

BOROUGH OF BERGENFIELD

PUBLIC NOTICE

ORDINANCE No. 15-2483 – AN ORDINANCE RESCINDING NO., 1179 IN ITS ENTIRETY AND AMENDING CHAPTER XV OF THE CODE OF THE BOROUGH OF BERGENFIELD, ENTITLED “STREET, SIDEWALKS AND HOUSE NUMBERS”

was introduced at a work session meeting of the Mayor and Council of the Borough of Bergenfield, in the County of Bergen, New Jersey, held on Tuesday, August 4, 2015, and will be further considered for final passage after public hearing at a regular meeting of the Mayor and Council to be held in the Council Chambers, Bergenfield Municipal Center, 198 North Washington Avenue, Bergenfield, New Jersey on Tuesday, August 18, 2015 at 8:00 P.M. prevailing time, or as soon thereafter as the matter can be heard.

A clear and concise statement of this ordinance is to rescind Ordinance No. 1179 in its entirety, to establish regulations and fees for the opening of municipal streets within the Borough, as set forth in the ordinance

A copy of this ordinance may be obtained without cost between the hours of 8:30 a.m. and 4:30 p.m. at the office of the Borough Clerk, 198 North Washington Avenue, Bergenfield, New Jersey.

Marie Quinones
Acting Borough Clerk

BOROUGH OF BERGENFIELD

Ordinance No. 15-2483

**AN ORDINANCE RESCINDING ORDINANCE NO., 1179 IN ITS ENTIRETY AND AMENDING
CHAPTER XV OF THE CODE OF THE BOROUGH OF BERGENFIELD, ENTITLED "STREET,
SIDEWALKS AND HOUSE NUMBERS"**

WHEREAS, Chapter XV of the Code of the Borough of Bergenfield sets forth all regulations regarding Street Opening Permits within the Borough of Bergenfield; and,

WHEREAS, Ordinance No. 1179 passed by the Governing Body on June 16, 1982 is hereby RESCINDED in its entirety; and

BE IT ORDAINED, by the Mayor and Council of the Borough of Bergenfield, County of Bergen and State of New Jersey that those portions of the aforesaid set forth below are hereby amended as follows and that those portions of the Ordinance not set forth below shall remain unchanged.

Section 1. Purpose.

The purpose of this section is to establish regulations and fees for the opening of municipal streets within Borough of Bergenfield.

Section 2. Definitions.

"Extensive opening" shall mean an opening, tearing up or excavating, for any purpose, of a Borough road of one hundred (100) feet or more of roadway length or where connecting lateral openings are made at average intervals of less than one (100) feet along the roadway length or an opening which disturbs twenty (20%) percent or more of the pavement are.

"Owner" shall mean any person, corporation, public utility or other entity on whose behalf a street opening is performed by a permittee.

"Permittee" shall mean any person firm or corporation granted a permit hereunder.

"Public utility" shall mean telephone, telecommunications, electric, water, gas and cable television companies or any other entity having either the power of eminent domain or subject to the regulations by the Public Utilities Commission of the State of New Jersey.

"Small opening" shall mean any opening, tearing up or excavating, for any purpose, of a Borough road, which is not an extensive opening.

"Street" shall mean any street, road or other public way dedicated to and accepted by the Borough of Bergenfield and shall include all of the area thereof lying within the bounds of the dedicated right-of-way.

"Uniform Traffic Directors" shall mean the Bergenfield Police Officers.

Section 3. Permit Required.

A. No person, persons or corporation, municipal or private, nor any utility company, public or private, or licensed contractor shall for any purpose open, tear up, excavate, bore, tunnel or drive under or in any way impair the surface or sub-surface within the limits of the right-of-way of any street in the Borough of Bergenfield without first obtaining a road permit from the Building Department of the Borough.

B. Only such persons, firms or corporations to whom or to which permits have been granted shall be permitted to perform such work and then only in the manner herein required and only as specifically allowed in the permit. Assignment of rights under any permit issued hereunder is prohibited and permits purportedly assigned shall be immediately void. Contracting or subcontracting work to a person, firm or corporation to whom or to which no permit has been granted is prohibited.

Section 4. Work Performed By and For the Borough.

Nothing contained in this section shall be construed as requiring the issuance of a permit for the performance of any work done by the Borough of Bergenfield or under a contract with the Borough for the construction of waterlines, sewer lines, storm sewers, or street improvements.

Section 5. Proof of Notification of Underground Utilities.

No person or corporation shall be issued a road opening permit until he presents satisfactory proof in the form of the authorization number from the One-Call Damage Prevention System as required by N.J.S.A. 48:2-73 et seq.. Confirmation shall be attached as an exhibit with the permit application.

Section 6. Certain Openings Restricted.

No street, road or paved area constructed, reconstructed or repaved within five (5) years of the time that the road is sealed, other than a planned development approved by the Planning Board of the Borough or other regulatory authority, can be excavated, built or patched except in the case of emergency, which includes but is not limited to gas leaks, water main leaks and sewer breaks.

Section 7. Marking of Utilities Required.

Certification of all underground facilities having been previously located and marked using standard color codes for gas, water and other utilities. Certification must indicate marking authorization number. Confirmation is to be submitted to the Borough with the application.

Section 8. Application Requirements; Procedure; Issuance of Permit.

A. *Form.*

1. Application for a permit shall be made in writing on forms prescribed by the Superintendent of the Department of Public Works and issued by the Building Department and shall be filed at least one (1) week prior to the commencement of any work unless it is an emergency. The application shall specify the name and address of the applicant; the specific location of the proposed excavation and the width, length and depth thereof; the type of road or other surface; and the individual(s), firm or corporation for whose benefit the excavation is to be made and shall be

accompanied by a nonrefundable fee for the issuance of the permit as hereinafter provided, together with the charges as hereinafter set forth.

2. Applications for extensive openings shall require, in addition to the above, information regarding:

- (a) All improvements.
- (b) Typical details and sections of construction procedure.
- (c) Plans, profiles and other details necessary to accurately depict the work.

3. No work may commence by the permittee until the date set forth in the issued permit.

B. Emergency Road Opening.

1. In the event that an emergency condition exists requiring immediate action by any person, firm or corporation, required to obtain a permit pursuant to this section, the person may immediately cause the roadway to be entered and emergency measures taken without first obtaining a permit, provided that:

- (a) A true emergency exists and the person(s) doing the work notified the Bergenfield Police Department prior to start of work; the Police Department shall log the emergency.
- (b) A permit is applied for within twenty-four (24) hours of the road opening or on the next business day, whichever is more practical.
- (c) All work is performed in accordance with the provisions of Section 9A, subsections 1-4, 9B, 9C, 9D and 9F.
- (d) The Superintendent of the Department of Public Works or the Borough Engineer shall be notified within twenty-four (24) hours of a road opening. If a road opening commences on a Saturday or Sunday as a result of emergency road work, the Police Department of the Borough shall be notified prior to start of work, and the Superintendent of the Department of Public Works or Borough Engineer shall be notified on the morning of the first business day thereafter.

2. The Borough reserves the right to issue a written stop work order where same is deemed appropriate by the Superintendent of the Department of Public Works or Borough Engineer.

C. Review of the Application of Small Openings.

Prior to the issuance of a permit, copies of the application therefor shall be referred to the Superintendent of the Department of Public Works or the Borough Engineer who shall, within five (5) working days, note any objections to the issuance of a permit or any conditions which shall be satisfied prior to or be imposed as conditions upon the issuance of the permit, as appropriate.

D. Applicant.

The applicant must be a licensed contractor or agent of a public utility, whether corporate, individual or partnership, who will be actually engaged in the performance of the work to ensure the safety of the public and that the work is done in accordance with Borough specifications. The application shall be made for and on the behalf of the owner for whom such work is being done and shall be countersigned by such owner. Permits will not be issued directly to private owners or developers without specific written approval of the Mayor and Borough Council.

E. Agreement.

Except where otherwise provided by law, the owner shall agree, as a condition of the issuance of a permit, that any facilities, pipes or poles or other object(s) to be installed within the Borough right-

of-way pursuant to the permit shall be promptly relocated at the owner's expense, except where otherwise provided by law, as required by the Borough of Bergenfield to accommodate the installation of Borough facilities. Such agreement shall be in writing and contained on the face of the application form and permit.

F. Review of Application for Small and Extensive Openings.

All small and extensive openings shall first be reviewed and approved by the Superintendent of the Department of Public Works, and extensive openings shall subsequently be reviewed and approved by the Borough Engineer prior to the issuance of a permit.

G. Issuance.

Street opening permits shall be issued by the Building Department once reviewed and approved as provided for herein; provided, however, that no permit shall be issued until an application fee and an engineering fee, both of which are nonrefundable, have been paid to the Building Department.

Section 9. Work Requirements.

A. *Generally.* The New Jersey State Department of Transportation Standard Specifications for Road and Bridge Construction (latest edition) with all amendments and supplements, shall govern all of the work performed under Borough of Bergenfield road opening permits, except as supplemented below.

1. No Borough road shall be closed to traffic without prior written consent of the Police Department. In the event that a road is closed, Bergenfield uniformed police may be required to act as traffic directors, and the proper traffic control device shall be erected and maintained in accordance with standards described in the Manual on Uniform Traffic Control Devices. All costs of providing uniformed police shall be the responsibility of the permittee or the owners. In the event that a detour is deemed necessary by the permittee, application shall be made to the Chief of Police, who shall determine the necessity for such detour and the route to be followed. In emergency situations, notification by phone to the Police Department shall be done prior to start of work.

2. Any work under an issued permit must be commenced within three (3) months from the date of issue and completed forty-five (45) days from commencement, or the permit shall be deemed void, and reapplication shall be required.

3. Work commenced under a permit shall be continued without interruption during normal working hours until completed.

4. The applicant shall notify the Borough Clerk and the Superintendent of the Department of Public Works or the Borough Engineer twenty-four (24) hours in advance of the actual commencement of any work under a permit.

B. *Guard.* The applicant shall keep the work site properly guarded both day and night and shall have lights, barriers and adequate safety devices as described in the Manual on Uniform Traffic Control Devices placed thereat and maintained throughout the performance of the work and shall interfere as little as possible with traffic along the street or road within the Borough, and only that part of any such street or road as is set forth in the permit shall be opened.

C. *Minimum Cover.* All utilities shall be constructed with a minimum cover as shown in Table 1 set forth below to provide protection for the utilities in the event that future Borough road construction repair or modification necessitates excavation, undercutting or installation of facilities in the area where the utility is located. This location will in no way relieve the utility owner of the responsibility of relocating the utility at the utility owner's expense in case of conflict with future construction, reconstruction or modification of related facilities, except as otherwise specified herein. The aforementioned minimum cover may be waived by the Superintendent of Public Works or Borough Engineer if the applicant prepares and files certified plans indicating the locations, extent and depth of the facilities and the plans are approved by the Superintendent of Public Works or Borough Engineer. This subsection shall apply only to new construction.

Table 1

Utility Designation	Minimum Cover* (inches)
Cable Television	18
Electric	18
Gas	30
Telephone	18
Water	48

*NOTE: Measured from top of pipe, conduit, duct or cable to finished pavement or ground surface.

D. *Protection of Existing Structures.* It shall be the responsibility of the permittee to give proper notice of the proposed street opening to any person, firm or corporation whose pipe, conduits or other structures are laid in the portion of the street to be opened. The notice shall be given to all utilities by calling the One-Call Damage Prevention System at telephone number (800) 272-1000 as provided by law, and the permittee shall restore same, at his own expense, to the condition it was in prior to commencement of work.

E. All excavations shall be completely backfilled at the end of each working day unless it would constitute a hardship to the permittee or where the size of the excavation makes it impossible to backfill at the end of each working day, in which event a waiver may be granted by the Superintendent of Public Works or Borough Engineer. In the event that a waiver is granted, the contractor or owner shall cover the excavation with heavy one (1) inch thick plates secured to existing pavement to prevent rattles and movement and erect appropriate barriers and lights around the entire excavation and arrange to provide appropriate security protection, if such security is necessary, at his own cost, and such other safeguards as may be needed to protect the public from an open excavation. If plates are placed for over a weekend or for an extended period, all edges are to be macadam-sealed and sloped. In no event shall an excavation be left open for more than seventy-two (72) hours unless an emergency exists and permission has been secured from the Chief of Police, Superintendent of Department of Public Works, Borough Engineer or their designated representatives.

F. Traffic Control. (SECTION TO BE ADDED)

Section 10. Maintenance of Work Site; Removal of Debris.

A. The permittee shall be liable for any damage to the roadway leading to or adjacent to the work site.

B. The permittee shall, on a continuing basis, maintain all streets and other property affected by the construction in a clean condition free from all rubbish, excess earth, rock and other debris. Upon completion of all work under the permit, the permittee shall again clean the affected property and remove all debris and unused material. In the event that the permittee fails to act as provided herein, the Borough, upon twenty-four (24) hours' notice to the permittee, may clean and remove all rubbish, excess earth, rock, debris and unused material and charge the permittee the cost thereof. If the permittee fails to reimburse the Borough for the costs incurred, the costs shall be deducted from the permittee's deposit held by the Borough Clerk.

Section 11. Inspections: Stop Work Order; Action by Borough.

The Superintendent of Public Works or Borough Engineer shall periodically inspect all road openings and the repair and resurfacing thereof for the purpose of determining compliance with the conditions imposed on the issuance of the permit and the specifications. The Borough may, upon the recommendation of either of them:

- A. Order a temporary stop to any road opening
- B. Order that the applicant perform or correct work in accordance with the directions of the Borough.
- C. Order a stop to any work and revoke the permit, in which event the Borough of Bergenfield shall complete the work, or cause it to be completed, and either declare the applicant's deposit forfeited or notify the applicant's surety of an intent to file claim on the bond.
- D. Authorize the correction of any work after notification to the permittee and after the neglect or the refusal of the permittee to make such corrections within twenty-four (24) hours and, after the completion of same, either declare the permittee's deposit forfeited or notify the permittee's surety of an intent to file a claim on the bond.
- E. Take any other action deemed reasonable under the circumstances to protect the Borough's interests.

Section 12. Construction Specifications.

No road opening shall be permanently paved until a final inspection has been made by the Borough Engineer or Superintendent of Department of Public Works and final approval given.

A. For all openings:

- 1. the paved roadway surfaces shall be saw-cut or blade-cut vertically on a straight line with approved pneumatic equipment before excavating.
- 2. the material excavated from the trench opening shall not be replaced as backfill unless expressly authorized by the Superintendent of Department of Public Works or Borough Engineer. Excavated materials must be removed from the work site the day of excavation.
- 3. the backfill of dense graded aggregate or bank run sand shall be furnished from outside sources.
- 4. the uncompleted length of road opening allowed under a permit at any one time shall not exceed fifty (50) linear feet unless a special need can be established by the permittee and approval to exceed this limitation is secured from the Superintendent of the Department of Public Works or Borough Engineer before such permission is granted, except in unusual cases and/or emergencies. In that event, such special need shall be documented in writing after approval is granted.
- 5. where existing manholes are located in the shoulder areas, a minimum of two (2) inches (compacted thickness) of Hot Mix Asphalt Surface Pavement, Mix 1-5 shall be placed for eight (8) feet on both sides of the manhole casting on four (4) inches of compacted dense graded aggregate

stone sub-base. The width of the Hot Mix Asphalt Pavement Mix #1-5, shall vary to the dimensions of the existing shoulder.

6. all backfill shall be placed in six (6) inch layers, with each layer thoroughly compacted by mechanical means to the satisfaction of the Superintendent of Department of Public Works or Borough Engineer. The Superintendent or Borough Engineer shall have the right to require a compaction test to be performed by an independent laboratory at the expense of the permittee.

7. after proper compaction and cutback of the road, the entire width of the trench plus a four (4) inch overlap shall be paved with the temporary pavement.

B. Asphalt Pavement Openings.

1. For openings in bituminous concrete or penetration macadam pavements, backfill material shall be deposited in one (1) foot layers and thoroughly compacted to a level twelve (12) inches below the surface level of the adjacent paved surfaces. The opening shall be cut back six (6) inches beyond the edges of the trench opening. The sub-base course shall be dense graded aggregate four (4) inches compacted thickness. The base course shall be Hot Mix Asphalt Mix 1-2 (stabilized base six (6) inches thick (compacted thickness) placed in three (3) lifts. The surface course shall be two (2) inches (compacted thickness) of Hot Mix Asphalt Surface Pavement Mix 1-5 with all joints between the existing pavement and the bituminous concrete surface course to be sealed with a tack coat.

2. When road openings are in sequence or are within three (3) feet of another opening, the surface area of the combined openings will be paved to form one (1) continuous surface. The surface course shall be two (2) inches (compact thickness) of Hot Mix Asphalt Surface Pavement, Mix 1-5, with all joints between the existing pavement and the bituminous concrete surface course shall be sealed with a tack coat.

3. The temporary pavement shall consist of four (4) inches (compacted thickness) dense graded aggregate sub-base and the Hot Mix Asphalt Pavement Mix 1-2 (stabilized base) course described herein.

The temporary pavement shall be placed and compacted one (1) inch below the finished surface of the existing pavement and shall be maintained at this level by the permittee by the addition of Hot Mix Asphalt Surface Pavement, Mix 1-5, until final settlement has occurred. After the Borough Engineer and/or Superintendent of Public Works has determined that final settlement has occurred, the pavement shall be completed by the placing and compaction of additional Hot Mix Asphalt Surface Pavement, Mix 1-5, level with the existing pavement. Prior to placing the additional Hot Mix Asphalt Pavement, the pavement shall have "tack" applied.

C. Concrete Pavement Surface Openings.

For all openings in concrete surfaces, the trench backfill shall be compacted in one (1) foot layers to a level four (4) inches below the top of the adjacent paved surface. The openings shall be cut back six (6) inches beyond the edges of the trench opening. Four (4) inch (compacted thickness) of Hot Mix Asphalt Pavement Mix 1-2 (stabilized base) temporary pavement shall then be placed in two (2) inch lifts, compacted level with the existing pavement and shall be maintained by the permittee to a pavement level with the existing pavement by adding additional Hot Mix Asphalt Pavement material until final settlement has occurred. After the Borough Engineer and/or

Superintendent of Public Works have determined that final settlement has occurred, the temporary Hot Mix Asphalt Pavement shall be removed and the opening excavated to a depth of ten (10) inches and a pavement of Class "B" concrete, ten (10) inches in depth shall be constructed level with the existing pavement surface. The Class "B" concrete pavement shall be reinforced with a double level of 6 x 6, No. 6 gauge wire mesh reinforcing and shall be placed in the opening and extend fully into the cutback shelf. The "bottom" wire reinforcing shall be set eight (8) inches from the roadway surface. The "upper" reinforcing shall be set two (2) inches from the pavement surface.

The concrete pavement shall be "finished" to "match" the roadway surface or with a "broom" finish as directed by the Borough Engineer or Superintendent of Public Works.

After the concrete has been placed and if the roadway is to be opened to traffic prior to full "curing" of the concrete, the roadway shall be "plated" with standard highway plates capable of supporting H20 loading. The plate shall extend a minimum of six (6) inches beyond the limits of the new concrete pavement. The plates shall be secured in accordance with current New Jersey Department of Transportation specifications including temporary ramping and shall remain in place for a minimum of twenty-eight (28) days to permit curing of the concrete.

If "high early" concrete is utilized, the plates shall remain in place a minimum of fourteen (14) days.

D. Non-paved Area.

All grass or graveled area or sidewalk areas disturbed within the Borough right-of-way shall be reconstructed, topsoiled, seeded and mulched within fourteen (14) days of completion of excavation. All concrete areas will be thoroughly compacted. These limits may be waived by the Superintendent of the Department of Public Works or the Borough Engineer only when abnormal temperatures or inclement weather necessitates the same.

E. All work shall be guaranteed for a period of twelve (12) months.

F. Openings Undertaken Within Five Years of Resurfacing.

If a utility opening is undertaken less than five (5) years after a roadway has been resurfaced, the utility shall be required to profile and resurface that portion of the roadway deemed necessary by the Borough Engineer and/or Superintendent of Public Works.

G. All roadway excavations be "saw cut".

H. Roadway openings shall be restored using infrared pavement restoration.

I. All edges of the opening (extensive and small) shall receive an application of sealant (tack) to repel water infiltration.

Section 13. Insurance; Deposits.

A. Insurance. The applicant shall present evidence satisfactory to the Borough Attorney or Risk Manager of insurance sufficient to indemnify and save harmless the Borough, its agents and servants against and from all suits and costs of every kind and form all personal injury or property damage resulting from negligence or from any phase of operations performed under the permit. The insurance shall provide limits of not less than One Million (\$1,000,000.00) dollars of single limit or, in the case of a public utility, may be in the form of a certificate of self-insurance. Where there

is an extensive opening, the Superintendent of the Department of Public Works or the Borough Engineer may request additional insurance if it is deemed necessary under the circumstances.

B. Security.

1. The Building Department shall not issue a permit unless the applicant has deposited as security for faithful performance a certified check made payable to the Borough of Bergenfield or filed a bond with a surety satisfactory to the Borough Attorney, the amount thereof to be based upon the security deposit fee schedule for the work to be performed.

2. A public utility applicant may, in lieu of the security required above, deposit an annual corporate bond in the amount of at least Twenty Thousand (\$20,000.00) Dollars. The surety bond shall be renewed annually. In the event that a public utility applicant applies for a permit for road opening and/or road openings and the required security deposit fee exceeds the Twenty Thousand (\$20,000.00) Dollars, the public utility applicant shall file a surety bond in an amount equal to the difference between the Twenty Thousand (\$20,000.00) Dollars and the required security deposit. For all nonpublic utility applicants, the surety bond shall be at least One Thousand (\$1,000.00) Dollars. A certified check for a lesser amount may be deposited, however in the amount provided for the work to be performed.

3. Upon satisfactory completion of all work permitted or required under the permit for extensive openings, if the security deposit is Two Thousand (\$2,000.00) Dollars or less, the Borough of Bergenfield will retain one hundred (100%) percent of the security deposit as security for maintenance of the work for a period not to exceed one (1) year from the date of completion, provided that if the security deposit is in the form of a certified check, the permittee may deposit a surety bond of two thousand (\$2,000.00) dollars satisfactory to the Borough Attorney in lieu of the certified check. If the security deposit is greater than two thousand (\$2,000.00) dollars, then the Borough will release or refund sixty (60%) percent or more of the same with the approval of the Superintendent of the Department of Public Works or Borough Engineer, and the surety bond will be deposited for the maintenance as set forth above. All bonds and certificates of insurance shall contain a provision that the same shall remain in full force and effect for a period not to exceed one (1) year after the last work under any permit has been completed and accepted by the Borough.

4. In the case of a small opening, the Borough shall retain the security deposit for six (6) months after satisfactory completion of all work permitted or required under the permit, provided that if the security deposit is in the form of a certified check, the permittee may deposit a security bond in lieu of the check.

C. Application Fee and Escrow Deposit.

1. The applicant shall also pay, by separate money order, certified check or if the applicant is a public utility as herein defined, by a corporate check, a nonrefundable application fee. Applications other than a public utility shall pay, by separate money order or certified check, a refundable escrow deposit fee for inspection and professional services as set forth herein. Should the escrow deposit fee account at any time become insufficient to cover the actual or anticipated inspection and professional expenses, the fund shall be subject to increase on demand of the Building Department.

2. The Borough shall pay for the escrow deposit fee any costs incurred by its designated representatives or professional consultants for inspection or other engineering services or legal fees required in connecting t the proposed opening or excavation at the rate established.

Section 14. Fees.

Fees shall be as follows:

A. *Application Fee, Nonrefundable (Other than Public Utilities)*

1. Road Opening:

(a) Width of road opening:

(i) Two hundred Fifty (\$250.00) Dollars for one-half (1/2) the width of the road being opened.

(ii) Five Hundred (\$500.00) Dollars for the full width of the road being opened.

(b) Length of road opening:

(i) Five (\$5.00) Dollars per linear foot.

(c) From twenty-five (25) linear feet to fifty (50) linear feet by three (3) feet wide: an additional Forty (\$40.00) Dollars.

(d) Extensive openings: Seventy-five (\$75.00) Dollars.

2. Boring, tunneling or driving under road: lump sum minimum of Seventy-five (\$75.00) Dollars.

3. Curb, gutter, apron, sidewalk or driveway: lump sum of Fifteen (\$15.00) Dollars when affected by excavation.

4. Application fees shall be accumulated in one (1) account for each public utility, and the funds can be utilized for the payment of expenses incurred by the Borough for any work performed for the permittee without restriction as to which application the funds were originally posted for.

5. In lieu of individual application fees, public utilities may pay annual fees of Two Hundred Fifty (\$250.00) Dollars.

B. *Application Fee. (Utilities)*

1. Road Opening: Public Utilities shall pay an annual flat fee of Two Thousand (\$2,000.00) Dollars per year beginning January 1st and thereafter.

C. *Security Deposit Fee for Guaranteeing Restoration, Pavement, Curbing or Topsoil.*

1. Opening paved area, curb, gutter, sidewalk or driveway:

(a) Base charge: Twenty-five (\$25.00) Dollars.

(b) Charge for each square yard of trench opened: Fifteen (\$15.00) Dollars.

(c) Charge for each square yard of paving: Five (\$5.00) Dollars.

(d) Charge for each linear foot of curb: Seven (\$7.00) Dollars.

2. Opening shoulders and roadside areas:
 - (a) Base charge: Twenty-five (\$25.00) Dollars.
 - (b) Charge for each square yard of trench opened: Five (\$5.00) Dollars.

3. Boring, tunneling or driving under the road:
 - (a) Base charge: Twenty-five (\$25.00) Dollars.
 - (b) Charge per linear foot of boring: One (\$1.00) Dollar.

D. *Escrow Deposits Fee for Engineering and Legal Costs.*

1. All road openings, excavating, borings and other work as stated on the permit application:

(a) Base charge, including the first five (5) square yards on any trench, driveway or sidewalk opened, torn up or excavated and including the first twenty (20) linear feet of any curb or gutter torn up or excavated; One Hundred (\$100.00) Dollars.

(b) For all work proposed on each application that exceeds the quantities delineated in paragraph (a) above, a work schedule shall be submitted to and approved by the Superintendent of the Department of Public Works or the Borough Engineer, who shall estimate the total escrow deposit fee required based thereon. If, at any time during the course of the work, it appears evident to the Superintendent of the Department of Public Works or the Borough Engineer that the escrow deposit fee is or will be insufficient to cover all costs of inspection and/or other professional services, additional escrow deposit fees shall be estimated by the Superintendent of the Department of Public Works or the Borough Engineer and paid to the Borough Clerk, based on a revised work schedule to be submitted by the applicant. This procedure shall be repeated as often as necessary to guarantee sufficient escrow deposit fees being available.

2. Actual payment from the escrow deposit fee fund shall be based upon the following rates:

- (a) Professional engineering services: minimum fee of Fifty (\$50.00) Dollars per hour.
- (b) Attorney: minimum fee of Sixty-five (\$65.00) Dollars per hour.

Section 15. Return of Deposit Upon Completion of Work.

Upon the completion of any such work, the Superintendent of the Department of Public Works or Borough Engineer shall file a report on a form to be furnished for that purpose, which report shall contain the date of completion, the amount of deposit, the cost to the Borough for resurfacing the area so excavated or opened, if the same shall have been necessary, and the balance, if any, due to the applicant. Upon receipt of the report by the Building Department, the balance due, if any, to the applicant on account of any deposit shall be forthwith returned.

Section 16. Violations and Penalties.

Any person, who shall violate any of the provisions of this section shall, upon conviction, be liable to the penalty stated in Section 14. In case of failure to restore pavements or roads or streets as hereinabove provided, after written notice by the Borough Clerk to do so each day that such pavements, roads or streets remain unrestored shall constitute a separate offense.

Severability All provisions of this Ordinance are severable. If for any reason, any provision of this Ordinance is held to be invalid, the validity of the remainder of the Ordinance shall not be affected.

Effective Date. This Ordinance shall become effective upon final approval and publication, pursuant to law, and upon completion of all outstanding cases.

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced at a meeting of the Borough of Bergenfield on the _____ day of June, 2015 and passed on first reading, and the same was ordered for final passage at a meeting of the Council to be held at the Municipal Building in the Borough of Bergenfield, Bergen County, New Jersey, on the _____ day of _____, 2015 at 8 p.m., at which time and place all persons interested will be given an opportunity to be heard concerning such Ordinance.

Borough Clerk