

ORDINANCE OF THE TOWNSHIP OF LAKEWOOD, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER XX ENTITLED "STREETS AND SIDEWALKS" OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF LAKEWOOD.

BE IT ORDAINED by the Township Committee of the Township of Lakewood, County of Ocean, State of New Jersey, as follows:

SECTION 1. That Chapter XX entitled "Streets and Sidewalks" of the revised general ordinances of the Township of Lakewood be and hereby is amended and supplemented as follows:

20-1.6 Deposits—Road Restoration Fee. ~~To insure trench or excavation restoration, a refundable cash deposit shall be deposited with the Township at the time the road opening permit is filed. The deposit shall be one thousand (\$1,000.00) dollars or twenty-five (\$25.00) dollars per square yard, of the actual excavated trench size, whichever is greater. The amount of the deposit shall be computed by multiplying the trench length in feet by the trench width in feet, divided by nine (9), which produces square yards.~~

~~The deposits shall be refunded if the surface is replaced according to Township specifications, and will be forfeited in lieu of restoration in the event that the Township specifications are not met. For roads paved with Portland cement or with bituminous concrete the deposits shall be retained for a period of one (1) year from the date of completion of the permitted construction, at which time the deposit will be refunded upon the written approval of the Township Engineer. In the event the Township Engineer does not approve the same in writing, and upon recommendation to the Township Committee, the deposit will be forfeited. (1971 Code §15-1.6; Ord. No. 99-11 §6)~~

To insure complete restoration of the roadway, a non-refundable road restoration fee shall be provided to the Township at the time the road opening permit is filed. The fee shall be two-hundred-fifty (\$250.00) dollars or ten (\$10.00) dollars per square yard, of the proposed final paved trench size, whichever is greater. The amount of the deposit shall be computed by multiplying the final paved trench length in feet by the final paved trench width in feet, divided by nine (9), which produces square yards. No fractions of area will be used. The value shall be rounded up to the nearest square yard. Wherein the actual final paved trench size differs from the proposed final paved trench size by ten (10%) percent or more, the difference shall either be paid to the Township or refunded to the applicant. Where this fee is applicable, no temporary certificate of occupancy of certificate of occupancy shall be granted, unless said fee has been paid.

20-1.7 Bonds. No permit shall be issued until the applicant has filed a bond in an amount determined to be sufficient by the Township ~~Committee~~ Engineer. The Township ~~Committee~~ Engineer may waive the requirements of this subsection in the case of public utilities upon the presentation of satisfactory proof that it is capable of meeting any claims against it up to the amount of the bond which would otherwise be required. The bond shall be executed by the applicant as principal and a surety company licensed to do business in the State of New Jersey as surety and shall be conditioned as follows:

a. To indemnify and hold harmless the Township from all loss, damage, claim or expense, including expenses incurred in the defense of any litigation arising out of injury to any person or property resulting from any work done by the applicant under the permit.

b. To indemnify the Township for any expense incurred in enforcing any of the provisions of this section.

c. To indemnify any person who shall sustain personal injuries or damage to his property as a result of any act of omission of the applicant, his agents, employees or subcontractors, done in the course of any work under the permit.

d. The bond shall also be conditioned upon the applicant's restoring surface and foundation of the street for which the permit is granted in a manner acceptable to the Department of Public Works.

e. For roads which have a moratorium still in effect, which the Township Committee has granted permission to the Township Engineer to permit the road to be opened, via resolution, a bond in the amount to be determined by the Township Engineer, to mill and pave two (2) inches thick the entire frontage of the lot(s) from edge to edge, or curb to curb as the case may be shall be provided. Said bond shall remain in force for a period of two (2) years or the remaining time of the moratorium, whichever period is longer. For utility companies, or other entities not associated with a specific property or properties, opening said road, the limits shall be for the length of the opening, plus five (5) feet at both ends, or a minimum length of twenty-five (25) feet, whichever is greater.

One (1) bond may be accepted to cover a number of excavations by the same applicant. ~~Bonds shall remain in force for a period of two (2) years or the remaining time of the moratorium, whichever period is longer.~~
(1971 Code §15-1.7)

20-1.10 Restoration of Surface Paving and Subsurface Foundation.

a. Within grassed areas, all trench openings - and damaged areas shall be backfilled for the top four (4) inches with topsoil as defined in the New Jersey Department of

Transportation Standard Specifications for Road and Bridge Construction, 1983 or latest edition. Then, both the trench and area disturbed by excavated material and construction operations shall be seeded with Fertilizing and Seeding, Type A as specified in the same specifications.

b. Within the limits of gravel roadways, driveways and parking areas all trench openings shall be backfilled and compacted as heretofore rioted. The top eight (8) inches shall be backfilled with eight (8) inches of compacted Soil Aggregate Designation I-5 (Formerly Type 2 Class A or B road gravel) as defined in the New Jersey Department of Transportation Standard Specifications for Road and Bridge Construction, 1983 or latest edition.

c. Within the limits of bituminous Concrete or bituminous treated roadways all trench openings shall be backfilled and compacted as required in the New Jersey Department of Transportation Standard Specifications for Road and Bridge Construction, 1983 or latest edition. The upper twelve (12) inches of the trench shall receive a temporary repair of six (6) inches of compacted Soil Aggregate Designation I5 (Formerly Type 2 Class B road gravel) as defined in the above-listed specifications, topped with six (6) inches of bituminous stabilized base course, (Mix I2) as defined in of the above-listed specifications.

The temporary pavement shall remain in place until any residual settlement takes place, which time shall not exceed four (4) Months. During this time, the permittee shall assure maintenance of the pavement surface level. Manholes, valve boxes or other physical utility obstructions, shall have feathered approaches not to exceed a five (5%) percent slope where necessary and pavement lining shall be restored by the permittee for adequate traffic control.

Final paving shall be as follows; The existing pavement shall be milled to a clean straight line approximately twelve (12) inches away from each side of the existing disturbed pavement to a depth of two (2) inches. Pavement to be milled in areas not accessible to the milling machine shall be removed by other equipment. Any pavement below the specified level of milling that becomes dislodged or delaminated prior to resurfacing shall be replaced with bituminous concrete prior to resurfacing. Milled area shall be swept clean. Prior to placement of the two (2) inches of Bituminous Concrete Surface Course, the existing asphalt shall be prepared in accordance with NJDOT Standard Specifications. Tack Coat or Prime Coat, as applicable, shall be applied in accordance with the applicable rates and application methods set forth in said Specifications. Placement, finishing, compaction and construction of the two (2) inches of Bituminous Concrete Surface Course FA-BC (Mix 1-5) shall be performed in accordance with the requirements set forth in the NJDOT Standard Specifications.

~~Where twenty (20%) percent or more of the existing pavement surface (The entire frontage of a particular lot on a particular street measured from property line to property line from curb to curb or edge of pavement to edge of pavement. For lots which front more than one street, each street shall be measured independently.) has been collectively destroyed or~~

~~disturbed and the existing asphalt has a minimum thickness of four (4) inches as determined by the Township Engineer, final paving shall consist of milling and paving two (2) inches of the entire pavement surface from property line to property line curb to curb with Bituminous Concrete Type FA-BC (Mix I5) as defined in the above-listed specifications.~~

~~Where twenty (20%) percent or more of the existing pavement surface (The entire frontage of a particular lot on a particular street measured from property line to property line from curb to curb or edge of pavement to edge of pavement. For lots which front more than one street, each street shall be measured independently.) has been collectively destroyed or disturbed and the existing asphalt is less than four (4) inches thick as determined by the Township Engineer, the entire pavement section from property line to property line from curb to curb shall be reconstructed with six (6) inches of compacted Soil Aggregate Designation I5 (Formerly Type 2 Class B road gravel) as defined in the above-listed specifications, topped with four (4) inches of bituminous stabilized base course, (Mix I2) as defined in the above-listed specifications, topped with two inches of Bituminous Concrete Type FA-BC (Mix I5) as defined in of the above-listed specifications.~~

~~Where less than twenty (20%) percent of the existing pavement surface (The entire frontage of a particular lot on a particular street measured from property line to property line from curb to curb or edge of pavement to edge of pavement. For lots which front more than one street, each street shall be measured independently.) has been collectively destroyed or disturbed and the existing asphalt has a minimum thickness of three (3) inches as determined by the Township Engineer, For roads which have a moratorium still in effect and said disturbance is less than 10% of the road, final paving shall be as follows; The existing pavement shall be swept and dried. The entire trench area plus one foot border of the existing pavement to remain shall be heated with an infrared heater to a temperature between 320 – 350 degrees, without burning or oxidizing it. The heater shall be removed. The softened asphalt shall be scarified to a depth of two (2) inches. Rake the rejuvenator into the softened asphalt. Place virgin bituminous concrete type FA-BC (Mix I-5) into the trench area and mix with the existing asphalt. Level and compact the trench area.~~

~~For roads which have a moratorium still in effect and said disturbance is equal to or greater than 10% of the road, final paving shall consist of milling and paving two (2) inches of the entire pavement surface from curb to curb, with Bituminous Concrete Type FA-BC (Mix I5) as defined in the above-listed specifications. For applications associated with a building permit, said limits shall extend from property line to property line, for all other applications said limits shall extend a minimum of five (5) feet beyond the disturbance, or a minimum of twenty five (25) feet, whichever is greater.~~

~~Where less than twenty (20%) percent of the existing pavement surface (The entire frontage of a particular lot on a particular street measured from property line to property line from curb to curb or edge of pavement to edge of pavement. For lots which front more than one street, each street shall be measured independently.) has been collectively destroyed or disturbed and the existing asphalt is less than three (3) inches thick as determined by the~~

~~Township Engineer, final paving shall be as follows; the existing paving shall be saw-cut back to a clean straight line approximately twelve (12) inches away from each side of the existing disturbed pavement and any material within one (1) inch of the proposed surface shall be removed and any depressions filled, one and one-half inch of Bituminous Concrete Type FA-BC (Mix 1-5) as defined above shall then be placed in the prepared area.~~

The applicant shall notify the Township Engineer at least two (2) business days prior to the final restoration of trenches so that the adequate inspection can be arranged.

d. Within the limits of Portland cement concrete roadways, all trench openings shall be backfilled and compacted as previously required, a satisfactory foundation prepared, the reinforcement restored and the concrete pavement equal in thickness to that in place in the roadway replaced with concrete as defined in the above-listed specifications.

e. Road openings and/or trenches involving unusual or special conditions including attachment to bridges shall be restored in accordance with and pursuant to the direction of the Municipal Engineer.

f. In the event that temporary paving, patching, final paving, or any other aspect of the restoration process is not completed to the satisfaction of the Municipal Engineer, and Public Works Road Supervisor, or his designated representative, the Township shall complete the restoration and the cost incurred shall be paid by the permittee or deducted from his deposit.

(1971 e §15-1.9; Ord. No. 99-11 §10)

20-1.11 Permit Conditions and Regulations.

* * *

h. The applicant shall give the required two (2) business days notice as applicable to the Township Engineer prior to making any road openings, except in cases of emergency. No project shall commence on a Saturday, Sunday or holiday and no work which will interfere with traffic, or restrict the width of pavement available for traffic, shall be performed on those days. Further, work authorized by a permit shall be performed between the hours of ~~7:00~~ 9:00 a.m. and 7:00 p.m., Monday through Friday, unless the permittee obtains written permission from the Township Engineer to do work at an earlier or later hour. Such permission shall be granted only in the case of an emergency or in the event that work authorized by the permit is to be performed in traffic-congested areas.

20-1.15 Excavations in Recently Improved Streets.

a. Whenever the Township Committee enacts any ordinance or resolution

providing for the paving or repaving of any street, the Municipal Manager shall promptly mail a written notice thereof to each person owning any sewer, main, conduit or other utility in or under the street. The notice shall notify such persons that no excavation permit shall be issued for opening, cuts or excavations in the street for a period of five (5) years after the ~~date of enactment of such ordinance or resolution.~~ completion of the improvements. The notice shall notify such persons that applications for excavation permits, for work to be done prior to such paving or repaving, shall be submitted promptly in order that the work covered by the excavation permit may be completed not later than ~~twelve (12) months sixty (60) days~~ from the date of the notice. ~~enactment of such ordinance or resolution.~~ The Municipal Manager shall promptly mail copies of such notice to the occupants of all houses, buildings or other structures abutting the street for their information, and to all property owners whose property abuts the street. The Municipal Manager must also mail such notices to the State agencies and departments or other persons that may desire to perform excavation work in the street.

b. Within ~~twelve (12) months sixty (60) days~~, every public utility company receiving notice as prescribed herein shall perform such excavation work, subject to the provisions of this section, as may be necessary to install or repair sewers, mains, conduits or other utility installations, In the event any owner of real property abutting the street shall fail within the ~~twelve (12) months sixty (60) days~~ to install or repair utility, service lines or service connections to the property lines, any and all rights of such owner or his successors in interest to make such openings, cuts or excavations in the street shall be forfeited for a period of five (5) years from the date of the notice. ~~enactment of the ordinances or resolution.~~ ~~If there is new construction on a new roadway, the roadway may be opened within the first three (3) years of construction provided infrared technology is used to close the road.~~

c. Every Township department or official charged with responsibility for any work that may necessitate any opening, cut or excavation in the street is directed to take appropriate measures to perform such excavation work within the twelve (12) month ~~sixty (60) day~~ period as to avoid the necessity for making any openings, cuts or excavations in the new pavement in the Township street during said five (5) year moratorium period.

(Ord. No. 99-11 §15)

20-2.3 Specifications.

a. Materials, measuring, mixing, preparation of the foundation, forms, joints, depositing of concrete, finishing, curing and protection are to be in accordance with the current New Jersey State Highway Department Standard Specifications for Road and Bridge Construction or the latest revision thereof. A copy of the specifications is to be on file with the Township Clerk.

b. All sidewalk, driveway apron, curb, gutter, or other right-of-way improvements shall be constructed in accordance with standard construction detail established by the Municipal Engineer. Copies of said detail sheets may be purchased from the Municipal Engineer's Office.

c. The contractors shall be required to confer with the Township Engineer two (2) business days before starting any work, and further shall not be permitted to pour any concrete until the Township Engineer has checked and approved the forms for alignment and grade. Failure to do so may result in said work being removed and redone.

d. For the installation of curb or sidewalk in the Township, forms shall be of wood or metal, straight, free from warp, of sufficient strength, to resist springing during construction and of a height equal to the full depth of the finished curb or sidewalk. Wood forms shall be two (2) inch surfaced plank, it being understood that dressed lumber of one and five-eighths (1 5/8) inch width is herein permitted (where sharpness of curvature does not permit the use of two (2) inch material, plywood or fibre board of lesser thickness may be used with the permission of the Township Engineer) or as provided in the particular specifications for the job in question.
(1971 Code §15-2.3; Ord. No. 2001-68)

20-2.4 Notice Required. The applicant shall notify the Township Engineer at least two (2) business days prior to the construction of improvements in accordance with the street-opening ordinance so that the adequate inspection and testing can be arranged. Failure to do so may result in said work being removed and redone. (1971 Code §15-2.4; Ord. No. 2001-68)

20-3.8 Method of Assigning House and Other Property Identification Numbers. ~~The Municipal Manager shall designate an appropriate employee who~~ Zoning Officer shall assign numbers according to the following standards:

* * *

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 3. If any section, subsection, paragraph, sentence or any part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance not directly involved in the controversy in which such judgment shall have been rendered.

SECTION 4. This Ordinance shall take effect immediately upon final passage and publication as required by law.

NOTICE

PUBLIC NOTICE is hereby given that the foregoing Ordinance was introduced at a meeting of the Township Committee of the Township of Lakewood, in the County of Ocean and State of New Jersey on the **7th day of December, 2017**, and was then read for the first time. The said Ordinance will be further considered for final passage by the Township Committee in the Town Hall at 7:30 p.m. on **December 21, 2017**. At such time and place or any time or place to which said meeting may be adjourned, all persons interested will be given an opportunity to be heard concerning said ordinance.

Kathryn Hutchinson, RMC
Township Clerk