

**ORDINANCE 2023-07**  
**AN ORDINANCE AMENDING CHAPTER 14, STREETS AND SANITATION, OF THE CODE OF THE BOROUGH OF BEACHWOOD,**  
**COUNTY OF OCEAN AND STATE OF NEW JERSEY**

**NOW, THEREFORE, BE IT ORDAINED** by the Township Council of the Borough of Beachwod, County of Ocean and State of New Jersey, as follows:

**SECTION 1:** Chapter 14, Streets and Sanitation , Section 14-1.7, Rules and Regulations for Excavations is hereby amended by replacing subsection e. through j. in its entirety with the following:

- e. Restoration required.
  - 1. The permittee shall restore the surface of all streets, broken into or damaged as a result of excavation work, to its original condition in accordance with the Borough Design Standards and Details, and specifications of the Department of Public Works, Parks and Engineering, and at the direction of the Borough Engineer.
  - 2. In the case of utility work undertaken by a public or private utility or contractor, which work involves placing of new or replacing or repairing existing utility infrastructure, including but not limited to gas lines, water lines, electrical lines and sewer lines, or any disturbance of the roadway surface, where the area to be trenched is greater than fifty (50) linear feet, or where multiple small openings in the pavement are made within a fifty (50) linear-foot or greater length of a roadway, upon completion or within a reasonable amount of time as determined by the Borough Engineer, the permittee shall mill and repave the entire pavement surface from edge to edge or curb to curb for the full length of the excavation, at their cost, in accordance with the Borough Design Standards and Details, and specifications of the Department of Public Works, Parks and Engineering, and at the direction of the Borough Engineer. Further, should any proposed construction result in an undisturbed section of roadway between two disturbed segments, or between one disturbed segment and an intersecting roadway, and such undisturbed section is 500 linear feet or less in length, said undisturbed section will still require full restoration, edge to edge, at the cost of the Permittee in accordance with Borough roadway restoration specifications.
  
- f. Minimum Standards. The minimum permitted permanent repairs shall be, or in the opinion of the Borough Engineer, be equivalent to:
  - 1. In streets surfaced with a bituminous surface treatment - construction of a hot, mixed bituminous stabilized base, NJDOT Mix I-1, four (4") inches compacted thickness and a hot, mixed bituminous concrete surface course, NJDOT Mix I-5, one and one-half (1 1/2") inches compacted thickness. All pavement edges to be vertically cut, neatly matched and tack coated - no existing overlaying pavements will be permitted;
  - 2. In streets of lesser construction, as approved by the Borough Engineer at the time of issuance of permit.
  - 3. Excavations of one (1) square yard or less regardless of type or road construction shall be restored with six (6") inches NJDOT I-4 Soil Aggregate and as directed in subsection 12-1.28d. If the particular existing pavements exceed these criteria, higher type repairs may be required. All materials and workmanship to be in accordance with the Latest Revision to the New Jersey Department of Transportation's Standard Specifications for Road and Bridge Construction.

- g. Temporary Restorations. The Permittee may be required to place a temporary surface over openings made in paved traffic lanes. Except when the permanent replacement pavement is to be replaced before the opening of the cut to traffic, the fill above the bottom of the paving slab shall be tamped into place and this fill shall be topped with a minimum of at least two (2") inches of cold mix bituminous concrete which is suitable to maintain the opening in good condition until permanent restoration can be made. The crown of the temporary restoration shall not exceed one (1") inch above the adjoining pavement. The Permittee shall exercise special care in making such temporary restorations and must maintain such restorations in safe traveling condition until such time as permanent restorations are made. If in the judgment of the Superintendent of Public Works, it is not expedient to replace the pavement over any cut or excavation made in the street upon completion of the work allowed under such permit by reason of the looseness of the earth or weather conditions, he/she may direct the Permittee to lay a temporary pavement of steel plate or other suitable material designated by him/her over said cut or excavation to remain until such time as the repair of the original pavement may be properly made.
- h. Permanent Restoration. Permanent restoration of the street shall be made by the Permittee in strict accordance with the specifications prescribed by the Superintendent of Public Works and the Municipal Engineer. Permanent paving shall be constructed as follows:

  - 1. In the case of main replacements and for streets where multiple service connections are made, after the backfill is placed/compacted and the approved settling time is completed, the road shall be milled and paved from curb to curb for the entire length of the trench in accordance with subsection 12-1.28b above.
- i. Acceptance or approval of any excavation work by the Superintendent of Public Works shall not prevent the Borough from asserting a claim against a Permittee and his or its surety under the surety bond required hereunder for incomplete or defective work if discovered within thirty (36) months from the completion of the excavation work. The Superintendent of Public Works' presence during the performance of any excavation work shall not relieve the Permittee of its responsibilities hereunder.
- j. Borough's Right to Restore Surfaces or Eliminate Violations; Maintenance of Condition.

  - 1. Permittee Fails to Restore Surface; Borough to Act. If the Permittee shall have failed to restore the surface of the street to its original and proper condition upon the expiration of the time fixed by such permit or shall otherwise have failed to complete the excavation work covered by such permit, or shall fail to adhere to other requirements of this Chapter, the Borough shall have the right to do all work necessary to restore the street, eliminate violations and to complete the excavation work. The Permittee shall be liable for the actual costs thereof and twenty-five (25%) percent of such cost in addition thereto for general overhead and administrative expenses. The Borough shall have a cause of action for all fees, expenses and amounts paid out and due it for such work and shall apply in payment of the amount due it, any funds of the Permittee deposited as herein provided and the Borough shall also enforce its rights under any surety bond provided pursuant to this Chapter. The Borough will normally give the Permittee twenty-four (24) hours notice of its

intent to act, under the terms of this Section, to eliminate violations of this Chapter or to restore the surface, except that in the case of immediate danger to the public health or safety certified to by the appropriate officials, no such notice will be provided.

- 2. Guarantee for three (3) years. It shall be the duty of the Permittee to guarantee and maintain the site of the excavation working the same condition it was prior to the excavation for three (3) years after restoring it to its original condition.
  
- k. Backfills in tunnels. In cases where it becomes necessary to resort to tunneling operations to reach the point of connection with the main line, the backfill in such tunnel shall be of rammed cement concrete composed of a mixture by volume of one part cement to six parts of coarse aggregate material not inferior to cinders.
  
- l. Special conditions. The Borough reserves the right to impose special conditions in special cases.
  
- m. Notwithstanding, all road applications will require conformance with prescribed road restoration program. Failure to comply will result in work being done at the cost to the applicant.
  
- n. Every person owning, using, controlling or having an interest in pipes, conduits, ducts, utilities or other structures under the surface of any street used for the purpose of supplying or conveying gas, electricity, water, sanitary waste, communication impulses, or any other utility or communications service, to or from the Borough, or to or from its inhabitants, or for any other purpose shall file with the Engineer's office within two years after the adoption of this paragraph accurate information showing the location, size and description of all such installations.  
 [Paragraph n was adopted on November 6, 2013, by Ord. No. 2013-10]
  
- o. Within 30 days after the first day of January of each and every year, such person shall file with the Engineer's office additional information showing installation, including all those made or abandoned during the previous years; provided, however, if no additions have been made to its installation during the previous years, a utility or authority may file with the Engineer's office a written statement to that effect, within the period of time specified above. A utility or authority may at its own option elect to provide additional information throughout the year as it is available rather than proceed as above noted.

**SECTION 2:** This ordinance repeals any inconsistent ordinance or ordinances or part or parts thereof.

**SECTION 3:** This ordinance shall take effect immediately upon its final passage and publication as required by law.

**Introduced August 16, 2023 ROLL CALL:**

<b>Council</b>	<b>MOTION</b>	<b>2ND</b>	<b>AYES</b>	<b>NAYS</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
<i>Council President Cairns</i>			<b>X</b>			
<i>Councilwoman Clayton</i>						<b>X</b>
<i>Councilman Feeney</i>			<b>X</b>			
<i>Councilman Komsa</i>			<b>X</b>			
<i>Councilman LaCrosse</i>		<b>X</b>	<b>X</b>			
<i>Councilman Zakar</i>	<b>X</b>		<b>X</b>			

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**SUSAN A. MINOCK, RMC,  
MUNICIPAL CLERK**

**Adopted September 20, 2023 ROLL CALL:**

<b>Council</b>	<b>MOTION</b>	<b>2ND</b>	<b>AYES</b>	<b>NAYS</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
<i>Council President Cairns</i>	X		X			
<i>Councilwoman Clayton</i>		X	X			
<i>Councilman Feeney</i>						X
<i>Councilman Komsa</i>			X			
<i>Councilman LaCrosse</i>			X			
<i>Councilman Zakar</i>			X			

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SUSAN A. MINOCK, RMC,  
MUNICIPAL CLERK

ATTESTED BY

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SUSAN A. MINOCK, RMC  
MUNICIPAL CLERK

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RONALD F. ROMA, JR.  
MAYOR

**NOTICE**

**NOTICE IS HEREBY GIVEN** that the foregoing Ordinance was introduced and passed on first reading at the regular meeting of the Borough Council of the Borough of Beachwood, in the County of Ocean, held on the 16<sup>th</sup> day of August, 2023 and was considered for second reading and final passage at a regular meeting of said governing body to be held on the 20<sup>th</sup> day of September, 2023 at 7:00 p.m. at the Beachwood Municipal Complex, 1600 Pinewald Road, Beachwood, New Jersey at which time and place any person desiring to be heard upon the same were given an opportunity to be so heard.