

CITY OF HACKENSACK

OFFICE OF BUILDING, HOUSING AND LAND USE DEPARTMENT
410 EAST RAILROAD AVENUE, HACKENSACK, NJ 07601 PHONE 201-646-3920



Date Received: _____
Permit #: _____

EXCAVATION PERMIT APPLICATION

***This application is to be used by ALL applicants except 1&2 family homeowners ***

Applicant

Company Name: _____ Contact Name: _____ Cell Phone #: _____

Address: _____ Email: _____

Emergency Contact: _____ Emergency Contact Cell Phone #: _____

Owner (If other than Applicant)

Company Name: _____ Contact # _____ Email: _____

Description of Proposed Work: _____

Project Location: _____ **Nearest Cross Streets:** _____

Total size of excavation: _____ SF

Location of Excavation (check all that apply): Sidewalk/Curbing Driveway Roadway Other _____

Yes No Do you (or owner) have an annual bond in place with the City? If Yes, Bond Owner: _____

WORK SCHEDULE (If alternate dates are used, at least 24 hours notice must be given)

Excavation Start Date: ____/____/____ Estimated Duration _____ days

Permanent Pavement Start Date: ____/____/____

BEFORE ANY EXCAVATION BEGINS, CALL

1. THE HACKENSACK PD TRAFFIC BUREAU (201-646-7735) FOR POLICE COVERAGE

2. CITY ENGINEER (201-373-2290) 72 HRS BEFORE PROJECT START, 1 HR BEFORE BACKFILL & AFTER FINAL PAVEMENT

1. An excavation permit application should allow ten (10) business days for review (with exception to emergencies). This application must be provided before excavation and approved before any work is started, except in cases of emergency as defined by §148-34 of the City Code. **TELEPHONE NOTICE OF AN EMERGENCY MUST BE MADE AND FOLLOWED BY SUBMISSION OF THIS APPLICATION WITHIN 24 HOURS OF NOTICE AND/OR THE NEXT BUSINESS DAY. \$100/DAY ASSESSMENT FOR NON-COMPLIANCE.** The original permit must be available at the site at all times when work is in progress.
2. All Application Fees are non-refundable regardless of approval status, and all Review Fees are non-refundable upon the start of review by the City or its representatives. Review Fees are calculated in reference to SF of total excavation (length x width) with a minimum width of 3 feet. If a review mandates numerous revisions and coordination with the City, additional fees can be requested by the City.
3. An excavation permit will not be issued until the applicant has deposited an inspection fee/escrow(s), posted a performance guarantee as provided in § 148-34(e), and provided a certificate of insurance for comprehensive general liability insurance identifying the City and its representatives as additional insureds.
4. It is the Applicant's sole responsibility to call for utility mark outs prior to any excavation.
5. All restoration shall be made as per Chapter 148 "Streets and Sidewalks" of the City Code & NJDOT Specs. All work as per OSHA, NJDOT, MUTCD, NJDEP and applicable agency requirements.
6. Copies of all **local building or any other applicable permits** must be attached along with a copy of a sketch or plans showing location and dimensions of proposed work, Traffic Control Plan, Insurance Certificate, Check/Money Order (credit card not accepted), Bond (any checks submitted in lieu of bonds must be certified), and/or Planning Board Approval.

CERTIFICATION IN LIEU OF OATH:

The applicant agrees to comply with the City Code and all relevant laws of the State of New Jersey. The applicant assumes full responsibility for this compliance and agrees to indemnify and save harmless the City of Hackensack, its officers and employees against all suits and costs of every name and description and from all damages and injuries that may occur as a result of this excavation. I hereby certify that I am the agent of, or owner of record and I am authorized to make this application:

Printed Name: _____

Signature: _____ **Date:** _____

FOR BUILDING DEPARTMENT USE ONLY

Two (2) Hard Copies & Electronic Submission: Yes No

Insurance Certificate: Yes No

W9: Yes No

Land Use Board App.: Yes No **App. #** _____

Application Fee (non-refundable): _____

Review Fee (non-refundable): _____

Check # (Fees): _____

Approved: _____ **Date:** _____ **Temporary Patch:** _____ **Permanent Patch:** _____ **Final:** _____

Release Date: _____ **Amount:** _____ **Resolution No.:** _____ **Inspected By:** _____

Comments: _____

Performance Bond: Yes No **If Yes, Bond Amount:** _____

Inspection Escrow: \$ _____ **After Hours Inspection Escrow:** \$ _____ **Check # (Inspection Escrow):** _____

Yes No **Has the right-of-way been constructed, reconstructed, or resurfaced within the last 5 years?**

Fee Type	Commercial/ Multi-family	Utility Company
Sidewalk/Curb Fee*		
Application Fee	\$100	\$200
Review Fee	≤ 200 SF: \$200 > 200 SF: \$200 + \$0.50/SF over 200 SF	
Inspection Fee	<u>Escrow</u> \$125 per hour (M-F, 8AM-4PM) \$185 per hour (After hours, Holiday, Sat. Sun.)	
Driveway Fee**		
Application Fee	\$200	
Review Fee	≤ 12 LF wide: \$500 >12 LF wide: \$500 + \$50/SF over	
Inspection Fee	<u>Escrow</u> \$125 per hour (M-F, 8AM-4PM) \$185 per hour (After hours, Holiday, Sat. Sun.)	
Roadway Fee***		
Application Fee	\$100	\$250
Review Fee	≤ 50 SF: \$150 51 SF - 200 SF: \$500 201 SF - 1000 SF: \$1,000 > 1,000 SF: \$1,000 + \$0.50/ SF over	
Inspection Fee	<u>Escrow</u> \$125 per hour (M-F, 8AM-4PM) \$185 per hour (After hours, Holiday, Sat. Sun.)	
Borings/Monitoring Wells/Geo Probes (Min 2 Openings)		
Application Fee	\$150	
Review Fee	\$150 per Boring/Well/Probe	
Inspection Escrow Fee	\$125 per hour (M-F, 8AM-4PM) \$185 per hour (After hours, Sat. Sun. and/or Holiday)	
Bond Fee	\$5,000 up to 2 Borings \$1,000/ each additional boring	

*Fee is for work that affects the sidewalk and curb only.

**Fee is for work that affects a driveway, which may include curbing and sidewalk associated with said driveway. Any driveway work that also affects a roadway requires a roadway fee only.

***Fee includes any and all work in the City Right-of-Way. Roadway work that also affects sidewalks, curbs, driveways, etc. is subject to the roadway fee only.

APPLICATION INSTRUCTIONS

1. All initial submission packages made to the Building Department must include the following:
 - a. Completed and SIGNED application form with **W9** and **Insurance Certificate**.
 - b. Two (2) hard copies and electronic submission of plans and/or sketches
 - c. Application Fee (See table above.) & Review Fee (See table above.)
2. Next, a technical review will be completed. A letter including the following will be sent to the email provided on the application.
 - a. Required inspection escrow amount. Required bond amount (if applicable)
 - b. Request of additional plans/sketches or supporting information if necessary.
 - c. Any additional comments regarding restoration and/or work within the right-of-way.
3. If inspection escrow or bonds are the only request in the letter, then an approval will be issued by Building Department upon receipt of same.
4. If additional information is requested, then further review is required prior to approval and a subsequent reviews & requests will be provided, as necessary.
5. A copy of the application with the "APPROVED" stamp from the Building Dept. must be kept on site during construction.

Request for Taxpayer Identification Number and Certification

**Give Form to the
requester. Do not
send to the IRS.**

▶ **Go to www.irs.gov/FormW9 for instructions and the latest information.**

Print or type.
See Specific Instructions on page 3.

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.	
2 Business name/disregarded entity name, if different from above	
3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only one of the following seven boxes.	4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3): Exempt payee code (if any) _____ Exemption from FATCA reporting code (if any) _____ <i>(Applies to accounts maintained outside the U.S.)</i>
<input type="checkbox"/> Individual/sole proprietor or single-member LLC <input type="checkbox"/> C Corporation <input type="checkbox"/> S Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Trust/estate	
<input type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ▶ _____	
Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is not disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner.	
<input type="checkbox"/> Other (see instructions) ▶	
5 Address (number, street, and apt. or suite no.) See instructions.	Requester's name and address (optional)
6 City, state, and ZIP code	
7 List account number(s) here (optional)	

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

Note: If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number														
<div style="display: flex; justify-content: space-between; align-items: center;"> <table border="1" style="border-collapse: collapse;"> <tr><td style="width: 20px; height: 20px;"> </td><td style="width: 20px; height: 20px;"> </td><td style="width: 20px; height: 20px;"> </td><td style="width: 20px; height: 20px;"> </td></tr> </table> - <table border="1" style="border-collapse: collapse;"> <tr><td style="width: 20px; height: 20px;"> </td><td style="width: 20px; height: 20px;"> </td></tr> </table> - <table border="1" style="border-collapse: collapse;"> <tr><td style="width: 20px; height: 20px;"> </td><td style="width: 20px; height: 20px;"> </td><td style="width: 20px; height: 20px;"> </td><td style="width: 20px; height: 20px;"> </td><td style="width: 20px; height: 20px;"> </td><td style="width: 20px; height: 20px;"> </td><td style="width: 20px; height: 20px;"> </td><td style="width: 20px; height: 20px;"> </td></tr> </table> </div>														
or														
Employer identification number														
<div style="display: flex; justify-content: space-between; align-items: center;"> <table border="1" style="border-collapse: collapse;"> <tr><td style="width: 20px; height: 20px;"> </td><td style="width: 20px; height: 20px;"> </td><td style="width: 20px; height: 20px;"> </td></tr> </table> - <table border="1" style="border-collapse: collapse;"> <tr><td style="width: 20px; height: 20px;"> </td><td style="width: 20px; height: 20px;"> </td><td style="width: 20px; height: 20px;"> </td><td style="width: 20px; height: 20px;"> </td><td style="width: 20px; height: 20px;"> </td><td style="width: 20px; height: 20px;"> </td><td style="width: 20px; height: 20px;"> </td><td style="width: 20px; height: 20px;"> </td><td style="width: 20px; height: 20px;"> </td><td style="width: 20px; height: 20px;"> </td></tr> </table> </div>														

Part II Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
- I am a U.S. citizen or other U.S. person (defined below); and
- The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign Here

Signature of U.S. person ▶

Date ▶

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to www.irs.gov/FormW9.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-INT (interest earned or paid)

- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)
- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding, later.

ARTICLE VII

Excavations and Openings

[Amended 11-2-1987 by Ord. No. 18-87; 6-5-1989 by Ord. No. 16-89; 8-7-2000 by Ord. No. 10-2000; 8-21-2012 by Ord. No. 17-2012]

§ 148-34. Excavations.

A. Permit required.

- (1) It shall be unlawful for any person, firm or corporation to make any excavation in or break up or displace the surface of any street, highway, sidewalk or other public place within the right-of-way of City streets without first obtaining an excavating permit from the Building, Housing and Land Use Department as herein provided. A separate permit shall be required for each and any excavation in the right-of-way, including the construction or repair of a sidewalk, construction or repair of curbing, construction of a driveway curb opening, the installation of a house leader drain through the curb or displacement or impairment of the surface of any road pavement, shoulder or other public place within the right-of-way of any City street for installation of utility connections, tunneling, boring or driving of pipe or excavation within an earth shoulder.
- (2) No excavation permit shall be issued for any sidewalk or road which has been constructed, reconstructed or overlaid for a period of five years from the date of completion of said construction work except in the event of an emergency or through the granting of a waiver by the City Manager. An emergency shall be construed as a break to any public utility or any situation which may result in harm to the public's health or damage to public or private property. If an applicant desires to open a road and or sidewalk that was constructed, reconstructed, or resurfaced within the last five years, a detailed plan and written letter, which includes information as to why the road opening is necessary, shall be submitted to the City Manager as part of their permit for consideration. Approval can only be provided by the City Manager's office and shall be subject to the outlined restoration requirement. **[Amended 12-8-2020 by Ord. No. 49-2020]**
- (3) No permit is required by a contractor working directly for the City of Hackensack or for work performed by City, Bergen

County or state employees. **[Amended 12-8-2020 by Ord. No. 49-2020]**

- (4) No excavations are permitted from November 15 to April 1, excluding emergencies or waivers from the City Manager. Any emergency work shall be subject to the outlined restoration requirements and permit procedures hereunder. **[Added 12-8-2020 by Ord. No. 49-2020]**

B. Application for permit.

- (1) Application for an excavation permit shall be made in writing on forms as prescribed by the City. Such application shall be filed at the Zoning Department by the applicant or his authorized agent at least 10 working days prior to the proposed commencement of any work. Applications will not be reviewed until a complete application, application fee, and review fee are submitted. Application fees are set forth in § 148-7. **[Amended 12-8-2020 by Ord. No. 49-2020]**
- (2) Plans, profiles and other details necessary to accurately depict the work to be performed shall be submitted with the application. No City road shall be closed to traffic without the prior consent of the Hackensack Police Department Traffic Bureau and approval of a submitted detour plan. **[Amended 12-8-2020 by Ord. No. 49-2020]**
- (3) When application is made for a permit for construction or repair of a sidewalk, repair of an existing curb, construction of a driveway curb opening or the installation of a house leader drain to the curb, the Construction Official may waive the requirements for submission of plans. **[Amended 12-8-2020 by Ord. No. 49-2020]**
- (4) The applicant will be directly responsible for the performance of the work in accordance with the provisions of the permit and the proper restoration of the right-of-way. The applicant shall be directly responsible for the health, safety and welfare of the public and shall agree to comply with all ordinances and laws relating to the work to be performed.
- (5) The applicant must specify the exact date and time of the day that such person intends to commence said excavation, removal or disturbance, as well as the period during which such work is to be performed, and the date and time of day at which the same will be opened and closed, as well as the time during which the permanent repairs will be made.¹

C. Issuance of permit.

(1) An excavation permit will not be issued until the applicant has deposited an inspection fee/escrow(s) as provided in § 148-7, posted a performance guarantee, and provided a certificate of insurance for comprehensive general liability insurance identifying the City and its representatives as additional insureds. **[Amended 6-26-2018 by Ord. No. 23-2018; 12-8-2020 by Ord. No. 49-2020]**

(2) The applicant shall comply with all applicable statutes pertaining to notification of any person or corporation engaged in the distribution or transmission of any underground utilities in the area of the proposed excavation. The applicant shall be solely responsible for ascertaining the location of all utilities in the vicinity of the proposed excavation and for the repair of the same if damaged as a result of work for which the excavation permit is issued.

D. Emergency excavation. Notwithstanding the provisions of this article, any person may open up any City right-of-way to repair any utility, provided that it is an emergency and any delay in obtaining the required permit would result in endangering the health and general welfare of the inhabitants of the City; provided, however, that a permit as required herein is obtained the next business day after the emergency is discovered. If not done so, an additional fee of \$100 per day will be assessed on the project and added to the nonrefundable application fee. **[Amended 12-8-2020 by Ord. No. 49-2020]**

E. Performance guarantee. **[Amended 12-8-2020 by Ord. No. 49-2020]**

(1) A utility company, as defined in this chapter, must file a bond with the City in the form and manner prescribed in § 148-36 of this chapter.

(2) Any person, other than a utility company, that does not have City Land Use Board approval must provide a personal guarantee in a form acceptable to the City Attorney that the requirements of this chapter will be met and that the applicant will reimburse the City for all costs incurred by the City if the applicant fails to perform in the manner prescribed. The City may place a lien on the property, which

1. Editor's Note: Former Subsection B(6), regarding inspections, which immediately followed this subsection, was repealed 12-8-2020 by Ord. No. 49-2020.

shall be considered a City lien for the purposes of N.J.S.A. 54:5-9 with the rights and status of a City lien pursuant thereto.

F. Maintenance guarantee **[Amended 6-26-2018 by Ord. No. 23-2018; 12-8-2020 by Ord. No. 49-2020]**

- (1) A utility company, as defined in this chapter, must file a bond with the City in the form and manner prescribed in § 148-36 of this chapter.
- (2) Any person, other than a utility company, that does not have City Land Use Board approval must provide a personal guarantee in a form acceptable to the City Attorney that any defects in the restoration detected within two years from final approval will be corrected and the applicant will reimburse the City for all costs incurred by the City, if the applicant fails to perform in the manner prescribed. The City may place a lien on the property, which shall be considered a City lien for the purposes of N.J.S.A. 54:5-9 with the rights and status of a City lien pursuant thereto.

G. Insurance required.

- (1) No permit shall be issued for right-of-way excavation until the applicant shall have placed on file with the City a certificate of insurance specifically naming the "City of Hackensack, its officers, employees, agents and assignees" as an additional insured under the applicant's general liability policy. The policy must be a comprehensive general liability form with minimum liability limits of \$500,000 per occurrence. **[Amended 12-8-2020 by Ord. No. 49-2020]**
- (2) Such insurance must remain in force from the date of the permit until the termination of the period of maintenance as herein defined.
- (3) In lieu of the above insurance requirement, the owner of a one- or two-family dwelling or any other project not requiring any City Land Use Board approval who is performing an excavation on the right-of-way adjacent to his, her or its property for the purpose of sidewalk construction can substitute a certificate of insurance from his property liability carrier acknowledging liability coverage for the work to be performed and providing a minimum liability limit of \$100,000 per occurrence. **[Amended 12-8-2020 by Ord. No. 49-2020]**

- (4) The applicant shall indemnify and save harmless the City, its officers and employees from all suits, actions or claims of any character brought because of any injuries or damage received or sustained by any person, persons or property on account of the operations of said applicant; or on account of or in consequence of any neglect in safeguarding the work; or through use of unacceptable materials in constructing the work; or because of any act of omission, neglect or misconduct of said applicant.

H. Maintenance and protection of vehicular and pedestrian traffic. The following shall be required in addition to any and all other requirements and standards set forth in this chapter: **[Amended 6-25-2019 by Ord. No. 29-2019]**

- (1) It shall be the responsibility of an applicant wishing to conduct work on, under or above the roadway to contact the Hackensack Police Department Traffic Bureau to arrange a preconstruction meeting in order to submit plans for the safe movement of traffic during such period of construction work. The applicant shall identify all traffic control requirements necessary to complete the job in accordance with NJDOT and MUTCD standards. **[Amended 12-8-2020 by Ord. No. 49-2020]**
- (2) The applicant shall provide the Hackensack Police Department Traffic Bureau with at least two emergency contact phone numbers to be called in case of emergency problems at the construction or maintenance site prior to the start of any work. If for any reason emergency contact cannot be made or if the emergency contact person does not respond to the call from the Hackensack Police Department to correct a hazardous condition, the City of Hackensack may respond to correct such hazardous condition. The reasonable fees for such emergency service by the City of Hackensack shall be charged to the person, contractor or utility responsible for such condition. **[Amended 12-8-2020 by Ord. No. 49-2020]**
- (3) There shall be no construction, maintenance operations or utility work on any roadway in the City of Hackensack between the hours of 6:00 p.m. and 7:00 a.m. on weekdays, or between the hours of 6:00 p.m. and 9:00 a.m. on weekends and federal holidays. This time limit may be adjusted by the Chief of Police or, in the absence of the Chief, other chief law enforcement officer (or his or her designee) only upon a

showing of good cause by the applicant. **[Amended 12-8-2020 by Ord. No. 49-2020]**

- (4) No City road or sidewalk shall be closed to traffic without the prior consent of the Chief of Police or, in the absence of the Chief, other chief law enforcement officer (or his or her designee) and approval of a submitted detour plan.
- (5) The applicant shall provide and maintain suitable barricades, warning signs, warning flags, amber flasher lights and other generally accepted safety and warning devices as determined by the Chief of Police or, in the absence of the Chief, other chief law enforcement officer (or his or her designee) during the period of construction work.
- (6) Off-duty Hackensack police officers shall be posted at all construction or maintenance sites, when determined by the Chief of Police or, in the absence of the Chief, other chief law enforcement officer (or his or her designee) that same is necessary to provide for the safe and expeditious movement of traffic. The City of Hackensack shall be fully reimbursed for the cost of the provision of said police officers by the applicant and the rate of pay for said police officers shall be that established by Chapter 32, § 32-8 of the Code of the City of Hackensack, inclusive of the administrative/vehicle use fee.
- (7) Any person, corporation or other entity who violates any provision of this subsection shall be subject to the penalties set forth in Chapter 1, § 1-15, of this Code. Additionally, the Chief of Police of the Hackensack Police Department or, in the absence of the Chief, other chief law enforcement officer (or his or her designee) shall have the authority to stop work, including the removal of equipment and vehicles, stored material within the street right-of-way, backfilling of open excavations and/or other related work, in order to abate any nuisance and/or safety hazard or for any violation of this section.

I. Safeguards required.

- (1) Proper bracing shall be maintained to prevent the collapse of adjoining ground and in excavations. The excavation shall not have any excavated portion which extends beyond the opening at the surface.

- (2) It shall be the duty of the applicant to give notice of the proposed right-of-way excavation to any company whose pipes, conduits or other structures are laid in the portion of the street to be excavated. The applicant shall, at his own expense, carefully support and protect from injury such pipes, conduits or other structures.
 - (3) No unnecessary damage or injury shall be done to any tree or shrub or the roots thereof.
 - (4) If any sidewalk is removed or blocked by any work, a temporary sidewalk shall be constructed or provided which shall be safe for travel and convenient for pedestrian usage.
- J. Inspection provisions enforced. All work shall be subject to inspection by the City's authorized representative. The contractor shall give 72 hours' notice prior to commencement of work. For all projects that are not one- or two-family dwellings, an inspection escrow will be established by the City in accordance with the fee schedule and anticipated length of construction. **[Amended 12-8-2020 by Ord. No. 49-2020]**

§ 148-35. Specifications for excavations, backfilling and street repairs. [Amended 12-8-2020 by Ord. No. 49-2020]

- A. All excavation, backfill, and street repairs shall be performed in accordance with the New Jersey Department of Transportation Standard Specifications for Road and Bridge Construction, latest edition.
- B. All traffic control measures must be provided by the applicant and approved by the City Police Department's Traffic Bureau. A traffic control plan and details must be provided for any applicant proposing to close any portion of a City roadway.
- C. Standards for City rights-of-way constructed, reconstructed or resurfaced more than five years prior to the requested excavation permit:
 - (1) Excavation.
 - (a) The use of power excavating equipment is prohibited within the pavement limits until each edge of the trench has been cut through the entire thickness of the pavement to even uniform line.
 - (b) Excavated material shall not be stored within City rights-of-way unless otherwise approved by the City Engineer.

Unless otherwise authorized, the work of passing under sidewalks and curbing shall be done by tunneling.

- (c) No excavation shall remain open overnight unless specifically approved by the City Engineer or City Project Management Department. Steel plates are prohibited unless specifically approved by the City Engineer or City Project Management Department. This approval will have time limitations and can only be given if the public safety and general welfare of the community is not at risk.
- (2) Backfilling.
- (a) The material excavated from the opening shall not be used as backfill, unless specifically permitted by the City Engineer or City Project Management Department. Backfill material shall be soil aggregate (I-5) or dense graded aggregate. Recycled concrete aggregate (RCA) or recycled asphalt (RAP) is not permitted within the City right-of-way.
 - (b) All opening cuts are to be squared and cut on a vertical plane to a width and length of not less than 12 inches greater than the original cut/opening. The surface restoration shall extend 12 inches wider and longer than the area of the base.
 - (c) Backfill materials shall be deposited in thoroughly compacted layers by mechanical tamper. At no time shall the thickness of each layer exceed 12 inches.
 - (d) When the trench is brought to grade, all surplus material shall be immediately removed by the permittee.
 - (e) Applicant must notify the City Project Management Department one hour prior to the start of backfill operations. If a City official is not present and the applicant has backfilled the road opening, the applicant must reexcavate the opening and backfill again with the presence of a City official.
- (3) Temporary repairs to streets. Immediately after backfilling the excavation, the permittee shall repair any pavement disturbed with a temporary surface consisting of not less than six inches or compacted aggregate base course [soil aggregate (I-5) or dense graded aggregate] and six inches of compacted bituminous stabilized base 19M64. This temporary surface shall be set at the final grade of the

permanent repair. Temporary pavement shall be regularly monitored by the contractor and maintained at this grade until the permanent repairs are made. The temporary pavement shall remain for at least 30 days to allow for settlement.

- (4) Temporary striping and markings shall be applied prior to re-excavation of any roadways. Apply latex traffic stripes and latex markings when they are required for 14 days or less. Apply thermoplastic markings when they are required for more than 14 days.
- (5) Permanent repairs to streets.
 - (a) Any single excavation that is less than 50 square feet in area shall be repaired by extending a square vertical plane to a width of not less than 12 inches greater than the original cut/opening in all directions. The surface restoration shall extend 12 inches wider and longer than the area of the temporary restoration.
 - (b) Any application that is equal to or greater than 50 square feet, whether continuous or separate, permanent restoration shall consist of milling up to two-inch-thick of the existing pavement for 25 feet past the trench on each end from curb to centerline. For any single excavation that crosses the centerline, same shall apply from curb to curb rather than curb to centerline.
 - (c) Permanent pavement restoration shall consist of milling up to two inches of the temporary pavement 12 inches beyond the original trench and applying an overlay of two inches surface course 9.5M64 compacted in place, finished level with adjacent pavement. A tack coat shall be used to bind the new pavement to all edges of the existing adjacent pavement. The permanent pavement restoration shall be completed within 90 days of the completion of the temporary repairs. Prior to placing the permanent pavement, any failure of the temporary repairs must be corrected to the satisfaction of the City.
 - (d) All disturbed pavement line striping or markings shall be replaced by the applicant utilizing Thermoplastic and be in accordance with the MUTCD and the New Jersey Department of Transportation Standards Specifications for Roadway and Bridge Construction, latest editions.

(6) Other repairs.

- (a) Where excavations are made in unpaved shoulder areas, the trench backfill shall be compacted to a level six inches below the top of the adjacent shoulder surfaces. A six-inch compacted depth of dense graded aggregate base course shall be constructed.
- (b) All excavations beyond the shoulder areas shall be brought to grade with compacted backfill. A minimum thickness of four inches of topsoil shall be spread in the trench area and fertilized, seeded and mulched or sodded. Should a proper growth not be achieved, the area shall be fertilized, reseeded and mulched or sodded, as necessary.
- (c) All other emergency improvements within the City right-of-way but outside the roadway shall adhere to the requirements applicable to all openings listed above.
- (d) No excavation shall remain open overnight unless specifically approved by the City Engineer or City Project Management Department. Steel plates are prohibited unless specifically approved by the City Engineer or City Project Management Department. This approval will have time limitations and can only be given if the public safety and general welfare of the community is not at risk.
- (e) Under no circumstance shall utility mains/services be abandoned in place. All mains/services that are no longer in use shall be removed in their entirety, whether newly abandoned or previously abandoned and uncovered during excavation.

D. Roadway restoration for City roads constructed, reconstructed, or resurfaced within the last five years if allowed under § 148-34A(2).

(1) Excavation.

- (a) The use of power excavating equipment is prohibited within the pavement limits until each edge of the trench has been cut through the entire thickness of the pavement to even uniform line. All cuts are to be squared and cut on a vertical plane.
- (b) Excavated material shall not be stored within City rights-of-way unless otherwise approved by the City Engineer or

City Project Management Department. Unless otherwise authorized, the work of passing under sidewalks and curbing shall be done by tunneling.

- (c) No excavation shall remain open overnight unless specifically approved by the City Engineer or City Project Management Department. Steel plates are prohibited unless specifically approved by the City Engineer or City Project Management Department. This approval will have time limitations and can only be given if the public safety and general welfare of the community is not at risk.
- (2) Backfilling.
- (a) The material excavated from the opening shall not be used as backfill, unless specifically permitted by the City Engineer or City Project Management Department. Backfill material shall be soil aggregate (I-5) or dense graded aggregate. Recycled Concrete aggregate (RCA) or recycled asphalt (RAP) is not permitted within the City right-of-way.
 - (b) Backfill materials shall be deposited in thoroughly compacted layers by mechanical tamper. At no time shall the thickness of each layer exceed 12 inches.
 - (c) When the trench is brought to grade, all surplus material shall be immediately removed by the permittee.
 - (d) Applicant must notify the City Project Management Department one hour prior to the start of backfill operations. If a City official is not present and the applicant has backfilled the road opening, the applicant must reexcavate the opening and backfill again with the presence of a City official.
- (3) Temporary repairs to streets. Immediately after backfilling the excavation, the permittee shall repair any pavement disturbed with a temporary surface consisting of not less than six inches of compacted aggregate base course [soil aggregate (I-5) or dense graded aggregate] and six inches of compacted bituminous stabilized base 19M64. This temporary surface shall be set at the final grade of the permanent repair. Temporary pavement shall be regularly monitored by the contractor and maintained at this grade until the permanent repairs are made. The temporary

pavement shall remain for at least 30 days to allow for settlement.

- (4) Temporary striping and markings shall be applied prior to reexcavation of any roadways. Apply latex traffic stripes and latex markings when they are required for 14 days or less. Apply thermoplastic markings when they are required for more than 14 days.
- (5) Permanent repairs to streets.
 - (a) Any single excavation that is less than 50 square feet in area shall be repaired by extending a square vertical plane to a width of not less than 12 inches greater than the original cut/opening in all directions. The surface restoration shall extend 12 inches wider and longer than the area of the temporary restoration and all joints shall be treated with infrared thermal technology.
 - (b) Any application that is equal to or greater than 50 square feet, whether continuous or separate, permanent restoration shall consist of milling up to two-inch-thick of the existing pavement from curb to curb and street corner to street corner. For excavation that extends into an intersection (beyond the closest curb return) the entire intersection to the next curb return should be included. For excavation that does not extend into an intersection, the extent of pavement shall end at the nearest curb return of the adjacent intersections. All joints with existing pavement shall be treated with infrared thermal technology.
 - (c) Permanent pavement restoration shall consist of milling up to two inches of the temporary pavement and applying an overlay of two inches surface course 9.5M64 compacted in place, finished level with adjacent pavement. A tack coat shall be used to bind the new pavement to all edges of the existing adjacent pavement. The permanent pavement restoration shall be completed within 90 days of the completion of the temporary repairs. Prior to placing the permanent pavement, any failure of the temporary repairs must be corrected to the satisfaction of the City.
 - (d) All disturbed pavement line striping or markings shall be replaced by the applicant utilizing thermoplastic and be in accordance with the Manual on Uniform Traffic Control

Devices and the New Jersey Department of Transportation Standards Specifications for Roadway and Bridge Construction, latest editions.

(6) Other repairs.

- (a) Where excavations are made in unpaved shoulder areas, the trench backfill shall be compacted to a level six inches below the top of the adjacent shoulder surfaces. A six-inch compacted depth of dense graded aggregate base course shall be constructed.
- (b) All excavations beyond the shoulder areas shall be brought to grade with compacted backfill. A minimum thickness of four inches of topsoil shall be spread in the trench area and fertilized, seeded and mulched or sodded. Should a proper growth not be achieved, the area shall be fertilized, reseeded and mulched or sodded, as necessary.
- (c) All other emergency improvements within the City right-of-way but outside the roadway shall adhere to the requirements applicable to all openings listed above.
- (d) No excavation shall remain open overnight unless specifically approved by the City Engineer or City Project Management Department. Steel plates are prohibited unless specifically approved by the City Engineer or City Project Management Department. This approval will have time limitations and can only be given if the public safety and general welfare of the community is not at risk.

§ 148-36. Utility company guarantees. [Amended 5-20-2014 by Ord. No. 20-2014; 12-8-2020 by Ord. No. 49-2020]

- A. Annual performance guarantees. A utility company shall annually provide the City by no later than January 31 with a performance bond in an amount calculated based on the aggregate excavations planned by the utility company for the year in a form approved by the City Attorney guaranteeing that all excavations shall comply with the provisions of this chapter and that the full restoration of the street or right-of-way surface shall be to the satisfaction of the City Engineer or City Project Management Department. The amount of the performance bond shall be as follows:

Aggregate Planned Excavations (square feet)	Amount of Performance Bond
Up to 1,000	\$50,000
Greater than 1,000 and less than 5,000	\$100,000
Greater than 5,000	\$250,000

- (1) Annual performance bonds will only be released in accordance with Subsection C below.

- B. Annual maintenance guarantees. A utility company shall annually provide the City by no later than January 31 with a maintenance bond in an amount equal to 20% of the previous year's posted performance bond in a form approved by the City Attorney. The term of the maintenance guarantee shall be a period of two years from the date of approval of work.

- C. Release of performance guarantees.
 - (1) Resolution required. Annually, the governing body shall, by resolution, either approve or reject the utility company improvements based on the recommendation of the City Engineer. The resolution shall authorize the release of the performance bond only as to improvements approved and for which a maintenance bond has been tendered. The governing body may not authorize release of the performance bond for any improvement that has not been approved by the City Engineer or for which fees are outstanding. The utility company may only obtain a release of the performance bond for rejected work after the work is approved in full.

 - (2) Review and recommendation by Engineer.
 - (a) Upon substantial completion of all excavation improvements, the utility company shall forward a set of as-built plans. Upon receipt of the as-built plan information, the City Engineer shall inspect all bonded excavations and shall prepare written list of approved excavations and a separate written list of uncompleted or unsatisfactory completed improvements.

 - (b) With respect to each improvement determined to be incomplete or unsatisfactory, the City Engineer shall state in detail the nature and extent of the incompleteness of

each incomplete improvement or the nature and extent of and remedy for the unsatisfactory state of each completed improvement determined to be unsatisfactory.

(3) Miscellaneous.

- (a) The utility company will be required to post both a performance bond and maintenance bond annually regardless of the previous year's performance bond being withheld for rejection of improvements or outstanding application fees.
- (b) Nothing herein, however, shall be construed to limit the right of the utility company to contest by legal proceedings any determination of the governing body or the City Engineer.
- (c) The utility company shall reimburse the City for all inspection escrow fees for the foregoing inspection of improvements. The City shall not perform any inspection if sufficient funds to pay for those inspections are not on deposit.

D. Yearly notice and report of proposed activities.

- (1) Once, yearly, all utility companies and contractors working for utility companies, including, but not limited to, those engaged in the installation of gas, water, electric, cable/telecom, etc., shall report to the City Manager, Superintendent of Public Works, City Engineer and Project Management Department their intentions with regard to the prospective work requiring road openings for the purpose of coordinating such activity with resurfacing projects anticipated by the City, and obtain acknowledgement by each of the City Departments of reported, proposed activities. This report shall include all prospective work for the following year and should be provided by November 15.
- (2) Once yearly, the City shall notify utility companies and neighboring municipalities of planned work on City roads and that any upcoming construction activities planned by said utility companies and neighboring municipalities shall be completed before paving is to start. Such notice shall state that no excavation permits shall be issued for openings, cuts or excavations in such City roads for a period of five years after date of paving. The notice shall also notify applicant that applications for excavation permits, for work to be done prior

to such paving shall be submitted promptly in order that the work covered by the permit may be completed before paving.

§ 148-37. Duration of permits. [Amended 12-8-2020 by Ord. No. 49-2020]

- A. Except for permits issued to utility companies, permits issued under this article shall be only of such limited duration as necessary for the particular excavation or street disturbance for which approval is sought. Each such permit shall state the maximum time allowed for the completion of the excavation and the backfilling thereof.
- B. Permits issued under this article to utility companies shall expire on December 31 of the year of issuance and shall entitle the permittee to make or cause to be made excavations for the construction or maintenance of pipes, conduits or tracks during the year for which the permit is granted.

§ 148-38. Period of maintenance.

- A. The permittee shall be responsible for the entire work and shall keep every portion of said work, including the temporary pavement, in perfect order and repair during the entire period of maintenance.
- B. The period of maintenance shall be considered as a period starting at the issuance of the permit and extending for a period of two years after the date of final completion of restoration work. If the termination of said two-year period shall fall within the months of December, January, February, March or April, then and in that event the period of maintenance shall be considered as extending until the first day of May thereafter. **[Amended 12-8-2020 by Ord. No. 49-2020]**

§ 148-39. Emergency repairs. [Amended 12-8-2020 by Ord. No. 49-2020]

- A. In the event that the City finds it necessary to make emergency repairs during the period of initial construction and/or the period of maintenance, the cost of making such emergency repairs shall be credited against the performance and/or maintenance guarantee.
- B. Upon completion of the prescribed maintenance period, the maintenance guarantee less the cost of any emergency repairs performed by the City shall be returned to the applicant.

§ 148-40. Additional regulations.

- A. No person shall tear down, displace or remove any barrier or barricade, fence or rail provided under this section or extinguish or remove any light or remove any warning sign thereon or on any obstruction in any street or public place, unless by the consent of the person superintending the work or the materials protected by such warnings or barriers or lights.
- B. No person shall operate or propel any vehicle past any barrier or warning sign posted to give warning of construction of any paved street or sidewalk.

§ 148-41. Width of excavations; tunneling.

- A. No excavation in the paved section of any road or street shall be less than two feet wide nor more than three feet wide, and all openings shall be made so that the width at the bottom shall be less than the width at the surface of the pavement. Any excavation of less or greater width will be subject to review by the City Engineer and special restoration requirements. **[Amended 12-8-2020 by Ord. No. 49-2020]**
- B. No tunneling is permitted except under special circumstances and pursuant to a special permit to be issued in accordance with the provisions of § 148-6 of this chapter.

§ 148-42. Location of excavations; traffic.

- A. Whenever possible, excavations shall be made on either side of the pavement, and pipes to be laid shall be driven from one excavation to the other so as not to disturb the pavement.
- B. When necessary to excavate across the entire roadway of any road or street, the work shall be performed so that at least 1/2 of such roadway shall remain open for traffic.

§ 148-43. Replacement of surfaces. [Amended 12-8-2020 by Ord. No. 49-2020]

Whenever any street surface is broken up or displaced, it shall be restored to its proper condition as soon thereafter as is practicable by the applicant to the satisfaction of the City Engineer or City Project Management Department and in accordance with rules and regulations promulgated by it hereunder.