

**BOROUGH OF RIVERDALE**

**ORDINANCE NO. 21- 2006**

**ORDINANCE AMENDING CHAPTER 147 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RIVERDALE AND ADOPTING REQUIREMENTS FOR STREET OPENING PERMITS**

**BE IT ORDAINED** by the Mayor and Council of the Borough of Riverdale, in the County of Morris and State of New Jersey, as follows:

**Section 1.** Article II of Chapter 147 of the Revised General Ordinances of the Borough of Riverdale, which includes Subsections 147-5 through 147-21, shall be amended and shall read in their entirety as follows:

**§ 147-5. Permit required.**

It shall be unlawful to dig, excavate, open or in any manner interfere with or disturb the surface of any street or sidewalk, or curb area (including the alteration of any curb cut) within the Borough of Riverdale for any purpose whatsoever without first securing a permit therefore as hereinafter provided.

**§ 147-6. Application; fee.**

Application for permission to make an excavation in any street between the curblines or in any sidewalk area shall be made to the Borough Engineer on forms provided by the borough. Such application shall be signed by the owner of the premises and shall specify the length and width of such excavation, the purpose for which the excavation is made , and the estimated time required to complete the work and restore the surface. The application shall be accompanied by a survey or other accurate map showing the exact location of the proposed work. The Borough Engineer shall determine the amount of the deposit to accompany the application based upon the estimated cost of restoration. In addition, an application fee of \$100.00 plus an additional \$2.00 for each additional linear foot beyond twenty (20) feet shall be paid at the time the application is filed. Additional inspection fees may be required for complex projects in an amount to be determined by the Borough Engineer.

**§ 147-7. Issuance of permit; time limit to complete work.**

The Borough Clerk shall, upon receipt and examination of the application and the deposit and fee referred to in § 147-6 hereinabove, issue a permit

under her hand and Seal of the borough for the excavation in any street or sidewalk area. The Borough Clerk shall specify on the permit that such work shall be completed and the road or sidewalk surface restored within forty-eight (48) hours after work is commenced. A permit shall expire ninety (90) days after issuance.

**§ 147-8. Restoration after excavation.**

The applicant to whom such permit is issued shall, within the time limit in such permit, replace the earth and pavement in the excavation in such manner as shall be required by the Borough Engineer. By the acceptance of such permit, the applicant shall be deemed to have agreed to comply with the terms hereof and, upon his failure to do so, to pay, on demand, any cost or expense that the borough may incur by reason of any shrinkage or settlement in the excavated area resulting from such excavation if such shrinkage or settlement shall occur within three (3) months from the time the surface thereof is restored.

**§ 147-9. Deposit to be returned.**

Upon the expiration of three (3) months from the time of the satisfactory restoration of the surface of any such excavation, the Borough Clerk shall return to the applicant any portion of the initial deposit as determined to be required by the Borough Engineer, less the amount deducted by the borough for inspection fees and services related thereto and/or the costs of any restoration incurred by the borough relative to the excavated area.

**§ 147-10. Application to public utilities.**

Nothing in this Article shall apply to any public utility as defined in N.J.S.A. 48:2-13 nor to any of its employees or agents in the conduct of its business upon the posting of a bond of ten thousand dollars (\$10,000.), which shall be a continuing bond to the Borough of Riverdale.

**§ 147-11. Excavations to be guarded.**

The applicant to whom a permit is granted shall keep the excavations properly guarded and shall place lights there at night. At all times, such excavations shall be made so as to allow the safe passage of pedestrians and vehicles in and along the public way. The borough shall not be responsible for any injury or damage to person or property resulting from the negligence of the applicant or his servants, agents or employees in making, grading or filling any excavation permitted under the terms of this Article.

**§ 147-12. Standards and materials.**

All work shall be in accordance with detailed specifications available in the office of the Borough Engineer (including standards for sidewalks, concrete curbs, and Belgium block curbing) and the latest Standard Specifications for Road and Bridge Construction of the New Jersey Department of Transportation. Sidewalks should have a minimum thickness of four (4) inches, and driveway aprons, eight (8) inches. Pavement should consist of a minimum of:

- A. Four-inch thickness: bituminous stabilized base course, Mix I-2.
- B. Two-inch thickness: bituminous concrete surface course, Mix I-5.

**§ 147-13. Violations and penalties.**

Any person, firm or corporation violating this article shall be subject, upon conviction, to a fine of not more than \$1,000 or imprisonment for not more than 90 days, or both, in the discretion of the Judge imposing same.

**Section 2.** If any section or provision of this Ordinance shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

**Section 3.** All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

**Section 4.** This Ordinance shall take effect immediately after final passage and publication in the manner provided by law.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2006.

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Carol Talerico, Borough Clerk

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William Budesheim, Mayor

## **CLERK'S CERTIFICATION**

**NOTICE** is hereby given that the above Ordinance was introduced and passed first reading by title at a regular meeting of the Mayor and Council of the Borough of Riverdale, held on August 17, 2006, and it will be considered for final passage at a regular meeting of said Mayor and Council to be held on September 18, 2006, at 7:30 p.m. or as soon thereafter same can be considered, in the Municipal Building, 91 Newark Pompton Turnpike, Riverdale, New Jersey, at which time and place all persons interested therein or affected thereby will be given an opportunity to be heard concerning same. During the week prior and up to the time of public hearing, copies of said Ordinance will be available to the members of the general public who request same, in the Borough Clerk's Office between the hours of 9:00 a.m. and 4:30 p.m.

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Carol J. Talerico, Municipal Clerk