borough may have acquired jurisdiction by agreement.

(1971 Code § 7-1.2)

21-1.2 Permit Required; Fees.

No person shall make an excavation or place any form of construction in, over or upon any public road, street or right of way, curb, sidewalk or driveway under the jurisdiction of the Borough without first making application for and obtaining a written permit from the Borough Engineer on the prescribed forms and upon the minimum payment of the application fee of one hundred dollars (\$100.00)

Permission to make an opening in or tear up the surface, curb or sidewalk of a road or street shall not carry with it any right to make drainage, sewer, water, gas, oil, steam, electric or telephone connections. A separate permit to make such connections must be obtained from the proper officials having jurisdiction thereof. The applicant shall make application for and obtaining a written permit from the Borough Engineer, or appropriate official, on the prescribed forms and upon the minimum initial payment of the review fee of six hundred dollars (\$600.00). Additional review fees may be required by the Borough Engineer if determined to be necessary.

If necessary and desirable in the opinion of the Borough Engineer, the permittee shall submit plans and specifications, in duplicate, which plans will indicate the extent of the proposed work within the Borough. The permittee shall promptly submit a copy of the permit to the Chief of Police. The Chief of Police shall notify the appropriate volunteer fire companies and first aid squads.

All work shall be performed and paid for by the person obtaining the permit.

(1971 Code § 7-2; New; Ord. No. 19-09; Ord. No. 19-19)

21-1.3 Insurance; Cash Performance Guarantee; Bond.

a. *Insurance.* Before a permit for any excavation below pavement grade is issued, the permittee shall file a Certificate of Insurance in accordance with the following schedule:

The type of insurance and minimum limits of liability are as follows:

1. Comprehensive General Liability Insurance shall provide a combined single limit of not less than two million (\$2,000,000.00) dollars per occurrence for bodily injury and property damage. The policy shall be comprehensive form general liability policy and broad form property damage liability coverage. The policy shall be endorsed so as to delete any exclusion for Explosion, Collapse and Underground Property Damage Hazards.

2. Comprehensive Automobile Liability Insurance shall provide coverage for claims arising from owned, hired or non-owned vehicles with combined single limit of not less than one and one-half million (\$1,500,000.00) dollars per occurrence for bodily injury and property damage.

3. Owner's Protective Insurance shall be provided as a separate policy in the same amount as specified for Comprehensive General Liability insurance in paragraph 1. above. The policy shall be written for the benefit of the owner, its officers and employees, and they shall be named as the insured.

4. Worker's Compensation and Employer's Liability Insurance shall cover all employees of the permittee and his subcontractors engaged in performance of this work in accordance with the applicable statute.

5. Marine Liability Insurance shall be provided if the permittee or his subcontractors is engaged in marine operations. The protection and indemnity coverage of this policy shall have minimum limits in accordance with existing long shoreman's and harbor worker's agreements or maritime jurisdictional requirements, as may be applicable.

6. Railroad Insurance, in addition to any other forms of insurance or bonds required under the terms of the work shall be provided if the permittee is engaged in work within or adjacent to railroad right-of-way. The limits of coverage for both property damage and bodily injury shall be in accordance with the requirements of the railroad owner.

Certificates of Insurance for each policy are to be issued to the owners from the permittee and must carry evidence that the owners, its employees, representatives and the owner's engineer have been added to the policy as additional insured, except as noted above.

Insurance coverage in the minimum amount set forth herein shall not be construed to relieve the permittee for liability in excess of such coverage, nor does it preclude the owner from taking such other actions as are available to it under any other provision of this work or otherwise in law.

b. *Cash Performance Guarantee.* No person shall be granted a permit to open any street until and unless there is deposited with the Borough Clerk, in cash or by certified check, an amount sufficient to pay the expenses of repairing and replacing the public road of street, or other surfaces or appurtenances within the street area, as may be determined by the Borough Engineer. The minimum amount deemed sufficient to pay the expenses of repairing and maintaining and replacing the public road or other surfaces or appurtenances shall be sixty-five (\$65.00) dollars per square yard for paved area openings; forty (\$40.00) dollars per square yard for shoulder openings; ten (\$10.00) dollars per square yard for lawn area openings; and curb replacement in accordance with the following schedule:

1. One foot to 50 feet – Twenty (\$20.00) dollars per linear foot.
2. 50.1 feet to 100 feet – Eighteen (\$18.00) dollars per linear foot.
3. Over 100 feet – Fifteen (\$15.00) dollars per linear foot.
4. Minimum footage fee required – Two hundred fifty (\$250.00) dollars.

c. *Bond.* Any person may file a bond in an amount equal to or exceeding the amount in paragraph b. above determined by the Borough Engineer to pay the expenses of repairing and replacing the public road or street or other surfaces or appurtenances within the street area. The bond shall be approved by the Borough Attorney as to form, amount and surety prior to its being filed with the Borough Clerk. The bond shall be conditioned upon replacing any opening in the manner required in this section.

d. *Inspection Fee Escrow.* The applicant shall post an escrow with the Borough Clerk to defray the cost of inspection of the street opening and paving restoration by the Borough Engineer. The fee shall be equal to ten percent (10%) of the cash performance guarantee amount with a five hundred dollar (\$500.00) minimum. The applicant shall notify the Borough seven (7) days prior to commencement of work and at the completion of the work. Additional inspection fees may be required by the Borough Engineer if determined to be necessary. (Ord. No. 19-09, Ord No. 19-19)

e. *Return of Cash Performance Guarantee Bond.* The cash security deposit, certified check or bond will not be released until the restoration is completed and approved by the Borough Engineer and all inspection fees paid.

f. *Utilities.* Any private public utility, subject to regulation by the Board of Public Utility Commissioners of the State of New Jersey, which desires to obtain permits under the provisions of this section may, in lieu of the provisions hereof requiring deposits, make a bond which may be the bond of the public utility solely, in the penal sum of ten thousand (\$10,000.00) dollars running in a favor of the Borough, and file it with the Borough Clerk. The bond shall be conditioned upon compliance with the applicable provisions of this chapter in respect to each street opening.

In lieu of the filing of the certificate of insurance for bodily injury and property damage, the public utility may file with the Borough Clerk, at the same time the bond is filed, a letter certifying that it is a self-insurer and exempt from the necessity of obtaining an insurance policy pursuant to the provisions of the statutes of the State of New Jersey.

(1971 Code § 7-3; Ord. No. 96-32; New)

21-1.4 Emergencies.

Street openings may be made without the necessity of a written application in the event of emergencies, such as broken or frozen water mains or other happenings which would endanger public life, health, and safety, provided that notice is immediately given verbally to the Chief of Police. Written application for a permit shall be made to the Borough Clerk as soon as may be convenient but in any event within forty-eight (48) hours. (1971 Code § 7-4)

21-1.5 Backfilling.

a. *Backfilling.* Unless otherwise directed by the Borough Engineer, the following specifications shall govern the backfill to be placed in excavated trenches:

1. All road, shoulder and driveway openings shall be backfilled with a bank run gravel and shall be compacted in six (6) inch lifters/layers with a mechanical compactor.

2. All other openings shall be backfilled with the excavated material approved by the Superintendent of Public Works or Borough Engineer and shall be compacted in twelve (12) inch lifts/layers with a mechanical compactor.

b. All material not suitable for backfill and all excess backfill materials shall be removed from the site by the person responsible for the opening at no cost to the Borough.
(1971 Code § 7-5.1; Ord. No. 96-32)

21-1.6 Maintenance and Repair.

a. The trench will be filled with eight (8) inches of Hot Mix Asphalt Base Coarse Stone Mix (1-2) or equal and rolled with the equivalent capacity of a five to ten ton roller.

b. The permittee shall mill two (2) inches and pave roadways with Hot Mix Asphalt Surface Coarse Stone Mix 1-5 or equal in accordance with the following schedules:

1. All trenches, unless otherwise specified shall be milled two (2) inch deep, the edges raw cut and then paved.

2. All irregular shaped trenches will be made square. Then the milling and saw cutting will be two (2) feet beyond the edges of the squared trench.

3. Should the trench be an area between the curb and centerline of the road, the trench will be milled and saw cut from the curb line and two (2) feet beyond the edges of the trench to the centerline of the road.

4. Should the trench cross the centerline of the road, the trench will be milled and saw cut two (2) feet beyond the edges of the trench and from curb to curb.

5. Should the trench parallel the curb and be less than one-half (1/2) the total distance between two (2) intersecting streets and not cross the centerline of the road, the trench will be milled and saw cut from the curb to two (2) feet beyond the edge of the trench and from the point of curve at the nearest intersecting street to two (2) feet beyond the end of the trench.

6. Should the trench parallel the curb and be greater than one-half the total distance between two (2) intersecting streets and not cross the centerline of the road, the trench will be milled and saw cut from the curb to the centerline of the road for the entire length of the roadway between the point of curve on the two (2) intersecting streets along the roadway effected.

7. Should the trench parallel the curb and be less than one-half (1/2) the total distance between two (2) intersecting streets and cross the centerline of the road, the trench will be milled and saw cut from curb to curb and two (2) feet beyond the edge of the trench and from the point of curve from the nearest intersecting street.

8. Should the trench parallel the curb and be greater than one-half (1/2) the total distance between two (2) intersecting streets and cross the centerline of the road the trench will be milled from curb to curb and from the point of curve to point of curve on the intersecting streets along the roadway effected.

c. The permittee shall mill two (2) inches and pave intersections in accordance with the following schedules:

1. All trenches, unless otherwise specified, shall be milled two (2) inches deep, the edges saw cut and then paved.

2. All irregular shaped trenches will be made square. Then the milling and saw cutting will be two (2) feet beyond the edges of the squared trench.

3. Should the trench be an area between the curb and centerline of the intersection, the trench will be milled and saw cut from the curb line and two (2) feet beyond the edges of the trench to the centerline of the intersection.

4. Should the trench cross the centerline of the intersection, the trench will be milled and saw cut two (2) feet beyond the edges of the trench and from curb to curb.

5. Should the trench parallel the curb and not cross the centerline of the road, the trench will be milled and saw cut from the curb to two (2) feet beyond the edge of the trench from point of curve to point of curve.

6. Should the trench parallel the curb, passing through the intersection and does not cross the centerline of the road, the trench will be milled and saw cut from the curb to the centerline of the road through the intersection and from the centerline of the road to the point of curve on the intersecting street.

7. Should the trench parallel the curb and cross the centerline of the road, the entire intersection will be milled and saw cut from curb to curb and from the point of curve to point of curve on the intersecting streets.

The permittee will be responsible to replace any equipment associated with the traffic signal operation that may exist in the intersection at his own expenses.

d. Driveway openings and sidewalks shall be replaced in kind and the appropriate specifications as approved by the Borough Engineer shall govern the replacement of same.

e. Adequate provision shall be made in every case to maintain and restore existing draining and drainage facilities.

(1971 Code § 7-5.2; Ord. No. 96-32; New)

21-1.7 Rules and Regulations.

a. *Sheathing.* If, in the opinion of the Borough Engineer, OSHA, BOCA or any other Federal, State or County Agencies, conditions are such as to require sheathing, the permittee shall install such sheathing.

b. *Limitations on Work.* Unless otherwise approved by the Borough Engineer, where an excavation is to extend the full width of the road, only one-half (1/2) of the excavation shall be made at one time and shall be properly backfilled in accordance with subsection 21-1.5 before the other half is excavated. In any event, the permittee shall make certain that the road or street is open at all times to emergency vehicles.

c. *Interruption of Water and Gas Service.* Where water or gas installation require service of existing users to be terminated, the utility shall notify such users of the period of time when service

will not be available. Notices shall be given at least twenty-four (24) hours prior to interruption of service.

d. *Barricades and Warning Lights.* It shall be the responsibility of the person opening any street or road, or otherwise endangering or obstructing the normal flow of traffic, to fully protect both vehicular and pedestrian traffic from possible accidents or injury by the placing of suitable barriers, crosswalks, notices, warnings or caution signs by day, and flares or flashing lights at night in accordance with the provisions of Title 39 of the New Jersey Statutes. The Chief of Police shall be notified, at a minimum, forty-eight (48) hours in advance of the installation of the barricades and warning lights and shall determine the adequacy of such protection.

e. *Extension of Time; Completion of Work by Borough.* Upon application, the Borough Council may extend the time during which any permit shall be valid for such period as the Borough Council deems advisable. In the event that the work required to be done by a permittee is not completed within the time stated on any permit or extension thereof, the Borough may complete the work required to be done by the permittee and restore the surface of the road affected. The permittee shall upon demand pay to the Borough any excess of the cost to the Borough over and above the security deposit, certified check or bond furnished by the permittee. The amount may be recovered by the Borough in a court of competent jurisdiction.

f. *Inspection.* The Borough shall furnish and the permittee shall pay for an inspection for each day from the time any pavement is to be opened until the pavement, street, roadway, curb or sidewalk has been restored, in the opinion of the Borough Engineer to the condition it was previously.

g. *Borough to Be Held Harmless.* Each permittee shall, as a condition of accepting any permit issued, save, hold and keep harmless and indemnify the Borough, its officers, agents, servants and employees from and against any loss, damage, claim, demand or expenses arising out of a suit or claim for damage or injury alleged to have been sustained as a result of any work done under the permit. (1971 Code § 7-6; Ord. No. 96-32)

21-1.8 Time for Opening of Improved Streets Restricted.

No agency, company, corporation or person shall do any excavation in a Borough road, once that road has been improved under a road improvement project for a period of five (5) years. The only exception will be due to an emergency utility repair or a formal action by the Governing Body. In such case the pavement repair shall be made utilizing technology such as infrared methods to provide a seamless patch to the roadway surface. (Ord. No. 96-32; New)

21-2 REMOVAL OF SNOW AND ICE.

21-2.1 Duty to Remove.

The owner, occupant or tenant of premises abutting or bordering on any street in the Borough shall remove all snow and ice from the abutting sidewalks of such street or the abutting right-of-way actually used by the public, or in the event of ice which may be so frozen as to make removal impractical, shall cause the same to be thoroughly covered with sand or ashes, within twelve (12) hours of daylight after the same shall fall or be formed thereon. (1971 Code § 14-6.1)

21-2.2 Casting of Snow or Ice.

No owner, tenant or occupant of any premises abutting on any street shall throw, place or deposit snow or ice into or on any street, it being the intent and purpose of this provision to prohibit all persons from throwing, casting, placing or depositing snow and ice which accumulates within the private property belonging to that person on the sidewalks or streets of the Borough. (1971 Code § 14-6.2)

21-2.3 Authority to Remove.

In case such snow or ice shall not be removed from such sidewalks or shall be cast or deposited thereon or placed upon the sidewalks or the street by the owner, tenant or occupant of any premises as hereinabove provided, the same shall be removed under the direction of the superintendent of Public Works, and the cost of removal as nearly as can be ascertained shall be certified by the Superintendent of Public Works to the Director of the Department of Finance. The Borough Council shall examine the certification and if found to be correct shall cause the cost to be charged against the real estate abutting or bordering upon such sidewalks, and the amount so charged shall forthwith become a lien and a tax in the same manner as the taxes next to be levied and assessed upon the premises and shall bear interest and be enforced and collected by the same officers and in the same manner as other taxes. The imposition and collection of a fine or other penalty for violation of any of the provisions of this section shall not constitute any bar to the right of the Borough to collect the cost, as certified, for the removal of snow or ice in the manner herein authorized. (1971 Code § 14-6.3)