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BOROUGH OF MAYWOOD
15 Park Avenue, Maywood, NJ 07607

ORDINANCE #16-24A

**AN ORDINANCE TO AMEND CHAPTER 287 OF THE BOROUGH CODE OF THE
BOROUGH OF MAYWOOD ENTITLED "STREETS AND SIDEWALKS"**

**BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF
MAYWOOD, IN THE COUNTY OF BERGEN AND STATE OF NEW JERSEY, AS
FOLLOWS:**

WHEREAS, the Mayor and Council of the Borough of Maywood revise Chapter 287 of the Borough Code so as to amend certain sections setting forth Streets and Sidewalks.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Maywood, County of Bergen as follows:

Sec. 287-10. Issuance of permit; notice.

A. All permits required by this article shall be issued in writing by the Building Department or, in the absence of the Building Department, the Borough Clerk. Upon the issuance of any such permit, the Building Department or Borough Clerk shall forthwith notify the Police Department and Public Works Manager, in writing, of such issuance and of the character of the work authorized. Except for emergency repairs, which shall be defined as such combination of circumstances as may constitute a threat to life, health or property and which shall be determined as such by the Mayor or appropriate Borough official or their designees, no permit shall be issued to excavate any pavement in any street which has been repaved, resurfaced or reconstructed within the previous seven-year period unless approved by resolution of the Mayor and Council. The Borough Clerk shall notify any public utility having pipes, conduits or rails on, over or under a public street of any repaving, resurfacing or reconstruction; provided, however, that failure to provide such notification shall not affect the within prohibition.

B. All work shall be done in such a manner as to cause a minimum of interference with travel on the street affected. No street shall be closed to traffic unless the closing is approved by the Chiefs of both the Police and Fire Departments. The Police and Fire Departments shall be notified of all street closings at least 24 hours in advance, except where the work is of an emergent nature, when notice shall be given to the Police and Fire Departments at the time work commences.

C. All street patch repairs and/or trench restoration must use the infrared paving method pursuant to the most recent standards promulgated by the Borough Engineer so as to blend uniformly with the adjacent existing roadway. All backfilling and patching operations of any such excavation project must be supervised by the Borough Engineer or his/her designated representative to ensure compliance with the Borough Engineer's standards.

D. If blasting is required in the course of any excavation, it shall be done in strict compliance with all applicable federal and state laws and regulations.

E. Restoration of any street foundation or surface shall not commence until the Town Engineer or his/her designated representative has determined that settlement of the subsurface is complete and the area properly prepared for restoration.

F. All materials and work shall be in accord with Town regulations, specifications, and details as required by the Borough Engineer.

Sec. 287-11. Work by public utilities.

C. The public utility, upon depositing such escrow, shall be required to obtain a street opening permit; however, in the case of emergencies which shall be defined as such combination of circumstances as may constitute a threat to life, health or property and which shall be determined as such by the Mayor or appropriate Borough official or their designees, the public utility may proceed with the required repairs prior to obtaining the permit, provided that prior notification thereof is furnished to the Borough's Police Department and that such permit is applied for and deposits made the next business day or within 48 hours of the commencement of work, whichever is least. All work, whether emergency or otherwise, **unless the roadway is within the moratorium period**, shall comply with all other terms and conditions contained within this chapter respecting such work. In addition, the public utilities shall be responsible to pay the Borough's engineering inspection fees as set forth in Chapter 169, Fees, within 30 days following receipt of a statement therefor. Any engineering inspection fees not paid within 30 days following billing therefor may be charged against said escrow.

(1) Requirements for moratorium roads.

(a) After the Borough has paved or repaved any street in the Borough, no excavation permit shall be issued for openings, cuts or excavations in said street for a period of seven years from the date of such paving, subject to the exceptions described herein.

(b) The Borough Engineer shall keep a list of all such streets subject to this seven-year moratorium, which may be inspected in the Office of the Borough Engineer.

(c) Prior to the start of any such paving or repaving work, the Borough Engineer shall notify each utility company of said work so any in-progress or contemplated excavations may be completed before paving is started. Such notice shall state that no excavation permit shall be issued for openings, cuts, or excavations in said street for a period of seven years from the date of such paving. The notice shall also provide that applications for excavation permits for work to be done prior to such paving or repaving shall be submitted promptly so that any work may be completed not later than 90 days from the date of such notification.

(d) During such seven-year period, the applicant must restore the street opening. Such restoration must include pavement restoration (milling and repaving) for the full width of the roadway (curb to curb/edge of pavement to edge of pavement) and extending 25' out from each edge of the excavation/trench. All roadway sawcuts/seams shall be infrared. Notwithstanding these requirements, the Borough Engineer may, in his/her sole discretion waive the requirements of this subsection under the following circumstances:

(i) where necessary, as determined by the Borough Engineer, for example, if there is an excavation on a small cul-de-sac of less than 100 feet in length within the Borough, or if such a distance will unreasonably interfere with an existing utility, the Borough Engineer may use his/her discretion in determining the overall distance of the restoration.

(ii) if in the judgment of the Borough Engineer, an emergency exists that makes it absolutely essential that the road be opened for purposes of a utility repair or replacement.

(iii) When the owner(s) of a single-family residential property who actually reside in that property apply for a construction permit to convert from oil heat to gas heat.

(e) In any circumstance in which the Borough Engineer waives the curb-to-curb and/or 100-foot requirements above, the Borough Engineer shall require that the street opening be patched and restored via infrared pavement repair technology so as to blend uniformly with the adjacent existing roadway.

(2) Requirements for non-moratorium roads.

(a) For all streets that have not been paved within the last seven years, the applicant must patch and restore the street opening via infrared pavement repair technology so as to blend uniformly with the adjacent existing roadway. If the street opening to be trenched is greater than or equal to 50 linear feet, upon completion of same, the applicant shall restore (milling and repaving) the entire street surface from edge to edge, or curb to curb, of the full length of the excavation to the nearest intersection or as directed by the Borough Engineer as described herein.

(3) All sidewalks, when being restored or replaced as part of the operations hereunder, must also be restored pursuant to the Borough Engineer's standards.

(4) The street surface shall be restored to the satisfaction of the Borough Engineer that it has been restored to its original condition.

Sec. 287-14. Limitations.

A. No street or road which has been paved with macadam or bituminous concrete surface shall be excavated or otherwise opened for a period of seven years from the date of completion thereof, except upon prior approval granted by the Mayor or appropriate Borough official. If the Borough grants approval, roadway paving shall be in accord with Sec. 287-11(2)(a) as set forth hereinabove.

D. Except in cases of emergency which shall be defined as such combination of circumstances as may constitute a threat to life, health or property and which shall be determined as such by the Mayor or appropriate Borough official or their designees, no work for which application is required pursuant to the provisions of this chapter shall be performed or undertaken on Saturdays and Sundays and/or legal holidays or between the hours of 8:00 p.m. and 8:00 a.m.

Sec. 287-17.7 Violations and penalties.

Adoption-2nd/Final Reading

Date:

	Moved	Seconded	Ayes	Nays	Abstain	Absent	Recuse
Mayor Bolan							
Councilmember Cicarelli							
Councilmember Conoscenti							
Councilmember Flynn							
Councilmember Padovano							
Councilmember Ullman							
Council President DeMuro							

CERTIFICATION

I, Barbara L. Dispoto, Municipal Clerk of the Borough of Maywood in the County of Bergen and the State of New Jersey do hereby certify that the foregoing ordinance is a true copy of the original ordinance duly passed and adopted on first reading by the Governing Body at the meeting of

_____.

Date: _____

Barbara L. Dispoto, RMC/CMC
Borough Clerk