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BOROUGH OF MONTVALE
Building Department – Code Enforcement
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CALL BEFORE YOU DIG
800-272-1000
FOR UTILITY LOCATIONS

APPLICATION FOR CURB WORK / ROAD OPENING PERMIT

Applicant / Owner _____

Address _____

Location of curb work / road opening _____

Purpose of curb work / road opening _____

Excavating and Backfill to be done by: (name address and telephone number)

Permanent paving to be done by: (name address and telephone number)

Restoration / type of work to be done _____

Work to begin on _____ **Work to be completed by** _____

The applicant agrees to comply with all the rules and regulations printed on the back hereof as well as all laws, ordinances and resolutions relating to said work, and the acceptance of the permit shall be deemed an agreement to abide by all of its terms and conditions. This permit shall be void if not used within seven (7) days.

Applicant / Authorized Representative **Date** _____

Approved / Denied **Permit number** _____

Construction Official / Authorized Representative **Date** _____

ARTICLE VIII. Street Openings

§ 109-58. Definitions.

As used in this article, the following terms shall have the meanings indicated:

IMPROVED ROAD CLASS A - Any road surfaced with a pavement, such as asphalt, bituminous concrete or concrete, and any road having a concrete base.

IMPROVED ROAD CLASS B - Any road surfaced with stone or slag uniformly deposited in layers, with a total thickness of not less than four inches, where the stone or slag has been compacted by the use of a power roller or other device and bound together by the application of oil.

IMPROVED ROAD CLASS C - Any old macadam or other road surfaced with a light coat of stone and oil; any water-bound macadam road without oil treatment; and any gravel road with oil treatment or with surface coating mixed in place.

PERSON - Any human, corporation, proprietorship, partnership, limited partnership, association, joint venture or other entity.

STREET - Any road, highway, public way, public alley, easement or other right-of-way accepted or maintained by the Borough as a public street, as well as any state or county road or highway over which the Borough has acquired jurisdiction by agreement.

§ 109-59. Permit required; term of permit.

A. No person shall make an excavation in or tunnel under any street without first obtaining a permit issued through the office of the Construction Code Official.

B. A tunnel or excavation may be commenced without the necessity of the issuance of a permit where an emergency has arisen which makes it necessary to commence work immediately, provided that the application for a permit is filed in the office of the Construction Code Official not later than the commencement of work, together with an estimate of fees required and estimated performance guarantee, provided further that such procedure may be delayed until the next business day succeeding the commencement of work where the emergency arises subsequent to the closing of the office of the Construction Code Official. The permit, when issued, shall be retroactive to the date on which the work was begun.

C. Such permit shall remain in effect for 30 days, provided that such time may be extended upon application made to the Construction Code Official within said thirty-day period, for an additional 30 days upon good cause being demonstrated for the noncompletion of the work within the initial period.

§ 109-60. Application for permit.

All applications for street opening permits shall be made through and filed with the office of the Construction Code Official on forms provided by such office and shall provide the following information:

A. Name, address and telephone number of applicant.

B. Name, address and telephone number of party to be reached in the instance of an emergency.

C. Street address of premises adjacent to proposed opening.

D. The Tax Map lot and block numbers of properties abutting and lying adjacent to that portion of the street to be opened.

E. Name, address and telephone number of property owner for whose benefit opening is to be performed.

F. Nature of the surface in which the opening is to be made, i.e., Road Class A, B or C.

G. Character and purpose of the proposed work.

H. Estimated time when work is to be commenced and completed.

I. Plans and specifications, in quadruplicate, showing the exact location and dimensions of all openings.

J. Name, address and telephone number of the person who is to perform the work.

K. An acknowledgment that the applicant agrees to replace, at his own cost and expense, the street, curb, gutter, sidewalk and all other disturbed areas, in the same state and condition as that which existed at the time of the commencement of the work, within 90 days of any particular street opening, provided, however, that within 24 hours of such opening, the area shall be temporarily restored by the placement of a stabilized base course, maintained as determined in the reasonable judgment of the Municipal Engineer until the final surface has been laid. The placement of the final surface may be delayed in the event of the winter season, to a date not beyond April 15.

L. A certification by the applicant that he has followed the mark-out procedure for determining the location of utilities and obstructions within the area of the proposed work, and submission of a mark-out reference number.

§ 109-61. Permit fees; exceptions.

A. Each applicant for a permit shall, before its issuance, pay to the Construction Code Official the respective fees according to the following schedule:

(1) In the instance of openings required for the maintenance, repair and construction of new laterals for connections:

(a) Class A. A permit for opening an improved Class A road shall be granted upon payment of a fee of \$10 for each linear foot, measured along the surface of the road, with a minimum fee of \$200.

(b) Class B. A permit for opening an improved Class B road shall be granted upon payment of a fee of \$6 for each linear foot, measured along the surface of the road, with a minimum fee of \$100.

(c) Class C. A permit for opening an improved Class C road shall be granted upon payment of a fee of \$4 for each linear foot, measured along the surface of the road, with a minimum fee of \$80.

(d) Unimproved road (dirt). A permit for opening an unimproved road shall be granted upon payment of a fee of \$4 for each

linear foot, measured along the surface of the road, with a minimum fee of \$40.

(2) In the instance of the construction of any new line or the extension of any existing line within any of the class roads described above, the fee for any such permit shall be \$175. In addition, the contractor shall post with the municipality such fees as are reasonably anticipated to be required to reimburse the municipality for the cost of plan review and inspections as may be required by the Municipal Engineer. The amount of such deposit and the scope of such review and inspection shall be subject to the reasonably exercised judgment of the Construction Code Official. All moneys remaining on deposit at the completion of the work, not required for the reimbursement of review and inspections, except that money paid as and for the permit fee shall be promptly returned to the contractor.

B. In the event that any utility company shall be exempted by law from the payment of fees as required pursuant to the preceding section, such company shall nevertheless file with the Borough of Montvale, through the office of the Construction Code Official, a surety bond, in the penal sum of not less than \$1,000, conditioned for the complete restoration of the disturbed surface in a good and workmanlike manner, to the condition as existed prior to the date of opening as determined by the Construction Code Official.

C. No fee shall be required for any permit to be issued to a municipal agency.

§ 109-62. Bond requirements; exceptions.

[A. No permit shall be issued until the applicant has filed, through the office of the Construction Code Official, a bond in an amount equal to 120% of the estimated cost of closing the road in a manner as is herein provided for, and completing any work incidental thereto as estimated by said Construction Code Official. The governing body may, in its discretion, upon appropriate application, waive the requirement of this section in the case of a public utility upon the presentation of satisfactory proof that the utility is capable of meeting any claim against it arising out of satisfactory proof that the utility is capable of meeting any claim against it arising out of the work anticipated to be performed. The bond shall be executed by the applicant as principal and by a surety company in good standing and licensed to do business in the State of New Jersey as surety and shall be conditioned as follows:

(1) To indemnify and hold harmless the Borough 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.

(2) To indemnify the Borough for any expense incurred in enforcing any of the provisions of this article.

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

(4) Upon the applicant's restoring the surface and foundation of the street for which the permit is granted in a manner acceptable to the Municipal Engineer.

B. A single bond may be accepted to cover a number of excavations by the applicant. Bonds shall remain in force for a period of six months after the date the last work is performed to guarantee the integrity of the street closing, or in lieu thereof, a maintenance bond may be provided for the period succeeding the completion of the work.

C. Notwithstanding anything herein to the contrary, where the work is to be performed by a utility company under its permit application, such company may, in lieu of posting a performance bond, issue to the municipality its standard corporate bond.

§ 109-63. Protection of work; compliance with regulations.

[A. Each permittee shall keep each respective opening properly guarded with lights, devices and manpower as may be required. Work shall be performed in a manner and by a schedule so as to effect the least traffic interference. No road shall be closed to traffic unless written permission is granted through the office of the Chief of Police, provided further that no road shall be so closed on a daily basis for more than one day without the grant of permission from the Police Department of the Borough of Montvale.

B. The permittee shall hold harmless the Borough, its officers and agents from any loss, injury, claim, demand or damage resulting from any negligence or fault of the permittee or the agents of the permittee in connection with the performance of the work covered by the permit. In case the work has not been completed on or before the expiration date of the permit and the permittee has not requested an extension of time, the Superintendent of Public Works may, if he deems it advisable, take steps to back fill the trench and replace a permanent pavement over the opening for which the permit was issued. If any extension of time beyond the date is required for the completion of the work, a new application must be filed if the Construction Code Official so requires.

C. Except in the case of an emergency, all road openings shall be closed within 24 hours by the permittee or its delegated agent and thereafter maintained in a safe condition for vehicular traffic until the permanent surface has been restored. In the case of an emergency, a substituted closing may be constructed as directed by the Superintendent of the Department of Public Works of the municipality which will permit the safe passage of motor vehicles.

D. Any work for which a permit is issued shall be conducted so as not to interfere with any water main or sewer or any connection from a water main or sewer to any building, unless prior permission for interference has been obtained from the Superintendent of the Department of Public Works or the Municipal Engineer. All rock within five feet of any water main,

sewer or other pipe which may become damaged shall be removed without prior written permission of the Superintendent of the Department of Public Works or the Municipal Engineer, and the deposit of additional funds to pay for same.

E. Each permittee, when closing the street, shall completely backfill each excavation and replace as great a portion as possible of the matter excavated, compact the material by flushing, tamping or other suitable means and supply additional material when a deficiency exists. If the Construction Code Official deems the excavated material unsatisfactory for backfill, the permittee shall backfill the trench with sand or other proper material, which is to be placed in layers not exceeding three inches in thickness, moistened as directed, and each layer energetically tamped until thoroughly compacted.

F. In connection with the restoration of the original pavement in an excavation made by municipal or utility corporations in improved Class A and Class B roads, the following rules shall govern:

(1) The foundation shall be restored to a width of 12 inches wider than the width of the trench and six inches longer than the length of the trench, except where deemed unnecessary in the reasonably exercised judgment of the Municipal Engineer.

(2) The surface pavement shall extend 12 inches wider than the width of the foundation and six inches longer than the length of the foundation.

(3) In all cases, the foundation shall be constructed of such material and in such manner as will best serve its intended purpose as deemed appropriate by the Municipal Engineer.

(4) Municipal or utility corporations operating under agreement and bond with the Borough must install the restored foundation as well as the restored surface of all openings in improved Class A and Class B roads. It may be omitted from openings made prior to reconstruction and over openings made in unimproved roads.

G. In cases where it is necessary to resort to tunneling operations to reach the point of connection with any main line, the backfill in the tunnel shall be of rammed cement concrete composed of a mixture of one part of cement to six parts of coarse aggregated material not inferior to cinders.

H. The Borough Council may impose special conditions in any special case.

I. When appropriate in the opinion of the Construction Code Official, the Municipal Engineer shall receive a copy of the plan of the permittee and, after an evaluation, set a fee commensurate with the circumstances, in the exercise of his reasonable judgment.

J. The Construction Code Official may make any reasonable rules and regulations which he considers necessary for the administration and enforcement of this article, but no regulation shall be inconsistent with, alter or amend any provision of this article or impose any requirement which is in addition to those expressly or by implication imposed by this article. No regulations shall be effective unless they shall be approved by resolution of the governing body. Copies of all current regulations shall be furnished each permittee at the time of the issuance of the permit.

K. The Construction Code Official is authorized to seek professional guidance from the Municipal Engineer as and where needed in the administration of the ordinance and to charge the applicant for the cost thereof.

§ 109-64. Schedule of street openings by utility companies.

A. Utility companies, including those engaged in the installation of gas, water and electric lines, shall report to the Department of Public Works, quarterly, their intentions with regard to prospective work requiring future street openings in the community, for the purpose of coordinating such activity with pavement projects anticipated by the Borough of Montvale.

B. Except in the case of an emergency, the Borough of Montvale shall have the right to schedule street openings with utilities companies in a manner which will create the least disturbance to pavement courses, in furtherance of which purpose the Borough of Montvale shall provide to the utilities a schedule of expected street construction and resurfacing.

§ 109-65. Violations and penalties.

Any person who shall violate, permit, allow or suffer to be violated any provision of this article shall be subject to a fine of not more than \$200 for each violation and the imposition of the payment of the required fees as provided for in this article. For the purpose of this article, each day that a violation remains in effect may be considered a separate violation.