

**BOROUGH OF CAPE MAY POINT
COUNTY OF CAPE MAY
STATE OF NEW JERSEY**

ORDINANCE NO. 10-2024

**AN ORDINANCE AMENDING CHAPTER 130, ARTICLE I (“STREETS AND
SIDEWALKS”) OF THE CODE OF THE BOROUGH OF CAPE MAY POINT**

BE IT ORDAINED by the Board of Commissioners of the Borough of Cape May Point, County of Cape May, State of New Jersey, that Chapter 130 “Streets and Sidewalks” of the Code of the Borough of Cape May Point be and is hereby amended as follows (deletions in ~~striketrough~~ and additions in underline):

Section 1.

130-2 PERMIT REQUIRED; FEE; REGULATIONS FOR USE.

- a. Permit Required. No person shall tear up, excavate, open or perform work of any other nature on any street under the control of the Borough without first having obtained and being in possession of a valid permit to do such work issued by the Office of the Municipal Clerk.

- b. Fee. Fees must be paid when the application for a permit is made in the amounts as hereinafter set forth. A non-refundable fee of \$400 shall be charged for each permit and paid to the Borough prior to the issuance of the permit for all excavations less than or equal to 50 square feet. If said area to be opened, excavated, disturbed or damaged exceeds 50 square feet, the additional area shall be classified as excess footage and an additional fee shall be charged and payable by the applicant for all footage in excess of 50 square feet at a rate of \$2.50 per square foot. In addition, the applicant shall be charged a non-refundable fee for necessary Borough administration and inspection services relating to restoration of the road opening in the amount of \$1,000~~400~~ for the first 50~~100~~ square feet and \$2.50 ~~fifty (\$0.50) cents~~ per square foot for each additional square foot above 50~~100~~ square feet

Section 2.

130-3 APPLICATION FOR PERMIT; SUBMISSION OF PLANS OR DRAWINGS.

All applicants for a street opening, excavation or construction shall prepare and file with the Construction Official an application obtained from the Construction Code Official. The application shall be accompanied by a plan or drawing describing the portion of the street to be opened or excavated, indicating the dimensions of the opening, the purpose for the opening and the expected duration of the opening or

excavation. The application fees, permit fees, inspection fees, and performance bond amounts required through the application shall apply to each application requested under this Chapter 130, Section 3.

Section 3.

130-7 BONDING REQUIREMENTS.

- a. Every application shall be accompanied by a performance bond in the minimum amount of ~~\$50,000~~5,000 or such greater amount as may be deemed necessary by the Borough Engineer to be sufficient to satisfy the purpose set forth in paragraph c below.

Section 4.

130-9 INSURANCE REQUIREMENTS; INDEMNIFICATION AND HOLD HARMLESS CLAUSE.

- a. Every application for construction, excavation or opening of a street under the control of the Borough shall be accompanied by a certificate of insurance demonstrating that the applicant possesses personal injury liability insurance in the amount of \$500,000 and property damage liability insurance in the amount of ~~\$500,000~~250,000. The insurance shall be maintained by the applicant during the period of construction or excavation and shall name the Borough of Cape May Point as an additional insured.

Section 5. All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed, to the extent of such conflict or inconsistency. Should any portion of this Ordinance be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or repeal the remainder of this Ordinance.

Section 6. This ordinance shall take effect twenty (20) days after passage and publication, according to law.

Final Adoption	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Busch	X		X			
Moffatt		X	X			
vanHeeswyk			X			

ATTEST:

Elaine L. Wallace, Borough Clerk

Catherine Busch, Commissioner

Robert Moffatt, Mayor

Anita vanHeeswyk, Commissioner

FIRST READING: March 26, 2024
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