

Introduction: February 20, 2024

Public Hearing: March 5, 2024

**ORDINANCE NO. 2024-02  
TOWNSHIP OF CHESTER**

**AN ORDINANCE TO AMEND CHAPTER 153, STREETS AND SIDEWALKS, ARTICLE 2,  
EXCAVATIONS, SECTION 153-14 “ADMINISTRATIVE AND PROFESSIONAL EXPENSES; ESCROW;  
CORPORATE PERFORMANCE GUARANTEE; SECTION 153-15 “BONDS”; AND SECTION 153-18  
“RESTORATION OF SURFACE”**

**WHEREAS**, the Township Engineer has determined that the regulations for Street and Sidewalk Excavations do not adequately address the intentions of Chester Township regarding the charging of fees, escrows, and bonds; and

**WHEREAS**, additionally, the Township Engineer has determined that the regulations for Street and Sidewalk Excavations do not adequately address the needs of Chester Township for the restoration of the street surface;

**NOW THEREFORE, BE IT ORDAINED** by the Township Council of Chester Township, County of Morris, and State of New Jersey that Articles 2 of the Streets and Sidewalks Code for Chester Township are hereby amended as follows:

**SECTION ONE.** Article 2, Section 153-14 of the Streets and Sidewalks Code is hereby amended to amend the fee and escrow requirements associated with road opening permits.

**§153-14 Administrative and professional expenses; escrow; corporate performance guaranty.**

**A.** Fees, as follows, must be paid when the application is filed:

- (1) An applicant shall be charged a nonrefundable fee ~~of \$25.00~~ **as provided in the Road Opening Permit Application** for each permit to cover administrative expenses.
- (2) An applicant shall be charged a nonrefundable fee ~~of \$300.00~~ **as provided in the Road Opening Permit Application** for each permit to cover the review of the application by the Township Engineer.
- (3) Every road opening shall require a separate application, application fee, and review fee.

**B.** Prior to the issuance of a permit, every applicant shall be required to establish with the Township an escrow account as follows which will be utilized to cover the cost of anticipated professional services, including engineering inspections, legal and other expenses connected with the application and anticipated work to be performed on public property. Any escrow funds not utilized for the above purposes shall be returned to the applicant at the same time as the release of any bonds or certified check as outlined in §153-15.E of this Article:

- (1) If the application is for the installation or repair of a service connection to an existing utility, no escrow shall be required.
- (2) If the opening is for any other purpose, the amount of the initial escrow deposit shall be as determined by the Township Engineer in accordance with the requirements of Chapter 113, Part 6, Article 55, Section 113-368.
- (3) As invoices are received from time to time by the Township from the professional consultants listed above, the Treasurer of the municipality will immediately request the applicants, in writing, to pay such additional sums into the escrow account as may be required to cause the amount in the escrow account to equal the initial deposit plus all outstanding invoices directly related to the professional fee invoices. The Treasurer will review the account at least monthly to ensure that the escrow fund is maintained at the prescribed level.
- (4) Failure of an applicant to adequately maintain an appropriate balance in the escrow account shall be considered grounds for immediate revocation of all permits previously issued in connection with said application.

C. [No Change]

**SECTION TWO.** Article 2, Section 153-15 of the Streets and Sidewalks Code is hereby amended to revise the bond requirements associated with the installation or repair of a service connection to an existing utility and to add provisions related to the requirements for the return of bonds.

**§153-15 Bonds.**

A. [No Change]

B. If the application is for the installation or repair of a service connection to an existing utility, the certified check shall be in the amount of \$500.00.

C. [No Change]

D. [No Change]

E. Prior to the release of any bonds or certified checks filed with the Township for the purposes of satisfying the provisions of this Article, the final condition of the roadway shall be approved by the Township Supervisor of Roads or the Township Engineer.

**SECTION THREE.** Article 2, Section 153-18 of the Streets and Sidewalks Code is hereby amended to revise the requirements related to the restoration of street surfaces.

**§153-18 Restoration of surface.** In all cases where permits are issued where the permittee is to restore the surface of the street, the following rules, regulations and requirements shall apply:

A. [No Change]

B. [No Change]

C. The street surface shall be restored as follows:

(1) In instances where an excavation is made in such a manner where the length of the excavation is relatively perpendicular to the centerline of the roadway, as determined by the Township Engineer, the street surface shall be restored to a width of 12 inches wider than the width of the restored foundation and to a length of six inches longer than the length of the restored foundation.

(2) In instances where the where an excavation is made in such a manner where the length of the excavation is relatively in the direction of the longitudinal length of the roadway, as determined by the Township Engineer, the street surface shall be restored from the roadway centerline to the edge of the roadway for the disturbed half of the roadway and to a length determined by the Township Engineer, but in no instance less than six inches longer than the length of the restored roadway. If such an excavation crosses the centerline of the roadway or results in the disturbance of both halves of the roadway, the street surface shall be restored for the entire roadway width and to a length determined by the Township Engineer, but in no instance less than six inches longer than the length of the restored roadway.

D. [No Change]

E. [No Change]

**SECTION FOUR.** All ordinances or part of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

**SECTION FIVE.** 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 and the remainder of this ordinance shall be deemed valid and effective.

**SECTION SIX.** This ordinance shall take effect upon its passage and publication according to law.

ATTEST:

TOWNSHIP COUNCIL OF THE  
TOWNSHIP OF CHESTER

*Robin Collins*

Robin Collins  
Municipal Clerk/Administrator

*Timothy Drag*

Timothy Drag  
Mayor