

BOROUGH OF FANWOOD, UNION COUNTY, NEW JERSEY

ORDINANCE: 2024-14-R

AN ORDINANCE OF THE BOROUGH OF FANWOOD, COUNTY OF UNION, AND STATE OF NEW JERSEY AMENDING CHAPTER 259 OF THE BOROUGH CODE COVERING STREETS & SIDEWALKS

WHEREAS, the Borough of Fanwood maintains Chapter 259, covering the street and sidewalks within the jurisdiction of the Borough within the Borough Code; and

WHEREAS, the Borough of Fanwood wishes to revise the fees and other requirements for street openings within the jurisdiction of the Borough; and

NOW THEREFORE BE IT ORDAINED by the Mayor and Council of the Borough of Fanwood, County of Union, State of New Jersey as follows:

I. Chapter 259 is hereby amended as follows:

§ 259-2 Permit required.

No person, company, firm or corporation shall remove, dig into, disturb, excavate or take up, or cause or procure to be removed, disturbed, excavated or dug up, the surface of any public street, lane, alley, court, sidewalk or other public place or any pavement therein which is under the control of the Borough of Fanwood without first having obtained and being in possession of a valid, written permit to do so. It shall be the duty of the Public Works Director to grant such a permit when all the requirements for granting the same have been complied with by the applicant, and any such permit may be revoked by the Public Works Director at any subsequent time if the applicant does not continue to comply with the requirements of this article. At the discretion of the Public Works Director, the separate permit required for each opening may be waived in the case of a public utility making numerous openings and shall not be required for the installation of utility poles or guy wires. The application and the issuance of the permit shall be in the name of the party actually doing the work, except in the case of public utilities who have posted a bond with the Borough.

§ 259-3 Applications for permits.

All applicants for permits shall give at least 48 hours' notice in writing to the Public Works Director, specifying the place, kind, and approximate size of the excavation or work and the time required to do the work, except in cases of emergency such as the breaking of a public utility, in which case such notice shall be given to said Public Works Director as soon as possible.

§ 259-5 Fees.

A.

Before any permit is granted, the applicant shall make a payment to the Borough Clerk for the application fee in accordance with the following fee schedule for each and every proposed street opening:

- 1) Application Fee
 - a) Normal: \$50.00
 - b) Non-reported opening: \$250.00

This payment is a fee to cover the nominal cost of the application and is not returnable to the applicant.

B.

In addition to the above fee, the applicant also shall make a payment to the Borough Clerk for the permit fee in accordance with the following fee schedule for each and every proposed street opening:

- (1) Permit fee.
 - (a) Up to 20 square feet: \$125.00
 - (b) Between 20 and 80 square feet: \$250.00
 - (c) Additional over 80 square feet: \$3.00 per square feet.
 - (d) Each 30-day permit extension: \$25.00

This payment is a fee to cover the nominal cost of the application and is not returnable to the applicant.

C.

For proposed street openings to be made within the Borough right-of-way, the applicant shall deposit with the Borough Clerk a cash bond in accordance with the following fee schedule for each and every proposed street opening:

- (1) Cash bond.
 - (a) Up to 43 square feet: \$1,000.00.
 - (b) Over 43 square feet: \$24.00 per square feet per opening.
 - (c) Multiple openings are a minimum of \$800.00 each.
 - (d) Newly paved roads (three years or less within the moratorium period): up to \$10,000 as determined by Borough Engineer.

The cash bond is to guarantee the work is completed in accordance with the Borough's specifications and is returnable once the restoration is deemed satisfactory by the Borough Engineer or the Public Works Director.

D.

For proposed curb replacement to be made within the Borough right-of-way, the applicant shall make payment with the Borough Clerk in the amount of \$30.00 for the curb permit application.

For proposed curb replacement to be made within the Borough right-of-way, the applicant shall make payment to the Borough Clerk for the curb permit fee in accordance with the following fee schedule:

The permit fee for full height or depressed curb: \$0.50 per linear foot; \$75.00 minimum.

E.

For proposed curb replacement to be made within the Borough right-of-way, the applicant shall deposit with the Borough Clerk a cash bond in accordance with the following requirement:

A cash bond of \$15.00 per linear feet. The cash bond is to guarantee the work is completed in accordance with the Borough's specifications and is returnable once the restoration is deemed satisfactory by the Borough Engineer or the Public Works Director.

F.

For proposed street openings and/or curb replacement to be made within the Borough right-of-way, the applicant shall make payment with the Borough Clerk in the amount of \$150.00 for the inspection fee(s) and is not returnable to the applicant.

G.

Payments and deposits shall be made to the Borough Clerk payable to the Borough by certified check or bank check

H.

If a depositor does not request a refund within five years of the issuance of the permit, the funds shall be turned over to the Treasurer of the Borough and become a part of the funds of the Borough.

§ 259-6 Duration of permit.

Such permit shall be valid for 30 days unless an extension of time is granted to the permittee, in writing, by the Borough Engineer.

II. If any section, sub-section, paragraph, sentence or any other part of this ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance.

III. All ordinances or parts of ordinances that are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

IV. This ordinance shall take effect 20 days after final passage and publication as prescribed by law.

Colleen Mahr, Mayor

ATTEST:

Courtney Agnello, Borough Clerk

NOTICE

TAKE NOTICE that the above entitled ordinance was introduced at a regular meeting of the Borough Council of the Borough of Fanwood on _____, 2024 and will be considered for final passage after public hearing at a regular meeting of the Borough Council of the Borough of Fanwood to be held on _____, 2024 at 7:00pm in the Municipal Building, 75 N. Martine Ave, Fanwood, New Jersey 07023.

Courtney Agnello, Borough Clerk

Attest:

 Courtney Agnello, Deputy Borough Clerk

 Colleen Mahr, Mayor

INTRODUCTION DATE:	September 16, 2024	ADOPTED DATE:	October 7, 2024
MOTION:	Katherine Mitchell	MOTION:	Katherine Mitchell
SECOND:	Jeffrey Banks	SECOND:	Erin McElroy Barker
YES:	Katherine Mitchell, Jeffrey Banks, Gina Berry, Erin McElroy Barker, Patricia Walsh	YES:	Katherine Mitchell, Jeffrey Banks, Gina Berry, Anthony Carter, Erin McElroy Barker, Patricia Walsh
NO:	None	NO:	None
ABSTAIN:	None	ABSTAIN:	None
ABSENT:	Anthony Carter	ABSENT:	None
PUBLISHED:	September 19, 2024	PUBLISHED:	October 10, 2024