

**ORDINANCE NO. 2024-12**

**ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XXVII, STREET EXCAVATIONS, SIDEWALKS AND CURBS OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY**

**WHEREAS**, the Borough of Belmar wished to amend certain sections of the ordinance relating to fees for Street Excavations, Sidewalks and Curbs;

**NOW, THEREFORE, BE IT ORDAINED** by the Borough of Belmar, County of Monmouth, New Jersey, that Chapter XXVII, of the Borough of Belmar Revised General Ordinances is hereby amended and supplemented as follows:

**Section I. 27-1.4 Excavation Prohibited.**

a. No permit shall be issued for any excavation in a street or sidewalk which has been newly paved or resurfaced by or on behalf of the Borough for a period of three years from the date of the acceptance by the Borough of the paving or resurfacing work, except under the following conditions:

b. A permit may be issued for a utility tap opening of no more than nine square feet in area in a street or sidewalk which was newly paved or resurfaced during this three-year period, pursuant to subsection 27-1.2, subject to the following conditions:

1. The purpose of the excavation is for a tap to provide original utility service to a home or other structure being newly constructed or repairs to an existing utility service.

2. The issuance of the permit shall be conditioned upon the posting by the applicant of a cash deposit to guarantee restoration in the amount of 120% of the estimated cost of improvements with a minimum deposit of \$1,000. ~~\$500.~~

3. The area of a street excavated shall be restored with stabilized base course level and shall be made flush with the existing pavement.

4. After the passage of 60 days and prior to the expiration of 90 days from the date of the completion of the work, the patched area of the street shall be heated with an infrared heater to an area two feet outside of the edge of the original cut, and bituminous concrete surface course shall be installed over the extended area.

5. When an excavation is made to a sidewalk, the area must be restored to its original condition with pavers where applicable, or in the alternative, cement.

6. The Borough Engineer or Department of Public Works shall inspect the restoration work. If the restoration work is properly and timely completed, the Borough Clerk shall return the restoration deposit to the applicant. Should the Borough Engineer or Department of Public Works determine that the restoration work has not been properly completed, or if the restoration work is not completed within 90 days, the restoration deposit shall be forfeited to the Borough.

7. The applicant shall also deposit with the Borough a maintenance guarantee in the amount of 15% of the estimated performance guarantee with a minimum deposit of \$500-\$1,000, which may be posted in the form of cash or bond. The maintenance guarantee shall be held by the Borough for a period of five years and shall be utilized if necessary for the repair, resurfacing, restoration or paving of the area excavated, pursuant to the permit. Should such work not be

necessary during the five-year period, the maintenance guarantee shall be returned to the applicant.

**SECTION II. 27-2 Sidewalks & Curbs**

**27-2.5 Notice and Cost to Owners.**

The owner of the land in front of which any sidewalk or curb shall be required to be constructed, laid, relaid or repaired, shall be served with a notice as provided by law that, unless the construction, laying, relaying or repair as required by the provisions of this section is completed within the time provided after service of the notice, the Mayor and Council shall cause the required work to be done and shall assess the cost thereof upon the lands affected thereby.

**27-2.6 Construction or Reconstruction of Sidewalks, Curbs, Curb Cuts and Driveways.**

No person shall construct, reconstruct, repair, alter or grade any sidewalk, curb, curb cut, driveway or street in the Borough without first obtaining a permit from the Building Official of the Borough. This subsection shall not apply to any municipal work taken in this respect. The issuance of the permit shall be conditioned upon the posting by the applicant of a cash deposit to guarantee restoration in the amount of 120% of the estimated cost of improvements with a minimum deposit of \$1,000. \$500.

**SECTION III.** If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

**SECTION IV.** All Ordinances or parts of ordinances inconsistent with or in conflict with the ordinance are hereby repealed to the extent of such inconsistency.

**SECTION V.** This Ordinance shall take effect 20 days after final passage, adoption and publication according to law.