

**ORDINANCE NO. 2274-17**

**ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF WOODBURY  
AMENDING CHAPTER 167. STREETS AND SIDEWALKS OF  
THE CODE OF THE CITY OF WOODBURY**

**WHEREAS**, the following amendments to Chapter 167 have been recommended to the Mayor and Council; and

**NOW THEREFORE BE IT ORDAINED** by the Mayor and Council of the City of Woodbury as follows:

Chapter 167. Streets and Sidewalks, Article III. Openings and Excavations of the Code of the City of Woodbury, §167.9 to §167.21 shall be AMENDED and henceforth read in its entirety as follows and all other Sections remain in full force and effect:

§ 167-9. Application for and issuance of permit; filing fee and deposit.

A.

It shall be unlawful for any person, partnership, association or corporation to cut, break into, excavate or open any road, street, avenue or highway in the City of Woodbury, or any portion of the right-of-way, without first making written application in triplicate on the City's form to the City Clerk stating the kind, character and purpose of the proposed excavation or opening and such other information as may be reasonably required to fulfill the requirements of this article, accompanied by two copies of a scaled plan showing its location and size, one copy to be distributed to the Public Works Manager and one copy to accompany the filed permit, and obtaining from the City Clerk a permit for each and every opening. Permits shall be issued, subject to the terms hereof, by the City Clerk if the application and plans conform to the requirements of this article and provide for the work to be performed in accordance with the current New Jersey State Highway Department standard specifications for road and bridge construction, and upon the payment of a filing fee of \$70.00 and a deposit in the amount that is the appropriate charge in the following schedule to guarantee the proper restoration of the opening and maintenance of the permanent repair;

<b>Type of Road</b>	<b>Charge for 20 Square Feet or Less</b>	<b>Additional Charge per Square Foot in Excess of 20 Square Feet</b>
Bituminous concrete or bituminous surface treatment	\$364.40	\$18.22
Plain concrete	\$60.00	\$6.00
Reinforced concrete	\$140.00	\$8.00
Concrete sidewalks	\$140.00	\$2.00

**B. Utilities.** For all utilities under the jurisdiction of the Board of Public Utilities, a blanket bond acceptable to the City Solicitor in the amount of \$10,000 may be deposited with the City in full force and effect in lieu of a separate deposit for each required permit. The bond shall remain in effect for a period one calendar year or further with approval from the City Solicitor.

C.

When any street has been covered with a hard surface two inches or more in thickness, such as concrete or FABC No. 1, within five years prior to the date on which a permit to open it is requested, no permits to open the surface of the same shall be granted except upon a majority vote of City Council after presentation and consideration of the application therefor, and the Council must be satisfied that one or more of the following reasons exist, making it necessary to grant the permit:

(1)

An emergency situation such as set forth in § 167-17, entitled "Emergency repairs", exists.

(2)

The necessity and purpose for opening the surface of the street could not have been discovered, and was not discovered, by either the applicant for the permit or his or her predecessor in title to his or her land, prior to the time the hard surface was installed.

(3)

The best interests of the City require that the permit be granted.

§ 167-10. Backfilling and temporary restoration.

Upon such notice to the Public Works Manager and under his or her inspection, the contractor securing the permit hereunder shall, immediately after completing the work necessitating the excavating or opening, refill with the same or similar subbase material suitable to the Public Works Manager, properly tamped, and restore the excavation or opening with a temporary cover as follows: earth and gravel roads, with a cover of gravel not less than eight inches thick; all other roads and walks, with a cover of two inches of patch, Type RR or FABC No. 1 or No. 2. The applicant shall maintain the area of excavation free from potholes and depressions until the final surface has been applied and approved. Thereafter but not before 60 days from the completion of the temporary cover, the City or a contractor approved by the Public Works Manager shall make final and permanent repairs.

§ 167-11. Final and permanent restoration: repairs.

A.

After final and permanent repairs are completed and if the final and permanent repairs are completed by the City, the City's costs of the same as determined in accordance with the schedule contained in § 167-9 hereof shall be charged against the deposit. The City Clerk shall deduct the amount of such costs from the deposit, credit the same to the general revenues of the City and hold the balance as hereinafter provided for.

B.

If at the end of the period of six months from the completion of the temporary cover and approval thereof by the Public Works Manager, no defects in the contractor's work appear, the balance of the deposit, if any, shall be paid to or in accordance with the instructions of the person, partnership, association or corporation in whose name the permit was issued. If during such six-month period any settlement occurs in the excavation or openings, the Public Works Manager shall notify the contractor by certified mail, addressed to the location given on the application for the permit, to correct the condition within 10 working days of the notice and complete new temporary cover, after which final and permanent repairs shall again be made as hereinabove provided for; if the second final and permanent repairs are completed by the City, the City's cost of the same as determined in accordance with the schedule contained in § 167-9 hereof shall be charged as provided, and the balance of the deposit, if any, shall be paid to or in accordance with the instructions of the person, partnership, association or corporation in whose name the permit was issued. In the event the contractor shall fail to correct the conditions as required herein, the City may do so and all funds on deposit shall, without further notice, be credited to the general revenues of the City to defray the costs of the work required to be performed by the City.

§ 167-12. Extent and duration of opening; duration of permit.

Unless written permission is obtained from the City Clerk, no permit holder shall be allowed permission to cut, break into, excavate or open a road, street, avenue or highway for a greater distance than 300 feet at one time or keep the same open for a longer period than one week. For all the period during which such road, street, avenue or highway is being cut, broken into, excavated or opened by the permit holder, there shall be provided by the permit holder a space at street level of at least 10 feet in width for the purpose of allowing vehicles free and unimpeded use of the same. In no event shall a permit be valid for a period of time in excess of 60 days after its issuance without the written approval of the City Clerk.

§ 167-13. Conformance with application specifications; shoring.

All cuts, breaks, excavations or openings shall conform in size to the application on which the permit is based and shall be performed in neat, even and rectangular sections. All excavations to a depth of six feet or over and such other excavations as may be required by the Public Works Manager shall be shored and braced to support the walls of the trench for the protection of workmen and to prevent the unintentional widening of the trench.

§ 167-14. Barricades and warning lights.

All permit holders shall, whenever any cut, excavation or opening would be dangerous if left exposed, cover the same with steel plate where practicable, or where not practicable, erect a suitable barricade or railing around the same in such manner as to prevent danger to pedestrians or vehicles, and place upon such fence or railing and upon any building materials and appliances suitable and sufficient warning lights during the period of darkness.

§ 167-15. Removal of dirt and debris.

All permit holders shall keep the area of their work clear of dirt and debris at all times and shall carry away and dispose of excess dirt, debris and other material resulting from their work.

§ 167-16. Disposition of moneys received.

All moneys received hereunder by the City Clerk shall be accounted for and deposited with the City Treasurer.

§ 167-17. Emergency repairs.

In case of any emergency involving any underground gas, water, sewer, telephone or electric facility where immediate repair is imperative to prevent loss or damage to streets or property or discontinuance of service, it shall not be necessary to obtain a permit before commencing such repair, but such permit shall be obtained within two days thereafter, and this section shall not be held or taken in any case to exempt the person, partnership, association or corporation repairing said facility from any other of the provisions of this article.

§ 167-18. Nonapplicability.

The terms of this article shall not apply to a street in any subdivision approved by the City of Woodbury Planning Board, prior to the City's accepting the said street for maintenance.

§ 167-19. Violations and penalties.

Any person, partnership, association or corporation opening or attempting to open any of the streets or public highways of the City without first securing a permit, or violating any of the provisions of this article, shall be subject to one or more of the following: a fine not exceeding \$1,000; imprisonment for a term not exceeding 90 days; or a period of community service not exceeding 90 days.

§ 167-20. Hours of operation.

No openings shall be done on weekends, City holidays, or outside the normal hours of 6:00 a.m. to 8:00 p.m. (see: Peace and Good Order 139-10) without the written permission of the City Clerk and/or Superintendent of Public Works unless in case of emergency. Failure to provide notice as required may result in revocation of the permit and issuance of a stop-work order. If special conditions require work on the weekend, nights or City holidays, the permittee shall obtain written approval of the City Clerk and/or Superintendent of Public Works for all overtime costs incurred for inspection of work.

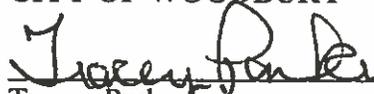
§ 16-21. Permits nontransferable.

Permits are not transferable from one person or entity to another, and the work shall not be made in any area other than the location specifically designated in the permit.

**BE IT FURTHER ORDAINED** that this Ordinance shall take effect immediately upon passage and publication as required by law.

**THE FOREGOING** was introduced by the City Council of the City of Woodbury at a regular meeting held on November 28, 2017. This Ordinance will be considered for adoption at final reading and public hearing to be held on December 12, 2017 at 7:00 p.m. or at such time as may be determined and announced, in City Hall, Council Chambers, 33 Delaware Street, Woodbury, New Jersey, at which time and place all persons interested will be given the opportunity to be heard concerning said Ordinance. During the time prior to and up to and including the date of such meeting, copies of said Ordinance will be made available at the City Clerk's Office to the members of the general public who may request same.

**CITY OF WOODBURY**

  
 Tracey Parker  
 President of Council

Attest:   
 Daneen Fuss, City Clerk

Approved:   
 Jessica Floyd, Mayor

First Reading 11/28/17

Adopted 12/12/2017

Council Member	Ayes	Nays	Abstain	Absent
Councilwoman Carter	✓			
Councilman Fleming	✓			
Councilman Johnson	✓			
Councilman McIlvaine	✓			
Councilwoman O'Connor	✓			
Councilman Reddin				✓
Councilman Swanson				✓
Councilwoman Tierney	✓			
Council President Parker	✓			
Mayor Floyd				